

AN ORDINANCE 33412

AMENDING CHAPTER 42 OF THE CITY CODE OF SAN ANTONIO; ESTABLISHING DEFINITIONS OF CERTAIN TERMS; RESTATING PRESENT ZONING DISTRICTS AND REGULATIONS FOR PROPERTY ZONED PRIOR TO JUNE 28, 1965 AND ESTABLISHING SEPARATE ZONING DISTRICTS AND REGULATIONS FOR PROPERTY ZONED SUBSEQUENT TO JUNE 28, 1965; ADOPTING THE OFFICIAL ZONING MAP OF THE CITY; SETTING FORTH THE DUTIES OF THE PLANNING COMMISSION IN ZONING MATTERS; ESTABLISHING THE BOARD OF ADJUSTMENT AND TERMS OF ITS MEMBERS; PRESCRIBING PROCEDURES FOR THE REZONING OF PROPERTY INCLUDING PAYMENT OF FEES AND PUBLIC NOTICE AS REQUIRED BY STATE STATUTE; PROVIDING FOR CHANGES, RESTRICTIONS AND TERMINATION OF NONCONFORMING USES; ESTABLISHING SUPPLEMENTARY USE REGULATIONS FOR PROPERTY ZONED SUBSEQUENT TO JUNE 28, 1965 BY REQUIRING OFF STREET PARKING FACILITIES AND OFF STREET TRUCK LOADING FACILITIES AND SPECIAL PROVISIONS FOR PLANNED BUILDING GROUPS; PROVIDING FOR A FINE NOT EXCEEDING \$200.00 FOR VIOLATION; PROVIDING FOR SEVERABILITY AND DECLARING THIS ORDINANCE TO BE EFFECTIVE JUNE 28, 1965.

* * * * *

WHEREAS, on November 3, 1938, the City of San Antonio, enacted a comprehensive zoning ordinance for the purpose of promoting health, safety, morals and general welfare of the community, and designed to lessen congestion in the streets, to secure safety from fires and other hazards, to provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and taking into consideration the character of the several districts and their similarity for particular uses with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and,

WHEREAS, studies conducted by the City Zoning and Planning Commission of the City of San Antonio, Texas, indicated that changes and revisions in said zoning regulations as amended are appropriate and should be enacted and said Commission has so recommended in its final report to the City Council; and,

WHEREAS, The City Council has received said final report from the City Zoning and Planning Commission and has duly considered the same; and,

WHEREAS, the State Legislature has enacted laws providing for and empowering the Legislative body of said City to adopt zoning regulations, and

from time to time amend, supplement, or change such regulations; and,

WHEREAS, Article 1011d and Article 1011f of the Revised Civil Statutes of the State of Texas provide for the giving of notice and the holding of a public hearing in relation to proposed changes in zoning regulations at which time parties in interest and citizens shall have an opportunity to be heard; and,

WHEREAS, due notice was published of a public hearing to be had in relation to proposed changes in zoning regulations; and,

WHEREAS, said public hearing was held on the 20th day of May 1965, at 9:00 a.m. in the City Council Chamber of the City Hall before the City Council, together with the City's Zoning and Planning Commission, at which time parties in interest and citizens appeared and were heard in regard to said proposed changes in zoning regulations and their remarks were duly considered. NOW, THEREFORE:

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

1. Chapter 42 of the City Code which constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended to read as follows:

ARTICLE 1. IN GENERAL

Sec 42-1. Short Title

This chapter shall be known and may be cited as "The Zoning Ordinance of the City of San Antonio".

Sec 42-2. Purpose of Chapter

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district, and its particular suitability for the particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
(Code 1950, § 64-1)

Sec 42-3. Severability of Chapter. If for any reason any one or more sections, sentences, clauses or parts of this chapter are held invalid, such judgement shall not effect, impair or invalidate the remaining provisions of this ordinance but shall be confined in its operation to the specific sections, sentences, clauses or parts of this chapter held invalid and the invalidity of any section,

sentence, clause or part of this chapter in any one or more instances shall not affect or prejudice in any way the validity of this chapter in any other instance.

Sec 42-4. Scope of Chapter

The provisions of this chapter shall not apply to the property belonging to or used by the City, or to property used to provide city owned utilities, ^(where, or if, location and development are approved by the City Council) provided, in the erection of buildings or other structures, the city and city owned utility shall attempt to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the district in which they are being erected. The provisions of this chapter shall, likewise, not apply to buildings of the county, state or federal agencies, except, however, in those cases in which the land is not owned by the county, state or federal agency, in which case, applicable zoning is required.

Sec 42-5. Adoption of Legislative Grant of Power

Articles 1011a through 1011k of the Revised Civil Statutes of the State of Texas are hereby adopted, and the provisions of this chapter are adopted in the exercise of the power granted to municipalities by such statutes and pursuant to the provisions of Article 1, Section 3, Paragraph 9 of the Charter of the City of San Antonio.

Sec 42-6. Rules of Construction.

(1) Words, phrases and terms defined herein shall be given the defined meaning.

(2) Words, phrases and terms not defined herein but defined in the Building Code of the municipality shall be construed as defined in such code.

(3) Words, phrases and terms neither defined herein nor in the Building Code of the municipality shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

(4) The text of the ordinance shall control captions, titles and maps.

(5) Where any requirement of this ordinance for 5 or more parking spaces results in a fraction of a unit, a fraction of five-tenths or more shall be considered a whole unit and a fraction of less than five-tenths shall be disregarded. In those cases in which less than five spaces are required, a full parking space shall be required to fulfill a fractional space requirement.

(6) The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.

(7) Words used in the singular include the plural and words used in the plural include the singular.

(8) Words used in the present tense include the future tense and words used in the future tense include the present tense.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec 42-7. Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section:

Accessory Use or Building: a subordinate use or building customarily incident to and located on the same lot with the main use or building.

Alley: a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a public street.

Alteration: as applied to a building or structure, is a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Apartment House: is a multi-family dwelling containing three or more dwelling units within a single structure where the families live independently as separate housekeeping units which contain separate facilities for food preparation.

Antique: fine art object or household furnishing which was not mass-produced, and was characteristic of a specific period in a specific country.

Board: the Board of Adjustment of the City of San Antonio, Texas.

Building: is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, mobile homes, trailers, and other roofed structures on wheels or other supports, for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, or educational purposes. For the purpose of this definition, "roof" shall include an awning or other similar coverings, whether or not permanent in nature.

Carport: space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

Clinic, Dental or Medical: a building in which one or more physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.

Club or Lodge: an association of persons for the promotion of some non-profit common object, as literature, science, politics, good fellowship, etc., meeting periodically, limited to members, with not more than one-third of the gross floor area occupied by the use, used for residential occupancy.

Commission: the Planning Commission of the City of San Antonio, Texas.

Completely Enclosed Structure: a building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Detached Structure: a structure having no party or common wall with another structure except an accessory structure.

Dwelling: is a building designed or used as the living quarters for one or more families.

Dwelling, Two-Family: is a detached house designed for and occupied exclusively as the residence of not more than two families, each living as an independent housekeeping unit.

Dwelling Unit: is one or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

Dwelling, Multi-Family: is a dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities.

Fabrication: manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to assembling, stamping, cutting or otherwise shaping the processed materials into useful objects.

Family: is a single individual, doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

Floor Area, Gross: the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines. All horizontal dimensions are to be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The floor area of a building shall include the floor area of accessory buildings, on the same lot, measured in the same manner.

Garage, Public or Storage: is a building or part thereof, other than a private garage, for the storage of motor vehicles and in which service station activities may be carried on.

Garage, Private: is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on, enclosed on all four sides, and pierced only by windows and customary doors.

Height, Building: is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Home Occupation: an occupation carried on entirely within a home that is not detrimental or injurious to adjoining property. These may include custom dress-making, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishings, washing, ironing, any office in which chattels or goods, wares or merchandise are not commercially created, exchanged, or sold, provided that such uses are located in the dwelling used by such person as his or her private residence and provided that no assistant, not a member of the family residing on the premises, be employed. Said incidental use shall never be permitted as a principal use, and cannot involve the conduct of a retail business. The home

occupation use shall not utilize more than 25% of the gross floor area of the building. Home occupations shall not include, for example, barber shops, beauty shops, carpenter shops, electrician shops, plumber shops, radio shops, tinner shops, auto repairing, auto painting, furniture repairing or sign painting. No signs identifying the home occupation shall be permitted but name plates, not exceeding one square foot in area, may be permitted, when attached flat to the main structure.

Hospital: an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: is a building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

Institutions for Children or the Aged: an establishment providing residence and care for children or the aged.

Junk: is any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard: is the use of any lot, or the use of any portion of any lot, for the storage, keeping or abandonment of junk, whether inside or outside a building.

Kennel: any lot or premises on which four or more animals, domestic or wild, more than four months of age, are kept.

Laboratory: a building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

Lot: is an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Lot, Corner: is a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135 degrees. It is the land occupied or to be occupied by the corner building and its accessory buildings.

Lot, Reversed Corner: is a corner lot, the rear of which abuts upon the side of another lot whether across an alley or not.

Manufacture: all operations required to produce the material named.

Motel (Tourist Court): a building or group of detached, semi-detached or attached buildings on a lot containing guest dwellings each of which has a separate outside entrance leading directly to rooms from outside the building, with garage or parking space conveniently located with each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

Motels do not include hotels, boarding houses or trailer courts (camps).

Museum: a non-profit, non-commercial establishment operated as a repository for a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Nameplate: a sign not exceeding one square foot in area indicating the name and/or address of a building or the name of an occupant thereof and/or the

practice of a permitted occupation therein.

Nonconforming Structure: a structure or part thereof lawfully existing on the effective date of this Ordinance and which does not conform to all of the regulations of the district in which it is located.

Nonconforming Use: is the use of a building, structure or land existing at the time of the enactment of this Ordinance, and which does not conform to the regulations of the district in which it is located.

Nursery, Day Care or Kindergarten: a place where organized care or instruction is imparted to six or more children under the age of seven years.

Object d'art: individual art pieces not mass-produced consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and/or craftwork; leather, wood, metal or glass.

Parsonage or Parish House: a residence for a minister, priest or rabbi in connection with the operation of a church.

Processing: any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operations described as fabrication.

Retail: sale to the ultimate consumer for direct consumption and not for resale.

Roadside Stand, Seasonal: a structure for the display and sale of products with no space for customers within the structure itself.

Rooming House: is any dwelling in which more than three persons either individually or as families are housed or lodged for hire, with or without meals. A boarding house or furnished room house shall be deemed a "rooming house."

School: the term "schools" as used in this Ordinance, is defined as such institutions of learning, (elementary, high school and college or university), not operated for profit, which offer and maintain a course or courses of instruction leading to

degrees or certificates of graduation recognized by the Texas Education Agency.

Shop: a use devoted primarily to the sale of a service or a product or products but the service is performed, or the product to be sold is prepared, in its finished form, on the premises. (Packaging is not considered to be preparation.)

Sign: any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trade marks by which anything is made known, such as are used to designate an individual commodity or product, which are visible from any public street or right-of-way and designed to attract attention. The term "sign" shall not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, monument or event.

