4B

TF:amt
6/9/87

AN ORDINANCE 65181

AMENDING CHAPTER 35 OF THE CITY CODE (ZONING) CONCERNING NON-CONFORMING SINGLE FAMILY RESIDENCES; MAKING ALL SINGLE FAMILY USES CONFORMING USES IN TEMPORARY ZONES; ZONING VARIANCES ON UNPLATTED PROPERTY; AND PRIVATE CLUBS; AND PROVIDING A PENALTY FOR VIOLATION HEREOF OF A FINE NOT TO EXCEED $1,000.00.

* * * * *

WHEREAS, certain amendments to the Zoning Ordinance, Chapter 35 of the City Code, have been under study for a long while by the City staff and by a subcommittee of the Zoning Commission; and

WHEREAS, these proposed amendments concern:

* allowing non-conforming single family residences to be rebuilt if destroyed or damaged more than 50% of replacement cost (City Code Sec. 35-65).

* temporary zoning classifications -- all single family uses to be considered as conforming (City Code Sec. 35-43)

* zoning variances for unplatted property -- allow granting under certain conditions (City Code Sec. 35-95)

* provisions relating to private clubs (City Code Sec. 35-7; 35 and 276); and

WHEREAS, the Zoning Commission had a public hearing on May 19, 1987, on these proposed modifications at which time all interested parties were afforded an opportunity to be heard; and

WHEREAS, notice of such hearing had been published as requird by law; and

WHEREAS, after consideration of public comments, and after deliberations among the Commission members, the Zoning Commission recommended to the City Council that such amendments be adopted; and

WHEREAS, the City staff has submitted reports on these subjects, and the City Council scheduled a public hearing on these changes, also giving notice as required by law; and

WHEREAS, such hearing was held, with all interested citizens again being afforded an opportunity to speak on these issues; and

WHEREAS, the City Council, having considered all evidence, reports, and public input, believes that such changes would be in the public interest; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

That the amendments to the Zoning Ordinance (Chapter 35 of the City Code) as listed above, and as set out in Attachments I through IV, attached heeto and incorporated herein, are hereby approved and adopted.

This ordinance and the amendments adopted herein shall be effective July 1, 1987. Violation of the provisions hereof shall be punished by a fine as provided in Section 35-24 of the Code.

PASSED AND APPROVED this 11th day of June, 1987.

James C Hardin

M A Y O R PRO TEM

ATTEST: [signature]

Asst City Clerk

APPROVED AS TO FORM: Tom Finlay

City Attorney

87-29

P.H. + ORD. — ZONING REGULATIONS

ITEM NO. 4B

MEETING OF THE CITY COUNCIL DATE: JUN 11 1987

MOTION BY: [illegible] SECONDED BY: Wing

ORD. NO. 65181 ZONING CASE

RESOL. PETITION

AVIATION	
BUDGET & RESEARCH	
BUILDING INSPECTIONS	/
BUILDING INSPECTIONS-HOUSE NUMBER	
CITY WATER BOARD	
CITY ATTORNEY (LUIS GARCIA)	/
COMMERCIAL RECORDER	/
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	
CONTROLLER	
TREASURY DIVISION	
GRANTS	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE DEPARTMENT	
HUMAN RESOURCES & SERVICES	
INFORMATION RESOURCES	
LIBRARY	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	/
PARKS & RECREATION	
PERSONNEL	
PLANNING	/
POLICE DEPARTMENT	/
PUBLIC UTILITIES	
PUBLIC WORKS	
ENGINEERING	
CENTRAL MAPPING	
REAL ESTATE	
TRAFFIC ENGINEERING	
PURCHASING & GENERAL SERVICES	
WASTEWATER MANAGEMENT	
ZONING ADMINISTRATION	/
SPECIAL PROJECTS - CITY MANAGER	
MUN. CODE CORR. → (CHAPTER 35)	/

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
WALTER MARTINEZ PLACE 5	—	✓	
BOB THOMPSON PLACE 6		✓	
YOLANDA VERA PLACE 7		✓	
NELSON WOLFF PLACE 8		✓	
WEIR LABATT PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)	ABSENT		

AMENDS CHAP. 35 OF CITY CODE!