Sign, Advertising: a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Business: a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, Flashing: an illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance any revolving, illuminated sign shall be considered a "flashing sign."

Sign, Gross Surface Area of: the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not

forming an integral part of the display.

Store: a use devoted exclusively to the retail sale of commodity or commodities.

Story: that part of a building between the surface of a floor and the ceiling immediately above.

Street: is a public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

Structure: is anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences, up to 42 inches in height, or poles and appurtenances thereto used for the provision of public utilities.

Tavern: any use in which the primary purpose is the sale of alcoholic beverages for on premises consumption which may or may not include dancing.

Trailer Camp or Court or Mobile Home Residence Park: any premises where one or more mobile homes or trailer coaches are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for one or more mobile homes for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosure used or intended for use as a part of the equipment of such Mobile Home Residence Park or Trailer Camp or Court.

Use: the purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Warehousing: the depositing or securing of goods, wares and merchandise in a warehouse.

Wholesale: sale for resale, not for direct consumption.

Yard: is an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard, Required Front: is an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the front property line and the front line of the building projected to the side lines of the lot.

Yard, Required Rear: is an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard, Required Side: is an open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line.

Sec 42-8 Administrative Official. except as otherwise provided in this Ordinance, the Director of Housing and Inspections shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises and the issuing of building permits. No building permit or certificate of occupancy shall be issued by the Director of Housing and Inspections unless the applicant therefor has complied with provisions of this chapter.

Sec 42-9. Prohibitions.

A. Limitations on all Land and Structures. No land shall be used or occupied and no structures shall be designed, erected, altered, used or occupied except in conformity with all regulations herein established and upon performance of all conditions herein set forth.

B. Limitation on Sales and Rentals of all Land and Structures.

No person, firm or corporation and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this Ordinance.

Sec. 42-10 Violations

Established. Wherever by the provisions of this Ordinance the performance of any act is required or the performance of any act is prohibited or wherever any regulation, dimension or limitation is imposed on the use or change of use of or upon any land or on the erection or alteration of any structure or the use or change of use of such structure or the uses within such structure, a failure to comply with the provisions of this Ordinance shall constitute a violation of this Ordinance. Everyday on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 42-11 Remedies

A. Penalties. Any person, firm or corporation, who shall violate any provision of this ordinance shall be deemed to be guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding \$200.00.

B. Additional Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the municipality or any proper person may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct,

business or use in or above such premises including but not limited to all remedies provided in Article 1011h of the Revised Civil Statutes of Texas. The imposition of any penalty hereunder shall not preclude the municipality or any proper person from instituting any appropriate action or proceedings to require compliance with the provisions of this ordinance and with administrative orders and determinations made hereunder.

Sec 42-12. Prohibition of More Than One Building Per Lot

Every building hereafter erected shall be located on a lot and in no case shall there be more than one building on one lot except as provided in this chapter.

Sec 42-13. Termination of Authorizations to Erect, Alter, Occupy or Use Land or Structures, Exception

Every authorization and permission of whatever kind and nature and however, obtained, heretofore, granted by the municipality or any department, board, agency, officer or employee thereof to use or occupy any land or to design, erect, alter, use or occupy any structure in any manner other than in full compliance with all provisions of this Ordinance shall terminate and expire on the effective date of this Ordinance and shall not hereafter be renewed or revived. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore legally issued and the construction of which building shall have actually begun within ninety days of the date of such permit and the ground story framework of which building, including the second tier of beams, shall have been completed, within one year of the date of such permit and which entire building shall be completed, according to such plans as are filed, within two years from the effective date of this Ordinance; provided, however, that any permit which does not authorize the alteration or erection of a designated building on the

basis of complete plans and specifications shall not be deemed a building permit and shall not come within the foregoing exclusion.

Sec. 42-14. Pending Actions and Proceedings

All applications for change of zoning that have been heard and decided by the Planning Commission before the effective date of this ordinance may be processed to completion by the City Council pursuant to the use districts set forth in Article V of this ordinance.

All actions and proceedings pending in any court of record or in the Supreme Court of the State of Texas on the effective date of this Ordinance shall be treated, until the conclusion of such actions and proceedings, as though all prior applicable zoning ordinances and amendments thereto were in full force and effect. All other actions and proceedings, of every kind and nature and whether judicial or administrative pending on the effective date of this ordinance shall be governed by the provisions of this Ordinance.

Sec. 42-15. Offenses and Liabilities Preserved

All offenses committed and all liabilities incurred prior to the effective date of this Ordinance shall be treated as though all prior applicable zoning ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities.

Sec. 42-16. Effect of Other Ordinances and Regulations

Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance or regulation than are

established by the provisions of this Ordinance, the provisions of such other statute, ordinance or regulations shall govern.

Sec. 42-17. Effect of Private Covenants

Nothing herein contained shall be construed to render inoperative any restriction established by covenants running with the land.

Sec. 42-18. Building Permit Required

No building or structure shall be erected, added to, or structurally altered until a permit therefor has been issued by the Director of Housing and Inspections. All applications for such permits shall be in accordance with the requirements of this Ordinance and, unless upon written order of the Board of Adjustment, no such building permit or certificate of occupancy, shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

A. Matter Accompanying Application. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, and the exact size and location on the lot of the building and accessory buildings to

be erected and already existing and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.

B. Payment of Fee. One copy of such layout or plot plan shall be returned when approved by the Director of Housing and Inspections together with the building permit and the application upon the payment of the prescribed fee.

Sec. 42-19. Certificates of Occupancy.

A. No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Director of Housing and Inspections, stating that the building or proposed use thereof complies with the provisions of this Ordinance and other applicable ordinances of the city.

B. No non-conforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the Director of Housing and Inspections.

C. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within

10 days after the erection or alteration shall have been approved.

D. The Director of Housing and Inspections shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

E. No permit for excavation for, or the erection or alteration of or repairs of any building shall be issued until an application has been made for a certificate of occupancy.

Sec 42-20. Reduction of Lot Size by Governmental Action

Where the owner of a legally platted lot or his successor in title thereto has his lot reduced in size as a result of governmental action and thereafter does not own sufficient land to enable him to conform to the dimensional requirements of this Chapter, such lot may be used as a building site for a single-family residence or other non-residential uses permitted in the district in which the lot is located, provided that:

(1) In those cases where the lot area or mean lot width is reduced by governmental action not more than 20% below the minimum specified in this Chapter, the Director of Housing and Inspections shall issue a building permit or certificate of occupancy.

(2) In those cases where a vacant lot area or mean lot width is reduced by governmental action by more than 20%, the Zoning Board of Adjustment is authorized to approve as a building site by variance such dimensions as shall conform as closely as possible to the required dimensions of this Chapter provided that the combined area of the main building and its accessory buildings shall not cover more than 40% of the lot area remaining after governmental action. In those cases where a structure is located on a legally platted lot and the existing yards are reduced by governmental action below the dimensional requirements

specified in this Chapter, the Director of Housing and Inspections shall issue a building permit or certificate of occupancy for alterations to and use of the existing structure if said structure and lot conformed to the required dimensional requirements prior to the lot reduction by governmental action.

Sec 42-21. Creation and Location of Districts

A. Zoning Districts created prior to JUNE 28, 1965. For the purposes of this Chapter the original comprehensive zoning ordinance of the City of San Antonio and amendments thereto have divided the municipality into the following 20 districts:

- A Single-family district.
- B Residence district.
- C Apartment district.
- D Apartment district.
- E Office district.
- F Local retail district.
- G Local retail district.
- H Local retail district.
- I Business district.
- J Commercial district.
- K Commercial district.
- L First manufacturing district.
- M Second manufacturing district.
- GG Local retail district.
- HH Local retail district.
- II Business district.
- JJ Commercial district.

KK Commercial district.

LL First manufacturing district.

MM Second manufacturing district.

All the restrictions in the double lettered districts remain as they are listed in "G" local retail district, "H" local retail district, "I" business district, "J" commercial district, "K" commercial district, "L" first manufacturing district, and "M" second manufacturing district, except that there shall be a twenty-five foot front yard setback. (Code 1950 § 64-12; Ord. No. 27864, § 1, 8-13-59).

B. Zoning Districts created effective JUNE 28, 1965. For the purpose of promoting the health, safety, morals and general welfare of the community, the following additional zoning districts are hereby created effective JUNE 28, 1965:

Residential Districts

R-A Districts - Residence-Agriculture Districts

R-1 Districts -- One-Family Residence Districts

R-2 Districts -- Two-Family Residence Districts

R-3 Districts -- Multiple Family Residence Districts

R-4 Districts -- Mobile Home Districts

R-5 Districts -- One-Family Residence Districts

Business Districts

B-1 Districts -- Transition Business Districts

B-2 Districts -- Community Business Districts

B-3 Districts -- Regional Business Districts

B-4 Districts -- Central Business District

Industry Districts

I-1 Districts -- Light Industry Districts

I-2 Districts -- Heavy Industry Districts

All applications for the rezoning of property filed subsequent to JUNE 28, 1965, if approved, shall be reclassified or changed to one of the districts hereinabove established (Paragraph B, Section 42-21) and all applicants shall comply with the rules and regulations set forth in this chapter for the districts herein created.

Sec 42-22. Location of Districts

A. Adoption of Official Map. The maps delineating the boundaries of the various zoning districts (said maps being marked as follows, all numbers being inclusive: 1 through 172), together with all matters and things shown on such maps are adopted and approved, incorporated herein and made a part hereof and collectively shall constitute the official map.

B. Amendments to the Official Map. All amendments to the official map shall be listed in the order adopted in a separate register maintained in and kept current by the Department of Planning.

Sec 42-23. District Regulations to be Uniform.

The regulations herein established shall apply uniformly to all geographical areas having the same district classification and bearing the same symbol or designation on the official map.

Sec 42-24. Boundaries of District, Reference to Maps.

The boundaries of the districts provided in Section 42-21 are shown upon maps on file in the office of the Director of Planning, and such zoning maps and all notations, references and other information shown on such zoning maps are as much a part of this chapter as if the matters and information set forth by such maps were all fully described herein. (Code 1950, § 64-13)

Sec 42-25. Zoning Map Designations

When definite distances in feet are not shown on the zoning map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the right-of-way or center lines of streets, highways, or alleys, shall be construed to follow such right-of-way or center lines;
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as approximately following city limits shall be construed as following city limits;
- 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 6) Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation and all area so involved shall then and henceforth be subject to all regulations of the extended districts;
- 7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by subsections 1 through 6 above, the Zoning Board of Adjustment shall interpret the district boundaries.

Sec 42-26. Appointment of Planning Commission.

Pursuant to Article 1011f of the Revised Civil Statutes of Texas, the Planning Commission of San Antonio shall consist of nine members appointed by the City Council.

Sec 42-27. Duties of Planning Commission.

The duties of the Planning Commission are as follows:

1. To recommend the boundaries of original zoning districts and appropriate regulations to be enforced therein.
2. To hold public hearings and prepare a final report for the City Council

on recommendations for change in zoning district boundaries or regulations in zoning districts.

Sec 42-28. Powers of the City Council.