PUBLISH! [illegible]!

— DELETE "B" UNDER AMENDMENT NO. 2 — [illegible]!

87-29

(4)

FILE

Amendment

ITEM NO. 4B

MEETING OF THE CITY COUNCIL DATE: 6-11-87

MOTION BY: Dutmer SECONDED BY: Wing

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

AVIATION	
BUDGET & RESEARCH	
BUILDING INSPECTIONS	
BUILDING INSPECTIONS-HOUSE NUMBER	
CITY WATER BOARD	
CITY ATTORNEY	
COMMERCIAL RECORDER	
CONVENTION & VISITORS BUREAU	
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WASTEWATER MANAGEMENT	
ZONING ADMINISTRATION	
SPECIAL PROJECTS - CITY MANAGER	

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
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HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
WALTER MARTINEZ PLACE 5		✓	
BOB THOMPSON PLACE 6		✓	
YOLANDA VERA PLACE 7		✓	
NELSON WOLFF PLACE 8		✓	
WEIR LABATT PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		ABSENT	

"B" UNDER
DELETE AMENDMENT No. 2
(R5, R6 & R7)

The following amendment to Chapter 35 is proposed to allow nonconforming single-family residences to be rebuilt if destroyed or damaged more than fifty percent of the replacement cost.

[Amend Section 35-65(e) to read as follows]:

Sec. 35-65. Termination of nonconforming uses.

(e) By destruction or damage of structure.

(1) The right to operate and maintain any nonconforming use, except a single-family dwelling unit, shall terminate and shall cease to exist whenever the structure in which the nonconforming use is operated and maintained is damaged or destroyed from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of such structure on the date of such damage or destruction.

(2) A nonconforming single-family dwelling unit which is destroyed or damaged more than fifty (50) percent of the replacement cost may be rebuilt provided a building permit is issued within one year of the date of such damage or destruction. The Director of Building Inspections may require the submission of necessary evidence to verify the date of damage or destruction.

A nonconforming single-family dwelling unit which was destroyed or damaged more than fifty (50) percent of the replacement cost prior to the adoption of this ordinance may be rebuilt provided a building permit is issued within one year of the effective date of this ordinance. To obtain such a building permit, the applicant must present evidence as determined by the Director of Building Inspections to indicate the previous existence of a nonconforming single-family dwelling unit.

Attachment I

The following revision to Chapter 35 is proposed to consider all single-family uses as conforming under a temporary zoning classification.

[Revise Section 35-43(a) to read as follows:]

Sec. 35-43. Newly annexed territory

(a) Temporary zoning.

(1) With the exception of those areas for which a planned residential development plan has been approved by the zoning commission, all territory hereafter annexed to the City shall be classified as temporary R-1, one-family residence district, in which only the following uses shall be allowed:

A. All uses permitted in the permanent R-1 zone; ~~and~~
~~B. R-5, R-6, and R-7 single-family uses on lots which were platted for such uses prior to annexation.~~

(2) Areas with an approved development plan shall be classified as temporary PRD, planned residential development, in which the uses designated in the PRD development plan shall be allowed. The zoning commission shall, as soon as practicable after annexation of any territory to the city, institute proceedings on its own motion to give such newly annexed territory appropriate zoning classifications in harmony with the spirit of this chapter according to the rules and regulations established herein for changes in zoning classifications including all public hearings requied in this chapter.

Attachment II

The following amendment is proposed to allow the Board of Adjustment to grant a variance on unplatted property subject to the condition that the property be platted.

[Revise Section 35-95 to read as follows:]

Sec. 35-95. Power of board to grant variances.