Pursuant to the provision of Article 1011d of the Revised Civil Statutes of Texas, the City Council may amend, supplement or change zoning districts or boundaries.

Sec 42-29. Procedure for Amendment and Changes in the Zoning Chapter.

A. Before Planning Commission

1. All petitions, applications, recommendations or proposals for changes in the zoning district classification of property or for changes in the textual provision of this chapter shall be filed with the Planning Commission.

2. Fee to accompany application. When an application is filed for change of zoning district boundaries or for any change of the Zoning Ordinance or classifications, such application shall be accompanied by two separate fees in the amounts of \$20.00 and \$25.00, respectively. The initial fee of \$20.00 shall be paid (in cash, certified check, or cashier's check) to the Director of Planning, immediately upon filing said application. The second fee of \$25.00 must be a certified or cashier's check payable to the City of San Antonio and may be deposited with the Director of Planning at the time application is filed. The said \$25.00 fee shall be forwarded to the Collector of License and Dues. In the event such application is disapproved by the Planning Commission, the applicant has the right to make a written request for a hearing of such zoning matter before the City Council. If however, the applicant fails to make such written request during the thirty-day period immediately following the hearing before the Planning Commission, the \$25.00 fee shall be refunded. No notice of any such application shall issue and no hearing shall be had before the Planning Commission or the City Council

until the prescribed fees are paid. The Director of Planning shall keep and preserve an itemized record of all fees received and the disposition thereof.

3. No application for the rezoning of any lot, lots or block or land situated in the City shall be received or filed with the Planning Commission of the City and no hearing had thereon, if, within 6 months prior thereto an application was received or filed and withdrawn before a full, fair and complete and final hearing was had thereon; or if within six months prior thereto, a full, fair, complete and final hearing was had on the rezoning of such lot, lots or block of land before the Planning Commission; provided, however, if new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by applicant, under a sworn affidavit to that effect, then in that event, the Planning Commission shall have the right to waive the said six months provision and proceed to hear and consider such application. It is further provided that no application for the rezoning of any lot, lots or block or land situated in the City, shall be received or filed with the Planning Commission of the City and no hearing had thereon, if within one year prior thereto the City Council, after consideration and hearing, has denied an application for rezoning of the same property.

4. Recommendations. The Planning Commission shall make a preliminary report on all proposed changes and hold public hearing thereon before submitting its final report to the City Council.

5. Public Hearings. The City shall mail written notice of all public hearings on proposed changes in classification before the Planning Commission. Notice shall be mailed to owners of real property lying within two hundred (200') feet of the property on which the change in classification is proposed. Such notice shall be given, not less than 10 days before the date set for hearing, to all such

owners who have rendered their said property for city taxes as the ownership on the last approved city tax roll. Such notice may be served by depositing same, properly addressed and postage paid, in the city post office. Where property lying within 200 feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making renditions which are included on the last approved city tax roll, notice to such owners shall be given by publication in the manner provided in Sec 42-29 B-2 of this Chapter.

B. Before the City Council

1. After the final report is submitted by the Planning Commission as provided in Sec 42-29 A above, the City Council shall act upon said report after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

2. Notice. At least 15 days' notice of the public hearing before the City Council, giving notice of the time and place of such hearing, shall be published in an official paper, or a paper of general circulation, in the City.

3. Passage when Protested. If the Planning Commission has disapproved a change in zoning or if there is a protest against any change in the reclassification of the Zoning District of any property, signed by the owners of 20 per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 200 feet therefrom, or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Council.

4. Time Limitation. All applications for rezoning which have been approved by the Planning Commission shall be presented by the applicant to the City

Council within eight months from the date of its approval, said application shall be accompanied by a filing fee of twenty-five dollars. In the event the applicant fails to present said application for rezoning to the City Council within the above prescribed period, the City Council shall not act on said application until it has been resubmitted to the Planning Commission for action. The application shall be treated as an original application for rezoning, and all fees required by this Code shall be paid by the applicant.

Sec 42-30. Newly Annexed Territory - establishing classification.

All territory hereafter annexed to the City shall be classified as R-A, Residence-Agriculture District. The Planning Commission shall, as soon as practicable after annexation of any territory to the City, institute proceedings on its own motion to give the 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 classification including all public hearings required in this chapter.

Sec 42-31. Nuisances

A. Nothing in this chapter shall be construed as repealing any ordinance of the City regulating nuisances or permitting uses which were prohibited prior to the adoption of this chapter.

B. The erection, threat of erection, construction, or maintenance of any building or the use of any premises in violation of the provisions of this chapter shall be and is hereby declared to be a public nuisance when such threat, building or use of the premises constitutes a fire, health, or traffic hazard or interferes with the reasonable peaceful enjoyment of their homes by citizens living in the vicinity of such building or premises.

C. In addition to the other remedies provided for the enforcement of this

chapter, the City Council is authorized and empowered to hear and determine the facts in cases of alleged nuisances and where it finds that facts exist which constitute a nuisance as defined in Sec. 42-31 B, the City Council may order the cessation and abatement of said nuisance.

ARTICLE III. NONCONFORMING USES

Sec. 42-32. Definition of Nonconforming Use

A nonconforming use shall be any use which:

A. On the effective date of this Ordinance was lawfully operated as a nonconforming use in accordance with the provisions of any prior zoning ordinances; or

B. On or after the effective date of this Ordinance was lawfully operated in accordance with the provisions of this ordinance but which use, by reason of amendment to this Ordinance, is not a Permitted Use in the district in which the use is located; provided, however, that a Permitted Use, otherwise in accordance with the provisions of this Ordinance, shall not be deemed a nonconforming use for a failure to comply with the provisions of this Ordinance relating to Permitted Signs, Yard Requirements, Off-Street Parking Requirements, or Off-Street Loading Requirements.

Sec. 42-33. Limitations on Nonconforming Uses

A. Nonconforming uses. The lawful use of land existing on JUNE 28, 1965, although such use does not conform to the provisions of this chapter, may be continued, but if such nonconforming use is discontinued, any future use of such premises shall be in conformity with the provisions of this chapter.

The lawful use of any building existing on JUNE 28, 1965 may be continued, although such use does not conform to the provisions of this chapter, and

such use may be extended throughout the building, provided no structural alterations or additions to the structure, except those required by law or ordinance, are made thereto.

A conforming structure in which a non-conforming use is operated shall not be enlarged or extended except as required by law or ordinance.

The right of nonconforming uses to continue shall be subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgement of the Zoning Board of Adjustment, be reasonably required for the protection of adjacent property.

B. Completion of Existing Buildings. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building actually under construction on JUNE 28, 1965, and which entire building was completed within two years from that date. Nothing contained in this chapter shall require any change in plans, construction or designated use of a building for which a building permit was issued before JUNE 28, 1965, and which entire building was completed within two years from that date.

Sec. 42-34. Changing Nonconforming Uses

A. To a Conforming Use. Any nonconforming use may be changed to a use conforming with the regulations herein established for the district in which the nonconforming use is located; provided, however, that a nonconforming use so changed shall not thereafter be changed back to a nonconforming use.

B. To Another Nonconforming Use. The following and no other, nonconforming uses may be changed to another nonconforming use as herein set forth, provided, however, that a nonconforming use changed to another nonconforming use as provided, shall not thereafter be changed back to the former nonconforming use:

USE PERMITTED IN:

LOCATED IN:

MAY BE CHANGED TO USE PERMITTED IN:

R-1 or A Residential District

Less restricted Residential district

Any more restricted district established subsequent to JUNE 28, 1965.

Any Business or Industrial District

Any Residential District

B-1 or any Residential District established subsequent to JUNE 28, 1965.

B-2, B-3, or B-4

Any Residential District

B-2 District

Any Business District

More restricted Business District

Any Business District more restricted than that where located established subsequent to JUNE 28, 1965.

I-2 District

More Restricted Business District

I-1 District

C. Limitations on Changing Nonconforming Uses

1. All changes of nonconforming uses hereunder shall be limited by and shall be in accordance with the regulations herein established for Accessory Uses, Home Occupations, Permitted Structures, Permitted Signs, Off-Street Parking Requirements and Off-Street Loading Requirements.

2. No nonconforming use shall be changed to another nonconforming use which requires more off-street parking and loading space than the former nonconforming use unless additional adequate off-street and loading space is provided for the increment of the new nonconforming use as would be herein required if the increment were a separate use.

3. No nonconforming use shall be changed to another nonconforming use unless the original nonconforming use was registered in conformance with Sec 42-35, below.

Sec 42-35. Registration of Nonconforming Uses and Questionnaires

A. Registration. The owner or owners of the land and/or structure or structures in which the nonconforming use is located shall register such nonconforming use by

filing with the Department of Housing and Inspections a Registration Statement for such nonconforming use within three years from the effective date hereof. Such registration may be made in behalf of such owner by any person, firm, corporation or other entity which has a legal or equitable interest in the designated land and structures. Registration Statements shall require a disclosure of the complete ownership of the land and the structure or structures, if any, in which the nonconforming use is located, but otherwise may be in such form and require the furnishing of such information and representation as deemed appropriate by the Department. At any time after registration, upon application to the Department and with the written consent of the owner or owners affected thereby, a Registration Statement may be amended so as to indicate changes in ownership. A copy of each Registration Statement shall be returned to the owner or owners by whom filed, a copy thereof shall be lodged among the records of the Department and a copy of each original statement, or such other statement giving notice thereof as the Department shall deem appropriate, shall be recorded by the Department in the Office of the City Clerk. The Department shall accept, lodge and record all tendered Registration Statements but the acceptance, lodging and recording of such Statements shall not constitute an authorization to operate an unlawful use. The filing of a false Registration Statement with the Department shall constitute a violation of this Ordinance.

For the purpose of this section any fence of legal height and construction does not constitute a nonconforming use and does not require registration.

B. Questionnaire. Annually, after the period fixed herein for the registration of nonconforming uses, the Director of Housing and Inspections may send to the persons who have registered a nonconforming use, a Questionnaire inquiring as to the operation, status and other details concerning the nonconforming use. Such

Questionnaire shall be sent by registered mail to all registrants shown by departmental records as having a legal or equitable interest in the property, at the last address available from Registration Statements filed with said Department. If any such Questionnaire is not returned to said Department, completed, within ninety days from the date of mailing such Questionnaire, the Director shall file a notice in his records that the applicable nonconforming use is assumed to have been abandoned. A copy of the aforesaid notice of abandonment shall be sent to all persons shown by departmental records as then having a legal or equitable interest in the property; provided, however, that if thereafter it shall be established to the satisfaction of the Director of Housing and Inspections, that the applicable nonconforming use has not been abandoned, the Director shall forthwith withdraw the notice that the applicable nonconforming use was abandoned. The filing with the Director of Housing and Inspections of false answers to the Questionnaire shall constitute a violation of this Ordinance.

Sec 42-37. Termination of Nonconforming Uses

A. By Abandonment. Abandonment of a nonconforming use shall terminate immediately the right to operate such use. Abandonment shall consist of the intent of the user of said nonconforming use to discontinue said operation coupled with an actual discontinuance of said use.

B. By Violation of Ordinance. The violation of this Ordinance shall terminate immediately the right to operate a nonconforming use.