(a) Variances to the terms of this chapter may be granted by the board where a literal enforcement of the provisions of these regulations will result in unnecessary hardship.

(b) Variances granted on property that is not properly platted shall be subject to the condition that platting shall be accomplished prior to the variance taking effect.

(c) In addition no variance shall be granted unless:

(1) Such variance will not be contrary to public interest.
(2) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
(3) Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
(4) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
(5) Such variance will be in harmony with the spirit and purposes of these regulations.
(6) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
(7) The variance will not substantially weaken the general purposes of these regulations or the provisions herein established for the specified district.
(8) The variance will not adversely affect the health, safety or welfare of the public.

Attachment III

The following amendments to the Zoning Ordinance are proposed to revise the provisions relating to clubs to make them consistent with each other.

1. [Amend Section 35-7 to revise the definition of club or lodge to read as follows:]

   Club. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

2. [Amend Section 35-7 to revise the definition for fraternal clubs or lodges to read as follows:

   Fraternal organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal written membership requirements.

3. [Amend Section 35-7 to add to the following definitions].

   Clubhouse. A building or portion thereof, and related facilities used by a club, fraternal organization, or a membership organization.

   Membership organization. An organization operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members. Such an organization includes trade associations, professional organizations, unions, and similar political and religious organizations.

4. [Revise Section 35-276, Table of Permitted Uses, to delete the following permitted uses: (1) club or lodge and (2) fraternal clubs or lodges.]

5. [Revise Section 35-276, Table of Permitted Uses, to add the following permitted use:]

	B-2	B-2NA	B-3NA	B-3R	B-3	B-4	ERZD
Clubhouse	x	x	x	x	x	x	x

6. Revise Section 35-276, Table of Permitted Uses, to revise the entry for Private Club to read as follows:]

	R-3	O-1	B-1	B-2	B-2NA	B-3NA	B-3R	B-3	B-4	PRD	ERZD
Private Club	cc	cc	cc	x	x	x	x	x	x	cc	x

Attachment IV

ATTACHMENT B

Amendments to Chapter 35 of

The City Code, Zoning

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Private Club	cc	cc	cc	x	x	x	x	x	x	cc	x

CITY OF SAN ANTONIO

Office of the City Council

Interdepartment Correspondence Sheet

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

1987 JUN 10 PM 3:15

RECEIVED
CITY MANAGER

TO: Mayor and Council

FROM: Nelson W. Wolff, Council Member, District 8

COPIES TO: Louis J. Fox; Teree Caldwell-Johnson; Norma Rodriguez; Julia Castellano-Hoyt; File

SUBJECT: ADD-ON TO AGENDA OF JUNE 11, 1987

Date June 9, 1987

I am requesting the following item be added to the Council agenda of June 11 for discussion.

The Alamo Farmstead/Babcock Road Neighborhood Association and residents are requesting to come before City Council to ask for Council intervention regarding replatting procedures specifically concerning Lochwood II Estates as stated in case #870288 (Planning Commission) by the applicant for subdivision, Lincoln/Stonykirk Joint Venture.

The above mentioned neighborhood association and residents base their request on City of San Antonio Subdivisions Code, Sec. 30-39, copy attached, and feel that the subdividing of Lochwood Estates II, as proposed, is unharmonious to present residents and would adversely effect the general health and welfare of said residents. Therefore, the homeowners are asking that City Council take into consideration City of San Antonio Subdivisions Code, Sec. 30-39 as it applies to Lochwood Estates II.

Your favorable consideration of this request is appreciated.

Nelson W. Wolff

NELSON W. WOLFF
Council Member
District 8

NWW:ar
attachment

Mayor Henry Cisneros		Walter Martinez	
Maria A. Berriozabal	MAB	Bob Thompson	ok for discussion
Joe Webb	JW-discussion	Yolanda Vera	Y. Vera-discussion
Helen Dutmer	HD discussion	Weir Labatt III	
Frank Wing		James Hasslocher	

(c) *Compliance with federal regulations.*

(1) All subdivisions shall conform to the "Flood Disaster Protection Act" of 1973, Public Law 93-324, passed by the 93rd Congress, H.R. 8449, December 31, 1973, and the latest revisions thereof.