C. By Specific Acts of Termination. Any one of the following Specific Acts of Termination shall terminate immediately the right to operate a nonconforming use:

1. Changing a nonconforming use to a conforming use;

2. Changing a nonconforming use to another nonconforming use as herein provided and authorized; provided, however, that the termination shall apply only to the nonconforming use existing prior to any change;
3. Non-operation or non-use of a nonconforming use for a period of twelve or more successive calendar months;
4. Vacancy for a period of twelve or more successive calendar months of the structure or that part of a structure occupied by a nonconforming use.

D. By Operation of Law. The Zoning Board of Adjustment may inquire into the existence of a non-conforming use, and after public hearing and investigation, require the discontinuance of such use. Time allowed for discontinuance of such use shall be prescribed by the Board, based on the Board's ruling as to a reasonable amortization period for the non-conforming structure and/or use. In making such determination, the Board shall consider traffic conditions created by the use, fire and/or health hazard and any other danger or nuisances to the public due to the structure or any condition or use existing on the property.

E. By Destruction or Damage of Structure. The right to operate and maintain any non-conforming use shall terminate and shall cease to exist whenever the structure or structures in which the non-conforming use is operated and maintained, is damaged or destroyed from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty per cent of the replacement cost of such structure on the date of such damage or destruction.

Sec. 42-38. Nonconforming Structures

A. Definition of Nonconforming Structure. A nonconforming structure shall be any structure which was lawfully erected or altered in conformity with all

applicable municipal ordinances but which structure does not comply with all of the provisions of this Ordinance established for structures in the district in which the structure is located; provided, however, that no structure, otherwise in accordance with the provisions of this Ordinance or any amendment hereto, shall be rendered or be deemed a nonconforming structure solely for a failure to comply with the provisions of this Ordinance, or any amendment thereto, relating to Off-Street Parking Requirements or Off-Street Loading Requirements, Permitted Signs, or to Yard Requirements.

B. Continuance of Nonconforming Structures. Subject to all limitations herein set forth, any nonconforming structure may be occupied and operated and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended.

A nonconforming structure in which only Permitted Uses are operated, may be enlarged or extended if the enlargement or extension can be made in compliance with all of the provisions of this chapter established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable City ordinances.

C. Termination of Nonconforming Structures.

1. Damage to Structures. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged in any manner and from any cause whatsoever and the cost of repairing such damage exceeds fifty per cent of the replacement cost of such structure on the date of such damage.

2. Obsolescence of Structure. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes obsolete or sub-standard under any applicable ordinance of the municipality and the cost of placing such structure in lawful

compliance with the applicable ordinance exceeds fifty per cent of the replacement cost of such structure on the date that the proper official of the municipality determines that such structure is obsolete or sub-standard.

3. Determination of Replacement Cost. In determining the replacement cost of any nonconforming structure there shall not be included therein the cost of land or any factors other than the nonconforming structure itself.

ARTICLE IV. BOARD OF ADJUSTMENT

Sec 42-39. Creation of board of adjustment.

There is hereby created a zoning board of adjustment consisting of five members and two alternate members to be appointed by the city council. Said board shall be controlled by and have all powers vested by Article 1011g of the Revised Civil Statutes of Texas. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-40. Terms, removal of members.

All members of the board shall be appointed for a term of two years and shall be removable for cause by the city council upon written charges and after public hearing. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-41. Vacancies.

Vacancies in the regular or alternate membership of the board of adjustment shall be filled by the city council for the unexpired term of the vacancy. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-42. Minimum of five members at hearings.

The alternate members of the board of adjustment shall serve in the absence of one or more regular members when requested by the city manager so that all cases heard by the board of adjustment will always be heard by a minimum number of five members. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-43. Minutes, records.

The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record, (Ord. No. 29386, § 1, 4-13-61)

Sec 42-44. Meetings.

The board may have weekly meetings or at the call of the chairman, or in his absence the acting chairman, and at such other times as the board may determine. All board meetings shall be open to the public. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-45. Powers of board.

The board shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- (b) To hear and decide special exceptions to the terms of the chapter in those specific instances where required by this chapter.

(c) To authorize upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-45.1. Compensation of members.

Each member of the zoning board of adjustment of the city shall receive as compensation for this service, the sum of twenty dollars for each regular meeting of the board attended by such member, provided such compensation shall not exceed one thousand and forty dollars for any one member during any one year. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-45.2. Notice of hearings.

Public notice of hearings before the zoning board of adjustment shall be given for each separate appeal thereto by publication one time in a paper of general circulation in the city, stating the time and place of such hearing which shall not be earlier than ten days from the first date of such publication, and in addition thereto, the zoning board of adjustment shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred feet of any point of the lot or portion thereof on which a variation, or exception, is desired, and to all other persons deemed by the zoning board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-45.3. Powers strictly construed.

Nothing herein contained shall be construed to empower the board to change the terms of this article, to effect changes in the official map or to add to the specific uses permitted in any district. The powers of the board shall be so construed that this article and the official map are strictly enforced. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-45.4. Findings of fact.

Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance in this chapter shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with this article. (Ord. No. 29386, § 1, 4-13-61)

Sec 42-45.5. Appeals from administrative official to board; vote necessary to act.

In exercising the powers stated in section 42-45 (a) (b) (c), the board may, in conformity with the provision of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be

made, and to that end shall have all the powers of the officer from whom the appeal is taken. Provided, however, the concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter. (Ord. No. 29386, § 1, 4-13-61)

Sec. 42-45.6. Power to make exceptions.

The board may make special exceptions to the terms of this chapter only as provided in section 42-45.7 of this Code; however, the board shall not grant a special exception unless it makes specific findings that:

- (a) The exception will be in harmony with the spirit and purposes of this chapter.
- (b) The public welfare and convenience will be substantially served.
- (c) The neighboring property will not be substantially injured by such proposed use.
- (d) The exception will not alter the essential character of the district and location in which the property for which the exception is sought.
- (e) The exception will not weaken the general purpose of this chapter or the regulations herein established for the specific district.

These findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized. (Ord. No. 29386, § 3, 4-13-61)

Sec. 42-45.7. Authorized exceptions; conditions to be fulfilled.

Special exceptions can be granted only for the following uses and subject to the following conditions, and the granting of such special exceptions may be revoked if these conditions are not maintained at all times.

- (a) Ballparks, football fields and tennis courts, operated by nonprofit civic organizations for organized children's teams may be permitted in any district established by this chapter subject to the following conditions:
 - (1) That the property is properly platted in accordance with the San Antonio subdivision regulations.
 - (2) That such use will not be contrary to the public interest.
 - (3) That such use will be sponsored and supervised by responsible persons.
 - (4) That all lights, structures, and buildings placed upon the premises shall conform to the building code of the city and be approved by the board of adjustment prior to installation.

- (5) That one (1) Toilet be provided for each sex.
 - (6) That facilities for food handling conform to the city health code.
 - (7) That the premises be maintained in a safe and sanitary manner, free of litter, refuse, or debris.
 - (8) That the use conform to such other terms and conditions as the board of adjustment feels proper to protect the immediate neighborhood from noise, smoke, dust, and other inconveniences incident to such use; and
 - (9) That permit for such use be granted or renewed for a definite period of time not to exceed two years and only after notice and hearing as provided in this chapter for appeals to the board of adjustment.
- (b) Parking lots for the noncommercial parking of private noncommercial motor vehicles of customers or employees may be permitted in any district, other than the single-family district, established by this chapter subject to the following limitations, conditions, and restrictions.
- (1) That the property is properly platted in accordance with the San Antonio subdivision regulations.
 - (2) The lot shall be smoothly graded, adequately drained, paved with asphalt or concrete, and such pavement shall be kept in good repair and shall be kept free from the accumulation of refuse, debris or litter.
 - (3) The lot shall be marked so as to designate the parking of vehicles thereon. Parking spaces of not less than one hundred eighty square feet, exclusive of driveways, shall be provided for the parking of each motor vehicle.
 - (4) The lot shall not be used for automobile repair work or servicing of any kind or for the sale, display, or demonstration of merchandise or servicing of any kind or for the dead storage of motor vehicles either by elevating such motor vehicles above ground or placing a "for sale" sign on such motor vehicle or vehicles. No advertising sign is to be located on the lot other than signs stating that it is a parking lot of the owner or lessee and giving parking or traffic instructions in letters not more than six inches high.
 - (5) By means of a barrier or barriers, all parking shall be kept back of the building setback line of the residence or apartment district in which the parking district is established unless otherwise specifically authorized by the board of adjustment.

- (6) The entrances to and exits from and onto the streets of the city shall be designed and constructed to achieve maximum traffic safety and assure minimum interference with on-street traffic as determined by traffic engineering surveys.
- (7) The lot shall not be used after seven o'clock p.m. unless the lot shall be properly and adequately lighted, but the standards to which the lights are affixed shall not exceed fifteen feet in height, and the direct rays of any lighting shall be confined within the boundary lines of the lot used for parking. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry after such hours as the facility served shall be closed.
- (8) The lot shall be provided with a masonry wall or other adequate screening not less than four feet nor more than six feet in height at all lot lines fronting upon, abutting, or adjoining a residential district. Provided, however, that if said masonry wall or screening is more desirable for the protection of abutting neighborhood at points other than on lot lines, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line. The screening or masonry wall provided for herein shall in all cases surround the parking authorized under the provisions hereof. On a corner lot, the wall or screening shall be erected back of the area designated by this chapter for corner visibility. Wheel guards shall be installed and maintained above ground at all such walls or screening to prevent vehicles from making contact with said walls or screening.
- (9) Application for the use of a lot for the parking of motor vehicles shall be filed by the owner or lessee thereof with the secretary of the board of adjustment and such application shall be accompanied by plans showing the parking layout.
- (10) Prior to actual use of any premises for a parking area, a certificate of occupancy shall be obtained from the director of housing and inspections to indicate that compliance with the standards of this article has been effected.
- (11) The lot shall conform to such other conditions as the board may deem necessary to protect the character of the district in which the lot is located. (Ord. No. 29386, § 1, 4-13-61)

(c) Relocation of houses, subject to the following conditions:

- (1) Each house must be comparable in size, in quality of construction and in condition to the average of other houses in the area.

- (2) The applicant will comply with Chapter 10, Art. IV, of the City Code and with other applicable codes and ordinances.
 - (3) The use will conform to such other conditions as the Board may deem proper in harmony with Sec. 42-45.6 hereof.
- (d) To hear and decide special exceptions to the terms of this chapter, pertaining to density of proposed multi-family units and to height of buildings proposed for multi-family development. In any request for density variance for proposed high-rise apartments, (over 2 1/2 stories) the action of the Board shall be limited to the following conditions:
- (1) Maximum area standard of 10,000 sq. ft. for the first 10 units and 400 square feet for each additional unit.
 - (2) Parking requirements as specified under Sec. 42-94 of this chapter.
 - (3) Adequate provisions for ingress, egress, and street and sidewalk capacity as required by the Director of Traffic and Transportation.
 - (4) Any yard variances granted by the Board shall be limited to the following minimum widths:

front yard	25 feet
side yard	10 feet
rear yard	25 feet
 - (5) Conformance to specific findings of Sec. 42-45.6 of this chapter.