(2) The city is also required to comply with the applicable portions of department of housing and urban development requirements of Title 24, Housing and Housing Credit, delineating requirements for the review of building permits and subdivisions.

(3) Federal floodplains are delineated on the basis of one hundred-year frequency discharges, and to be applied to only those areas where Official HUD-FIA Maps have been prepared, or where one hundred-year water surface profile studies are available within the city and its extraterritorial jurisdiction.

(4) The official maps and floodplain reports are on file in the city engineer's office in the city hall.

(d) *Compliance with city floodplain ordinance.* The regulations adopted by Ordinance Number 57969, Section 2, enacted December 1, 1983 and entitled "Floodplain Ordinance, City of San Antonio, Texas" are hereby incorporated by reference into this chapter. All subdivisions shall conform to the city's flood plain ordinance and the latest revisions thereto.
(Code 1959, § 36-17; Ord. No. 45029, 3-13-75; Ord. No. 57800, § 1, 10-27-83; Ord. No. 61208, 8-8-85)

Sec. 30-38. Blocks.

(a) *Factors governing dimensions.* The length, width and shape of lots shall be such as to:

(1) Provide adequate building site suitable to the special needs of the type of use contemplated.

(2) Accommodate lots of the size and dimensions required by chapter 35 of this Code.

(3) Provide for convenient access, circulation, control and safety of street traffic.

(4) Give due regard to the limitations and opportunities of topography.

(b) *Length.* In general, block lengths may not exceed eighteen hundred (1800) feet or be less than five hundred (500) feet.
(Code 1959, § 36-18; Ord. No. 45029, 3-13-75)

Sec. 30-39. Lots.[1]

(a) *Dimensions generally.*

(1) The size, width, depth, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Unless the requirements of chapter 35 of this Code are more stringent or unless a planned unit development or planned residential development is being platted or unless the commission shall set more stringent requirements as provided for hereafter, lot dimensions shall be as follows:

a. Sewered lots. Where off-lot sewerage is provided, each lot shall have an area of at least five thousand (5,000) square feet, and shall be at least fifty (50) feet wide except in the case of a planned unit development, townhouse or small lot home subdivision. In the case of irregularly shaped lots, the minimum width shall be measured at the required front building setback line.

b. Unsewered lots. Where off-lot sewerage is not required and is not provided, the lot size shall be determined to be in accordance with the requirements of the county commissioners court order "regulating and licensing of private sewage facilities," and shall be approved by the director of the county public works department prior to approval by the planning commission. Planned unit developments shall not be permitted with septic tank system installations unless approved by the director of the county public works department. The septic tank system, if approved, shall serve only one (1) individual unit, and the septic tank system shall be located on the lot on which the unit is located.

(2) *Increased dimensions.* The commission shall have authority to increase minimum space requirements if the commission determines that any or all of the following conditions exist and that in its judgment the adverse conditions will be averted.

a. Where lots conforming to the minimum requirements would disrupt the essential character of the neighborhood.

b. Where lots conforming to the minimum requirements, in relation to existing or planned adjacent properties conforming to a larger spacing, would be so small as to cause substantial injury to such adjacent properties by decreasing the market value thereof or otherwise.

c. Where lots conforming to the minimum requirements would be inconsistent with the city master plan or good neighborhood planning.

d. where lots widths or area as proposed would have adverse effects on health or welfare due to unusual topographic conditions or soil conditions relative to proper functioning of any planned septic tank or water system.

(3) If the commission shall determine that any or all of the above conditions exist, it may increase the minimum requirements as to area or width so that in the judgement of the commission, the adverse conditions will be abated.