Sec. 42-45.8. Power of board to grant variances.

Variances to the terms of this chapter may be granted by the board where a literal enforcement of the provisions of this chapter will result in unnecessary hardship. No variances can be granted, however, on property that is not properly platted, or on property that could meet all the requirements of the San Antonio planning area subdivision regulations were it properly platted, but this requirement for platting may be waived on property that cannot meet all the requirements of the San Antonio planning area subdivision regulations. In addition no variance can be granted unless:

- (a) Such variance will not be contrary to public interest.
- (b) 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.
- (c) Such variance will not substantially or permanently injure the appropriate use of adjacent conformity property in the same district.
- (d) Such variance will not alter the essential character of the district in which is located the property for which the variance is sought.

- (e) Such variance will be in harmony with the spirit and purposes of this chapter.
- (f) 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.
- (g) The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specific district.
- (h) The variance will not adversely affect the public health, safety or welfare of the public. (Ord. No. 29386, § 1, 4-13-61)

Sec. 42-45.9. Time limitation for variances.

Where a variance is granted by the board and no building is started pursuant to such variance within six months after the date of the hearing thereon, said variance becomes null and void and of no force or effect. (Ord. No. 29386, § 1, 4-13-61)

Sec. 42-45. 10. Time limitation for appeals to board.

Appeals to the board from any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter shall be made within thirty days after such order, requirement, decision or determination by filing with the director of housing and inspections and with the board of adjustment a notice of appeal. (Ord. No. 29386, § 1, 4-13-61)

Sec. 42-45.11. Procedures for appeals.

Any person aggrieved or affected may appeal to the board of adjustment from any order, requirement or decision of an administrative official of the city in the enforcement of this chapter or ordinances adopted pursuant thereto. Such appeal shall be taken by filing with the director of housing and inspections and with the board of adjustment, within the time provided by this chapter, a notice of appeal specifying the particular grounds upon which the appeal is taken. A fee of ten dollars shall be deposited with the board for each appeal filed. Upon receipt of a notice of appeal, the director of housing and inspections shall transmit to the board of adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based. (Ord. No. 29386, § 1, 4-13-61)

Sec. 42-45. 12. Effect of appeal.

An appeal from an order of the director of housing and inspections to the board of adjustment shall stay all proceedings unless the director of housing and inspections certifies that, by reason of the facts stated in the certificate, a

stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by the board of adjustment or a court of proper jurisdiction. (Ord. No. 29386, § 3, 4-13-61)

Sec. 42-45.13. Recommendation from other public agencies.

The board of adjustment shall receive and consider recommendations from public and semi-public agencies before rendering a decision in any case before the board. To this end, the board shall, in addition to the other requirements of this chapter, notify all agencies deemed to have an interest in the case. (Ord. No. 29386, § 1, 4-13-61)

ARTICLE V

USE REGULATIONS FOR PROPERTY ZONED PRIOR TO JUNE 28, 1965

Sec 42-46. A Single-family Residence District.

In the A single-family residence district, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses,

- (1) One-family dwellings.
- (2) Public park or playground, churches, schools, and colleges.
- (3) Accessory buildings will be permitted, including a private garage and servant's quarters when located not less than sixty feet from the front line, nor less than five feet from any other street line, nor less than three feet from either side line. (Code 1950, § 64-31, Ord. No. 18156, § 2, 8-14-52)

Sec 42-47. Height and Area Regulations for A Single-Family Residence.

In the 'A' single-family residence district the height of buildings and minimum dimensions of yards shall be as follows:

Height. No building hereafter erected or structurally altered shall exceed two and one-half stories or thirty-five feet except as provided in Section 42-63.

Rear yard for residential buildings. There shall be a rear yard having a depth of not less than twenty per cent of the depth of the lot; provided, such rear yard need not exceed thirty-five feet.

Side yard for residential buildings. There shall be two side yards, one on

each side of the building in no case shall either side yard be less than five feet.

On corner lots the side yard regulation shall be the same as for interior lots, except in the case of reverse frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

Rear yard for churches, schools, and colleges. There shall be a rear yard having a depth of not less than thirty-five feet from the rear of the building, covered porch or covered terrace to the rear property line.

Side yard for churches, schools and colleges. There shall be two side yards, one on each side of the building having a combined width of not less than seventy feet; provided, in no case shall either side yard be less than thirty-five feet from the side of the building, covered porch or covered terrace to any side property line.

On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

Front yard for residential buildings. There shall be a front yard having a depth of not less than thirty feet to the front line of the building, covered porch or covered terrace.

Front yard for churches, schools and colleges. There shall be a front yard having a depth of not less than thirty feet to the front line of the building, covered porch or covered terrace.

Lot Area. The minimum area of the lot shall be five thousand square feet for a one-family dwelling. (Code 1950, § 64-38, Ord. No. 21680, S 1, 9-15-55; Ord. No. 25739, § 1, 11-14-57)

Sec 42-48. B Residence District.

In the B residence district, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Farming and truck gardening, nurseries and greenhouses.
- (4) Golf courses, except miniature courses operated for commercial purposes.
- (5) Water supply reservoirs, towers or artesian wells.
- (6) Accessory buildings will be permitted, including a private garage and servants' quarters when located not less than sixty feet from the front lot line, nor less than five feet from any other street line, nor less than three feet from either side line.
- (7) Uses customarily incident to any of the above uses when situated in the same dwelling, including home occupation professional offices of physicians, surgeons, dentists, optometrists, chiropractors, osteopaths, naturopaths, musicians, artists, insurance agents or brokers, real estate agents, attorneys, accountants, bookkeepers, architects, engineers, seamstresses, brokers, physical therapists, telephone secretarial services, and no others; provided, no name plate exceeding one square foot in area, nor bulletin boards nor signs exceeding twelve square feet in area appertaining to the lease, hire or sale of a building or premises, nor advertising sign or any other character be permitted in any residence district. (Code 1950, § 64-32; Ord. No. 18156, § 3, 8-14-52; Ord. No. 20171, 5-6-54; Ord. No. 20409, §, 7-22-54)

Sec 42-49. Height and Area Regulations for B Residence District.

In the B residence district, the height of buildings and minimum dimensions of yards shall be as follows:

Height. No building hereafter erected or structurally altered shall exceed two and one-half stories, or thirty-five feet, except as provided in section 42-63.

Rear Yard. There shall be a rear yard having a depth of not less than twenty per cent of the depth of the lot; provided, that such rear yard need not exceed twenty-five feet.

Side Yard. There shall be two side yards, one on each side of the building, and in no case shall either side yard be less than five feet.

On corner lots, the side yard regulation shall be the same as for interior lots, except in the case of reverse frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

Front Yard. There shall be a front yard having a depth of not less than twenty-five feet to the front line of the building, covered porch or covered terrace.

Lot Area. The minimum area of the lot shall be five thousand square feet for a one-family dwelling, and six thousand square feet for a two-family dwelling. (Code 1950, § 64-39; Ord. No. 25739, § 2, 11-14-57)

Sec 42-50. C and D Apartment District and E Office District.

In the C and D apartment district and in the E office district, no building or land shall be used and no building shall be hereafter erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in the "B" residence district.
- (2) Boarding or lodging houses.

- (3) Child day nurseries and kindergartens may be established in D apartment and E office districts, provided such institutions are limited to twenty children.
- (4) Hospitals and clinics, excepting tubercular and veterinary hospitals and clinics and those for alcoholic, narcotic, insane or feebleminded patients.
- (5) Hotels in which business may be conducted for the sole convenience of the occupants of the building; provided, however, there shall be no entrance to such place of business, except from the inside of the building.
- (6) Institutions of a philanthropic nature other than penal or correctional institutions.
- (7) Libraries and museums.
- (8) Multiple dwellings, apartment houses or group houses (not including tourists or trailer camps, courts or lodges).
- (9) Office space in the E office district is permitted provided such space is not used for display or sale of merchandise on the premises and further provided that no name plate, bulletin board, or sign exceeding twelve square feet in area is permitted.
- (10) Physical therapists.
- (11) Private clubs, fraternities, sororities, lodges, excepting those whose chief activity is a service customarily carried on as a business.
- (12) In the C apartment district accessory buildings and uses customarily incident to any of the above uses are permitted when not involving the conduct of a business other than incidental to the residential use of such lot, including private and storage garage; provided, however, that no such accessory building or use shall be located less than fifty-feet

from the front lot line, nor less than five feet from any other street line, nor less than three feet from either side line.

- (13) In the D apartment and E office districts, accessory buildings and uses are permitted when not involving the conduct of a business other than incidental to the residential use of such lot, including private and storage garage; provided, however, that no such accessory building or use shall be located less than five feet from any other street line; nor less than three feet from either side line.

Sec 42-51 . C Apartment District.

In the C apartment district, the height of the buildings and minimum dimensions of yards shall be as follows:

Height. No building hereafter erected or structurally altered shall exceed two and one-half stories or thirty-five feet, except as provided in section 42-63.

Rear Yard. There shall be a rear yard having a depth of not less than twenty per cent of the depth of the lot; provided, such rear yard need not exceed twenty-five feet.

Side Yard. There shall be two side yards, one on each side of the building; and in no case shall either side yard be less than five feet.

On corner lots, the side yard regulation shall be the same as for interior lots, except in the case of reverse frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

Front Yard. There shall be a front yard having a depth of not less than twenty per cent of the depth of the lot, provided such front yard need not exceed twenty feet to the front line of the building, covered porch or covered terrace.

Lot Area. The minimum area of the lot shall be three thousand square

feet for a one-family dwelling; four thousand square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be four thousand square feet, plus six hundred square feet for each family in excess of two, provided, that on small lots platted and subdivided on Nov. 3, 1938, such plat or subdivision being then of record, a one-family residence may be erected on each lot when the combined area of the residence and accessory buildings does not cover more than forty per cent of the total area of the lot. (Code 1950, § 64-40; Ord. No. 25739, § 3, 11-14-57)

Sec 42-52. D Apartment District.

In the D apartment district, the height of buildings and the minimum dimensions of yards shall be as follows:

Height. No building hereafter erected or structurally altered shall exceed three stories, or forty-five feet, except as provided in section 42-63.

Rear Yard. There shall be a rear yard having a depth of not less than twenty per cent of the depth of the lot; provided, such rear yard need not exceed twenty-five feet.

Side Yard. There shall be two side yards, one on each side of the building; and in no case shall either side yard be less than five feet.

On corner lots the side yard regulations shall be the same as for interior lots, except in the case of reverse frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

Front Yard. There shall be a front yard having a depth of not less than twenty-five feet to the front line of the building covered porch or covered terrace.

Lot Area. The minimum area of the lot shall be five thousand square feet for a one-family dwelling, six thousand square feet for a two-family dwelling,

and one thousand additional square feet for each additional family for which an apartment house or other building is arranged or designed. (Code 1950, § 64-41; Ord. No. 25739, § 4, 11-14-57)

Sec 42-53. E Office District.

In the E office district, the height and size of buildings and the minimum dimensions of yards shall be as follows:

Height. No building hereafter erected or structurally altered shall exceed a height at the required front, side and rear yard line of three stories, or forty-five feet, except as provided in Section 42-63.

Rear Yard. For buildings not exceeding eight stories, or one hundred feet, there shall be a rear yard having a depth of not less than twenty per cent of the depth of the lot; provided, that such rear yard need not exceed twenty-five feet.

For buildings more than eight stories, or one hundred feet, there shall be a setback as provided in the height regulation above.

Side Yard. For buildings not exceeding three stories in height there shall be two side yards, one on each side of the building, and in no case shall either side yard be less than five feet.

For buildings more than three stories in height, but not exceeding eight stories, the side yard shall be increased one foot in width for each additional story above the third.

For buildings of more than eight stories, or more than one hundred feet in height, there shall be a setback as provided in the height regulations above.

On corner lots the side yard regulation shall be the same as for interior lots, except in the case of reverse frontage when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear.

Front Yard. There shall be a front yard having a depth of not less than twenty-five feet to the front line of the building, covered porch or covered terrace.

Lot Area. The minimum area of the lot shall be five thousand square feet for a one-family dwelling; six thousand square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be six thousand square feet plus six hundred square feet for each family in excess of two. (Code 1950, § 64-42; Ord. No. 25739, § 5, 11-14-57; Ord. No. 25965, § 1, 1-16-58; Ord. No. 27864, § 1, 8-15-59)

Sec 42-54. F, G, and H Local Retail Districts.

In the F, G, and H local retail district, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in a residence or apartment district.
- (2) Bakery, employing less than six persons.
- (3) Bank, office, studio, wholesale office or sample room; ice delivery station.
- (4) Commercial billboards or advertising sign.
- (5) Dyeing or cleaning works, employing less than six persons on the premises; or laundry employing less than six persons on the premises.
- (6) Gasoline filling station.
- (7) Restaurants; theater; moving picture show; tourist or trailer camp; court or lodges.
- (8) Retail store, other than for the sale or display of second-hand or salvage merchandise but allowing antique shops where all merchandise is kept inside of the building; shop for custom work or the making of articles to be sold at retail on the premises.
- (9) In the H local retail district, public garages shall be permitted, provided

that repair work and storage facilities for automobiles shall be purely incidental to an automobile salesroom where major business is the display and sales of new automobiles by an authorized dealer. Building materials, storage yards and lumber yards shall be permitted; provided, that these yards shall be purely incidental to a hardware, or building material retail store, where the major business is the display and sales of new building materials; and provided further, that the area allowed for the repair and storage of cars, building material yards and lumber yards shall not be nearer than thirty feet from the front line of the building. Public garages, building material storage yards and lumber yards shall not be permitted in the F and G local retail districts.

- (9a) New and used car lots shall be permitted provided that there is no dismantling of vehicles or garage work. Vehicles shall be in operating condition, currently state inspected, and provided further, that vehicles be within building setback lines of said property and subject to the other provisions of this chapter. Where a new or used car business abuts a residence district being used for residential purposes, then a six foot high fence, constructed in such a manner as to provide a visual barrier, shall be required between the residential property and said new or used car business.
- (10) Any use not included in any other class, provided such use is not obnoxious or offensive by reason of emission of odor, dust, smoke, gas, fumes, noise or vibration, provided further, that no kind of manufacture or treatment shall be permitted in the F, G, and H local retail districts, other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted

on the premises.

- (11) Poultry killing and dressing of poultry where completely enclosed within a building shall be permissible so long as not more than two hundred fifty (250) birds are slaughtered in any one week period.

(Code 1950, § 64-34, Ord. No. 28458, §1, 4-28-60; Ord. No. 28838, 9-1-60)

Sec 42- 55. F Local Retail District.

In the F local retail district, the height of the buildings and the minimum dimensions of yards shall be as follows; provided, that buildings erected for dwelling purposes shall comply with the front and side yard regulations of the B residence district:

Height. No building hereafter erected or structurally altered shall exceed two and one-half stories, or thirty-five feet.

Rear Yard. There shall be a rear yard having a depth of not less than twenty per cent of the depth of the lot; provided, that such rear yard need not exceed twenty-five feet.

Side Yard. Where a lot abuts upon the side of a lot zoned for dwelling purposes, there shall be a side yard of not less than ten feet. In the case of reversed frontage, where the corner lot faces an intersecting street, there shall be a side yard on the street side of the corner lot equal to the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a local retail building shall not be required; but, if provided, it shall not be less than three feet.

Front Yard. There shall be a front yard of not less than twenty-five feet to the front line of the building.

Lot Area. The minimum area of the lot shall be five thousand square feet

for a one-family dwelling; six thousand square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be six thousand square feet plus six hundred square feet for each family in excess of two. (Code 1950, § 64-43) Sec 42-56. G Local Retail and J Commercial Districts.

In the G local retail and the J commercial districts, the height of buildings and the minimum dimensions of yards shall be as follows; provided, however, that buildings or portions thereof erected for dwelling purposes exclusively, shall comply with the side and rear yard regulations of the D apartment district:

Height. No building hereafter erected or structurally altered shall exceed three stories, or forty-five feet.

Rear Yard. In the G local retail district there shall be a rear yard having a depth of not less than twenty per cent of the depth of the lot; provided, that such rear yard need not exceed twenty-five feet. In the J commercial district, no rear yard shall be required except where the J commercial district abuts on a dwelling district, in which case there shall be a rear yard of not less than ten feet.

Side Yard. No side yard shall be required except on that side of a lot abutting upon the side of a lot zoned for dwelling purposes, in which case there shall be a side yard of not less than ten feet.

On corner lots, the side regulation shall be the same as for interior lots, except in the case of reversed frontage, when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal to the front yard on the lots in the rear. In all other cases, a side yard for a business building shall not be required, but if provided, it shall not be less than three feet.

Front Yard. There shall be a front yard of not less than fifteen feet to the front line of the building.

Lot Area. The minimum area of the lot shall be three thousand square feet for a one-family dwelling; four thousand square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be four thousand square feet plus six hundred square feet for each family in excess of two. (Code 1950, § 64-44)

Sec 42-57. H Local Retail District.

In the H local retail district, the height and size of buildings and the minimum dimensions of yards shall be as follows; provided, however, that buildings or portions thereof erected for dwelling purposes shall comply with the side and rear yard regulations of the E office district:

Height. No building hereafter erected or structurally altered shall exceed a height at the required front, side and rear yard line of eight stories, or one hundred feet; but above the height permitted at side yard line, four feet may be added to the height of the building for each one foot that the building or portion thereof is set back from the required yard line; provided, however, that the cubical contents of such buildings shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of one hundred feet.

Rear Yard. No rear yard shall be required, except where the local retail district abuts on a dwelling district, in which case there shall be a rear yard of not less than ten feet.

Side Yard. No side yard shall be required except on that side of a lot abutting upon the side of a lot zoned for dwelling purposes, in which case there shall be a side yard of not less than ten feet.

On corner lots, the side yard regulation shall be the same as for interior lots except in the case of reversed frontage, when the corner lot faces an intersecting street, in which case there shall be a side yard on the street side equal

to the front yard on the lots in the rear. In all other cases, a side yard for a business building shall not be required, but if provided, it shall be not less than three feet.

Front Yard. There shall be a front yard of not less than fifteen feet to the front line of the building.

Lot Area. The minimum area of the lot shall be three thousand square feet for a one-family dwelling; four thousand square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of a lot shall be four thousand square feet plus six hundred square feet for each family in excess of two. (Code 1950, § 64-45) Sec 42-58. I Business District; J and K Commercial Districts.

In the I business and the J and K commercial districts, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in a local retail district. (Retail second-hand merchandise stores, second-hand antique shops where the merchandise may be kept outside of the building.)
- (2) Bakeries.
- (3) Blacksmith or horseshoeing shops.
- (4) Bottling works, ice cream manufacture, ice manufacture, cold storage plants.
- (5) Brewery.
- (6) Broom manufacture.
- (7) Building materials storage yards, lumber yards.
- (8) Candy manufacture.
- (9) Carpet cleaning, where such operation is performed completely indoors

within a dust proof cleaning room where mechanical dust collecting, washing and scouring equipment is provided.

- (10) Chicken hatcheries.
- (11) Cigar making.
- (12) Commercial amusement parks, skating rinks, dance halls, driving ranges or miniature golf courses.
- (13) Cooperage works.
- (14) Creamery, and dairy products processing, provided no livestock is kept on the premises in conjunction with such operation.
- (15) Electro-plating; electric works; including armature winding; galvanizing; job printing; newspaper printing.
- (16) Laundry, dyeing or cleaning works.
- (17) Livery stable, riding academy.
- (18) Machine shop.
- (19) Mattress manufacturing and renovating.
- (20) Milk distribution station.
- (21) Mortuaries.
- (22) Paper box manufacture.
- (23) Pecan shelling.
- (24) Penal or correctional institutions; institutions for the care of tubercular, insane, feeble-minded, alcoholic or narcotic patients.
- (25) Poultry killing and dressing, and storage of live poultry, where completely enclosed within a building.
- (26) Public garage.
- (27) Refrigeration manufacture.
- (28) Storage warehouse; contractor's plant or storage.

(29) Wholesale houses.

(30) Manufacture of any kind not listed in section 42-57, ("H" Local Retail District) or in section 42-58, paragraphs (1) to (29), inclusive; provided, that such use is not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration. (Code 1950, § 64-35; Ord. No. 23958, § 1, 11-21-56; Ord. No. 25203, § 1, 6-27-57; Ord. No. 25966, § 1, 2-16-58)

Sec 42-59. L First Manufacturing District.

In the L First Manufacturing District, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) A use permitted in a residential, apartment, office, local retail or commercial district.
- (2) Acetylene gas manufacturing or storage.
- (3) Alcohol manufacture.
- (4) Arsenal.
- (5) Automobile wrecking. (Salvage yards and junk yards.)
- (6) Bag cleaning.
- (7) Blast furnace.
- (8) Boiler works.
- (9) Brick, tile, pottery or terra cotta manufacture.
- (10) Candle manufacture.
- (11) Canning or preserving factory.
- (12) Carpet cleaning, if no dustproof cleaning room with mechanical dust collecting, washing and scouring equipment is provided.
- (13) Celluloid and similar cellulose material manufacture.

- (14) Central mixing plant for cement, mortar, plaster or paving materials.
- (15) Coal hoist, coal pocket or coal tar trestle.
- (16) Cotton ginning or cotton baling and cotton-seed products manufacture.
- (17) Creamery and dairy products processing where livestock is kept on the premises in conjunction with the operation.
- (18) Disinfectant or insecticide manufacture.
- (19) Dyestuff manufacture.
- (20) Emery cloth and sandpaper manufacture.
- (21) Fish smoking and curing.
- (22) Flour mill.
- (23) Forge plant.
- (24) Grain elevator.
- (25) Iron, steel, brass or copper foundry or fabrication plant.
- (26) Oilcloth or linoleum manufacture.
- (27) Oiled or rubber goods manufacture.
- (28) Paper and pulp manufacture.
- (29) Petroleum products, wholesale storage of.
- (30) Pickle manufacture.
- (31) Planing mills and wooden box manufacture.
- (32) Potash works.
- (33) Poultry killing and dressing; storage of live poultry.
- (34) Pyroxylin manufacture.
- (35) Railroad roundhouse or shops.
- (36) Rock crusher.
- (37) Rolling mills.
- (38) Rubber or gutta percha manufacture or treatment.