(b) *Frontage.*

(1) Except for planned unit developments or planned residential developments, all lots shall front on a public street and shall have a minimum frontage width as follows:

	Minimum frontage width (feet)
Lots with a minimum size of 5,000 sq. ft.	50
Lots with a minimum size of 4,200 sq. ft.	42
Townhouse lots	No minimum

(2) On lots of irregular shape, the width may be measured at the building line; however, a minimum street frontage of twenty (20) feet shall be required except for townhouse lots.

(c) *Minimum setback lines.*

(1) In general. Minimum front and side building setback lines at streets and crosswalkways shall be shown on all plats and shall conform to the restrictions, if any, imposed on the subdivider, but in no event shall such setback lines be less than required by chapter 35 of this Code.

(2) Building setback lines adjacent to high pressure oil and gas lines. No structure shall be located nearer than twenty-five (25) feet to a high pressure oil, gas, or gasoline line. And further, adjacent to such high pressure lines, a twenty-five (25) foot building limit line (measured at right angles from the center line of the fuel line) shall be shown on the final plat.

In any case in which there is an existing fuel line easement, then the twenty-five (25) foot building limit line shall be measured at right angles from the center line of said easement.

(3) Building setback lines adjacent to existing overhead utility lines shall be such as to ensure compliance with the provisions of section 30-28(5).

(d) *Side lot lines.* Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.

(e) *Corner lots.* Corner lots shall have sufficient width to provide appropriate building setback from and orientation to both streets as required by chapter 35 of this Code. Lots abutting on crosswalkways shall be treated as corner lots.

(f) *Extra depth and width in certain cases.* Where a lot in a residential subdivision backs up to a railroad right-of-way, a high pressure gasoline or gas line, a major thoroughfare, an industrial area or other existing land use which has a depreciating effect on the residential use of the property.

CITY OF SAN ANTONIO

P. O. BOX 9066
SAN ANTONIO, TEXAS 78285

June 15, 1987

Mr. Robert L. Laslie
Municipal Code Corporation
Post Office Box 2235
Tallahasse, Florida 32304

Dear Mr. Laslie:

Attached are copies of Ordinance Numbers 65174, 65180, and 65181, which were passed by the City Council at their June 11, 1987 meeting.

Please include these ordinances in your next supplement.

Sincerely,

Norma S. Rodriguez

NORMA S. RODRIGUEZ
City Clerk

NSR:emw

Attachment

CITY225566B

$8.00

Toocy67

8

THE STATE OF TEXAS
County of Bexar

w/ ordinance

Chapter 35

Before me SYLVIA GALLEGOS

a Notary Public in and for said County, State of Texas, on this day personally appeared

MARK A.LINN known to me,

who, being duly sworn, state on oath that HE is BILLING SUPERVISOR of The San Antonio Light, a newspaper of general circulation published at San Antonio, County of Bexar, State of Texas, and that the advertisement hereto attached was published on the following dates.

JUNE 15,1987

Mark A. Linn

Sv before me, this 16 day of JUNE A. D. 1987

Sylvia Gallegos

Notary Public in and for BEXAR County, Texas.

My commission expires FEB 14, 19 89

AN ORDINANCE 65181

AMENDING CHAPTER 35 OF THE CITY CODE (ZONING) CONCERNING NON-CONFORMING SINGLE FAMILY RESIDENCES; MAKING ALL SINGLE FAMILY USES CONFORMING USES IN TEMPORARY ZONES; ZONING VARIANCES ON UNPLATTED PROPERTY, AND PRIVATE CLUBS; AND PROVIDING A PENALTY FOR VIOLATION HEREOF OF A FINE NOT TO EXCEED $1,000.00

Passed and Approved this 11th day of June, 1987

/s/ James C. Hasslocher
Mayor Pro Tem
Attest: /s/ Richard C. Porter
Asst. City Clerk