- (39) Salt works.
- (40) Sauerkraut manufacture.
- (41) Shoe polish manufacture.
- (42) Soda and compound manufacture.
- (43) Stone mill or quarry; stone monumental works.
- (44) Storage or baling of rags, iron or junk.
- (45) Stove polish manufacture.
- (46) Tar roofing or waterproofing manufacture.
- (47) Textile manufacture.
- (48) Tobacco (chewing), manufacture or treatment.
- (49) Veterinary hospital.
- (50) Wool pulling or scouring.
- (51) Yeast plant.
- (52) Manufacture or industrial operation of any kind and heretofore listed, and exclusive of any use listed as second manufacturing use in section 42-58. (Code 1950, § 64-36; Ord. No. 25203, § 2, 6-27-57; Ord. No. 25966, § 2, 2-16-58)

Sec 42-60. M Second Manufacturing District.

In the M second manufacturing district, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) A use permitted in a first manufacturing district.
- (2) Acid manufacture.
- (3) Ammonia, bleaching powder or chlorine manufacture.
- (4) Asphalt manufacture or refining.
- (5) Cement, lime gypsum or plaster-of-paris manufacture.

- (6) Coke ovens.
- (7) Creosote treatment or manufacture.
- (8) Distillation of bones, coal or wood.
- (9) Explosives or fireworks manufacture or storage.
- (10) Fertilizer manufacture.
- (11) Fat rendering.
- (12) Garbage, offal or dead animal reduction or dumping.
- (13) Gas (illuminating or heating) manufacture.
- (14) Glue or gelatine manufacture.
- (15) Gunpowder, manufacture and storage.
- (16) Lampblack manufacture.
- (17) Match manufacture.
- (18) Ore reduction.
- (19) Paint, oil, shellac, turpentine or varnish manufacture.
- (20) Petroleum products, refining.
- (21) Smelting of tin, copper, zinc or iron ores.
- (22) Soap manufacture, other than liquid soap.
- (23) Stockyards or slaughter of animals.
- (24) Tanning, curing or storage of raw hides or skins.
- (25) Tar distillation or manufacture.
- (26) Vinegar manufacture.
- (27) Any purpose whatsoever not in conflict with this Code and any other ordinance of the City regulating nuisances. (Code 1950, § 64-37)

Sec 42-61. K Commercial, L First Manufacturing and M Second Manufacturing

Districts.

In the K commercial district, the L first manufacturing district, and the M

second manufacturing district, the height and size of buildings and the minimum dimensions of yards shall be as follows; provided, however, that buildings erected or structurally altered for dwelling purposes shall comply with the side and rear yard regulations of the E office district, except as provided in section 42-63.

Height. No building hereafter erected or structurally altered shall exceed ten stories, or one hundred and twenty-five feet at the street line; but above the height permitted at the street line, four feet may be added to the height of the building for each one foot that the building or portion thereof is set back from the street line; provided, however, that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of one hundred and twenty-five feet.

Rear Yard. No rear yard shall be required, except where a manufacturing district abuts on a dwelling district, in which case there shall be a rear yard of not less than ten feet. (Code 1950, § 64-46)

Sec 42-62. I Business District.

In the I business district, the height and size of buildings shall be as follows; provided, however, buildings erected or structurally altered for dwelling purposes shall comply with the side and rear yard regulations of the E office district, except as provided in section 42-63.

Height. No building hereafter erected or structurally altered shall exceed a height at the street line of one hundred fifty feet, but above the height permitted at the street line, four feet may be added to the height of the building for each one foot that the building or portion thereof is set back from the street line; provided, however, the cubical contents of such building shall not exceed the cubical content of a prism having a base equal to the area of the lot and a height of two hundred feet. A tower may be constructed without reference to the above

limitations; provided, that the largest horizontal dimensions of any side of the tower shall not exceed sixty feet; provided, that the horizontal area shall not exceed twenty-five per cent of the area of the lot, and provided, further, that each such tower shall be removed at least twenty-five feet from all lot lines and at least fifty feet from any other tower.

Side Yard. No side yard shall be required, except on that side of a lot abutting upon the side of a lot zoned for dwelling purposes, in which case there shall be a side yard of not less than ten feet. In other cases, a side yard, if provided for a business building, shall not be less than three feet.

Lot Area. The minimum area of the lot shall be two thousand square feet for a one-family dwelling; three thousand square feet for a two-family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the minimum area of the lot shall be three thousand square feet, plus six hundred square feet for each family in excess of two. (Code 1950, § 64-47)

Sec. 42-63. Exceptions to Regulations.

The foregoing requirements in the height and area districts shall be subject to the following exceptions and regulations.

Height.

- (a) The height and area regulations for public and semi-public buildings, hospitals, sanitariums or schools in the thirty-five and forty-five foot height district shall be the same as those allowed in the E office district except in the case of side yards, which shall be increased three feet in width for each additional story above the second in the thirty-five foot height district, and three feet in width for each additional story above the third in the forty-five foot height district.
- (b) One-family dwellings in the thirty-five foot height district may be increased in height by not more than ten feet when two side yards of

not less than ten feet each are provided. Such dwellings, however, shall not exceed three stories in height.

- (c) Chimneys, towers, penthouses, scenery lofts, sugar refineries, monuments, cupolas, domes, spires, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with this Code and the ordinances of the City.
- (d) On through lots, one hundred and fifty feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred and fifty feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred and fifty feet from the street.

Area.

- (a) For the purpose of side yard regulation, a duplex two-family dwelling or a double duplex (four family) dwelling shall be considered as one building occupying one lot.
- (b) In the case of group houses or court apartments, buildings may rear upon the required side yard, provided:
 - (1) For group houses, the required side yard shall be increased by one foot for each building abutting thereon.
 - (2) For apartment houses, the required side yard shall be increased by three feet for each stairway opening unto or served by such side yard but in no case need the side yard be increased more than six feet.
 - (3) The width of the place or court shall not be less than

forty feet measured between buildings or from buildings to opposite property line; provided, that open, unenclosed porches may project into a required place or court, not more than twenty per cent of the width of such place or court.

(4) Where a roadway is provided in the place or court, the width allowed for such roadway shall be included in that required above.

(5) All other requirements, including front, side, and rear yards, shall be complied with in accordance with the district in which such group houses or court apartments are located.

- (c) The side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops.
- (d) In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.
- (e) All accessory buildings may occupy not more than thirty per cent of the rear yard area, nor shall the floor area of all accessory buildings on one lot exceed fifty per cent of the floor area of the principal structure exclusive of breezeways and attached garage providing, however, that this regulation shall not reduce the total floor area of all accessory buildings on one lot to less than six hundred square feet and in no case shall any accessory building be built closer than ten feet to the main building.
- (f) Every part of a required yard or court shall open from its lowest point to the sky unobstructed, except for the ordinary projection

of sills, belt cornices, buttresses, ornamental features and eaves.

- (g) No cornice shall project over the street line more than five per cent of the width of such street, and shall in no case project more than four feet.
- (h) Open or enclosed fire escapes, fireproof outside stair-ways and balconies projecting into a minimum yard of court not more than three and one-half feet and the ordinary projections of chimneys and flues may be permitted by the Director of Housing and Inspections where they are so placed as not to obstruct the light and ventilation.

Lot Area. Area on single lots, separately owned: On any lot held under a distinct ownership from adjoining lots on Nov. 3, 1938, such separately owned property being of record at the time, a single-family house may be erected even though the lot be of less area than required by the regulations relating to area in the district in which it is located; provided, however, the lot in question is properly zoned and, in any event, the combined area of the residence and accessory buildings shall not cover more than forty per cent of the total area of the lot.

Setbacks. Where the frontage on one side of a street between two intersecting streets is zoned for two classes of districts, the setbacks on the most restricted district shall apply to the entire block. (Code 1950, § 64-48; Ord. No. 18599, § 1, 12-11-52; Ord. No. 24911, § 1, 4-25-57)

Sec 42-64. Minimum Street Frontage.

No residence building may be hereafter erected on a lot or plot with less than fifty feet of frontage on a public street.

Sec 42-65. Vision Clearance.

On any corner lot on which a front yard is required by this chapter, no wall, fence or other structure shall be erected, and no hedge, shrub, tree or

other growth shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street line, at point 25 feet from the point of intersection measured along such street lines.

Sec. 42-65-A Display Signs.

The City Council may grant a permit to erect a display sign or flood-light, or both, within the area included in the setback provisions of this chapter in all districts except Districts A, B, C, D and E; provided, such display signs or flood lights are erected and supported wholly within the property lines of such property; and provided further, that such display sign or floodlight shall in all other respects comply with the requirements of Chapter 34. (Code 1950, 64-60)

ARTICLE VI USE REGULATIONS

FOR PROPERTY ZONED SUBSEQUENT TO JUNE 28, 1965.

Sec. 42-66 Description and Purpose of Districts

The following "Purposes of Districts", Sec. 42-67 through 42-77, are general descriptions and do not prohibit an individual case from being considered on its merits by the Planning Commission and/or City Council.

Where a particular use is not listed in the Table of Permitted Uses, a factual determination of its classification will be made by applying its use to comparative uses listed and to the general purposes of districts as defined in Section 42-67 through 42-77.

DIVISION I. DESCRIPTION AND PURPOSE OF RESIDENCE DISTRICTS.

Sec. 42-67. R-A Districts: Residence-Agriculture Districts.

These districts are composed mainly of unsubdivided lands that are vacant or in agricultural uses, with some dwellings and some accessory uses. The regulations are designed to protect the essentially open rural character of the districts by prohibiting the establishment of scattered business, industrial, and other uses that are unrelated to any general plan of development and that might inhibit the best future urban utilization of the land. It is intended that land in these districts will be re-classified to its appropriate residential, commercial or industrial category in accordance with the Amendment Procedure set forth herein whenever such land is subdivided into urban building sites.

Sec. 42-68. R-1 and R-5 Districts: One-family Residence Districts.

These districts are composed mainly of areas containing one-family dwellings and open areas where similar residential development seems likely to occur. The district regulations are designed to protect the residential character of the areas by prohibiting commercial and industrial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, and to preserve the openness of the area by requiring certain minimum yard and area standards be met.

The R-5 District is designed as a separate, single-family zoning district. The residential character is to be maintained in the R-5 District, but with greater density being permitted than in the R-1 District.

Sec. 42-69. R-2 Districts: Two-family Residence Districts.

These districts are composed mainly of areas containing a mixture of one-family and two-family dwellings and open space where similar residential

development seems likely to occur. The district regulations are designed to protect the residential character of the area by prohibiting commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring certain minimum yard and area standards.

Sec. 42-70. R-3 Districts: Multiple-family Residence Districts.

These districts are composed mainly of areas containing a mixture of one-family, two-family and multiple-family dwellings; in many of them there is evident a trend toward increased population density through conversion of large houses into apartments and through use of remaining vacant land for apartment buildings. The district regulations are designed to protect the residential character of the area by prohibiting commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; to prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; and to avoid excessive population density by requiring a certain minimum building site area for each dwelling unit.

Sec. 42-71. R-4 Districts: Mobile Home Residence Districts.

These districts are composed of areas suitable for mobile homes and compatible uses. The districts are intended to provide suitable locations for desirable mobile home sites while the district regulations are designed to provide adequate protection both for the mobile home sites and for the surrounding development. For further protection and to insure mobile home sites of acceptable minimum standards, a tourist courts and trailers ordinance in Chapter 37 specifies development standards and licensing procedures.

DIVISION 2. DESCRIPTION AND PURPOSE OF BUSINESS DISTRICTS.

Sec. 42-72. B-1 Business Districts:

These districts are composed of land and structures occupied by or suitable for such uses as offices, studios and light commercial uses. Although usually located between residential areas and business areas, these districts are in some instances free-standing in residential areas or they may include hospital or college groups and related uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of uses of a commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met, standards that are comparable to those called for in the residential districts.

Sec. 42-73. B-2 Business Districts:

These districts are composed of land and structures occupied by or suitable for furnishing retail goods, such as groceries, drugs and such services as shoe repairing, to satisfy the household needs of surrounding residential areas.

The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas by requiring certain minimum yard standards to be met.

Sec. 42-74. B-3 Business Districts:

These districts are composed of land and structures used to furnish, in addition to uses found in the B-2 District, such goods and services as:

marine sales, fix-it shops, sign shops, farm equipment sales, and similar uses.

The district regulations are designed to permit the development of the districts for their purpose and to protect surrounding and abutting residential areas by requiring certain minimum yard standards to be met.

Sec. 42-75. B-4 District: Central Business District.

This district is composed of land and structures used to furnish, in addition to all of the retail goods and services required by transients and by residents of the metropolitan area and of the trade area, certain wholesale and limited manufacturing in support of the main uses. Located at the convergence of the principal thoroughfares and highways, as well as transit lines, the Central Business District is surrounded generally by non-residential and Multiple-Family Residence Districts. The district regulations are designed to permit the further development and expansion of the district for its purpose, subject to limitations designed to prevent the further congestion of the area. It is intended that no other areas of the city will have this zoning classification.

DIVISION 3. DESCRIPTION AND PURPOSE OF INDUSTRY DISTRICTS.

Sec. 42-76. I-1 Districts. Light Industry Districts.

These districts are composed of land and structures used for light manufacturing or wholesaling, or are suitable for such uses, where the use and its operation do not adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed for mutual protection of land use.

Sec. 42-77. I-2 Districts: Heavy Industry Districts.

These districts are composed of land and structures used for heavy manufacturing and related activities or are suitable for such uses. Located for convenient access for existing and future arterial thoroughfares and railway lines these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the district for industrial uses, subject to the minimum regulations necessary for the mutual protection of the uses.

DIVISION 4. TABLE OF PERMITTED USES.

Sec. 42-78. Table of Permitted Uses - Symbols Explained.

The Table of Permitted Uses found in Section 42-80 of this Chapter shall indicate the following:

- (a) Uses permitted in certain zones - indicated by the symbol "X".
- (b) Uses permitted in certain zones but requiring special approval by the City Council - indicated by the symbol "CC".

Sec. 42-79. Standard For Uses in Districts Requiring Special Approval

The City Council may, after public hearing and proper notice to all parties

affected, and, after recommendation from the City Planning Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize the location of certain uses as specified in the Table of Permitted Uses indicated by the symbol "CC".

The uses requiring special approval of City Council include those involving public utilities, public institutions, areas and facilities related to urban development, and those which due to the emission of smoke, dust, noises or noxious odors, may constitute a hazard to the health, safety and welfare of persons in nearby populated areas, such as rendering plants, acid detergent, ammonia, chlorine and creosote manufacture, slaughter houses, and automobile wrecking.

The Planning Commission in those instances wherein special approval of City Council is required hereof, shall consider each such proposed use and make its recommendations to the City Council with reference thereto including its recommendations as to requirements for proper platting in accordance with subdivision regulations, proper location with respect to the master plan, means of ingress and egress to the public street, requirements for the paving of streets, alleys and sidewalks, provisions for drainage, parking space and street layouts and protective screening and open space.

Every special approval granted under the provisions of this section shall be considered as an amendment to the Zoning Ordinance as applicable to such property. In granting such approval, the City Council may impose conditions which shall be complied with by the grantee before certificates of occupancy may be issued by the Building Inspector for the use of the buildings on such property pursuant to said special approval; and such conditions shall not be construed as conditions precedent to the granting of such approval but shall be construed as conditions precedent to the granting of the certificates of occupancy.

Sec. 42-80. Table of Permitted Uses.

The uses permitted in each district are shown in the following table:

TABLE OF PERMITTED USES

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Abrasives Manufacture												X
Accessory Uses	X	X	X	X	X	X	X	X	X	X	X	X
Acetylene Gas Manufacture and/or storage												X
Acid Manufacture (Hydrochloric, nitric, picric, sulphuric, sulphaneous and carbolic)												CC
Aerial Survey								X	X	X	X	X
Air-Conditioning Sales, retail, completely enclosed, (service incidental)								X	X	X		
Air-conditioning-Refrigeration Service, Repair (COMPLETELY ENCLOSED IN B-3. NO INSTALLATION OF CENTRAL UNITS, HEATING OR COOLING)									X	X	X	X
Airports (non-governmental) CC											CC	CC
Air Products Manufacturing											X	X
Alcoholic Beverage Manufacture												X
Alcoholic Beverage Store (retail, with off premises consumption in B-2)								X	X	X	X	
Alcohol Distillation and/or storage												X
Altering and Repairing of Wearing Apparel								X	X	X	X	X

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Ambulance Service									X	X	X	X
Ammonia, Bleaching powder, and chlorine manufacture												CC
Amusement Parks (Commercial)										CC	X	X
Animal Shelter or Dog Pound (non-governmental)											X	X
Animal Black, Lamp Black or Bone Black manufacture												CC
Animal Reduction												CC
Animal Slaughter												CC
Antique Store (Completely enclosed)							X	X	X	X		
Apartment Hotel								X	X	X		
Apothecary, limited to the sale of pharmaceutical and medical supplies							X	X	X	X		
Apparel and Accessory Store (No used merchandise)								X	X	X	X	
Appliance Repair									X	X		
Appliance Repair (Completely enclosed)								X	X	X		
Appliance Store (retail sales) repair only as incidental use (Completely enclosed)								X	X	X		
Armory									CC	CC	CC	CC

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Art Gallery and/or museum (commercial-retail sale of objects d'art only)							X	X	X	X		
Artificial Limb Assembly									X	X	X	X
Asbestos Products Manu- facture												X
Asphalt Products Manu- facture												X
Auditorium (private)							X	X	X	X	X	X
Automobile Filling Station and/or service (All repairs in B-3 District to be com- pletely enclosed)									X	X	X	X
Automobile Glass, sales and installation									X	X	X	
Automobile Manufacture												X
Automobile Muffler, sales and installation (completely enclosed)									X	X	X	
Automobile Muffler, sales and installation (Fenced outside storage)										X	X	
Automobile parking lots or parking garages (commer- cial)								X	X	X	X	X
Automobile rental									X	X	X	
Automobile repair (com- pletely enclosed)									X	X	X	

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Automobile repair										X	X	X
Automobile Storage (not parking lot or garage)									X	X	X	X
Automobile Upholstery, sales and installation (Completely enclosed in B-3)									X	X	X	
Automobile laundry									X	X	X	X
Automobile Wrecking, dismantling or salvage (enclosed by fence)												CC
Automobile & Truck Sales and Service (new and used) (service completely enclosed in B-3)									X	X	X	X
Aviary											X	X
Bag Cleaning											X	X
Bag Cleaning (entirely enclosed)										X	X	X
Bait Store									X	X	X	
Bakery (retail)								X	X	X		
Bakery (wholesale)										X	X	
Bank-Savings & Loan - Trust Co.								X	X	X		
Barber and Beauty Equipment and Related Specialty Sales (wholesale)									X	X	X	
Barber or Beauty Shop							X	X	X	X	X	

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Batching Plant (temporary permit - 6 months maximum in R-A, B-3 & B-4 districts)	CC								CC	CC	X	X
Battery Manufacture												X
Beverage Manufacture (not including alcoholic)										X	X	X
Bicycle and/or Lawnmower Repair (fenced outside storage)										X	X	
Bicycle and/or Lawnmower Repair (completely enclosed)									X	X	X	
Blacksmith and horseshoeing												X
Blueprinting and photostating								X	X	X	X	X
Boiler or tank works												X
Bone Reduction												CC
Book Binder									X	X	X	
Book Store (no outside storage or display)							X	X	X	X	X	
Bowling Alleys									X	X	X	
Brewery												X
Broom and Brushes Manufacture											X	X
Business College									X	X		

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Business Machine Store								X	X	X	X	
Building Specialties Store, Retail (completely enclosed in B-3)									X	X	X	
<i>HARDWARE SPECIALTY ITEMS</i> Building Specialties (wholesale) <i>(COMPLETEDLY ENCLOSED IN B-3)</i>									X	X	X	X
Butane and other liquified pro- ducts storage and sales											CC	CC
Cabinet or Carpenter Shop (completely enclosed)									X	X	X	X
Cabinet or Carpenter Shop										X	X	X
Cafe or Restaurant (curb service)									X	X	X	X
Cafe, Restaurant, or Cafeteria (alcoholic beverages when incidental to food sales, with all services completely enclosed)								X	X	X	X	
Candy, Nut and Confectionery Store								X	X	X	X	
Camera and Photographic Store								X	X	X	X	
Can Manufacture												X
Candle Manufacture										X	X	X
Gandy Manufacture										X	X	X
Canvas Products Manufacture										X	X	X
Carnival or Circus, etc.										CC	CC	CC

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Carting, Express, Crating Hauling and Storage										X	X	X
Catering Shop								X	X	X	X	
Caustic Soda Manufacture												X
Celluloid Manufacture												X
Cement, Lime, Gypsum and Plaster Manufacture												CC
Chemical Manufacture and/or processing												CC
Churches	X	X	X	X	X	X	X	X	X	X	X	X
Clinics, Dental or Medical							X	X	X	X	X	
Clothing Manufacture										X	X	X
Club or Lodge (non-commercial)							X	X	X	X		
Club or Lodge (commercial)								X	X	X		
Coffee Roasting										X	X	X
Cold Storage Plant										X	X	X
College Fraternity or Sorority House						X						
Contractors (completely enclosed, no outside storage)									X	X	X	X
Contractors (outside storage)										X	X	X
Concrete Products Manufacturing											X	X

PERMITTED USES -	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Correction, Dentention or Penal Institution										CC	CC	CC
Cosmetics (compounded only)									X	X	X	
Cotton Compress												X
Cotton Ginning and Bailing												X
Creamery										X	X	
Creosote treatment or manufacture												CC
Crop Dusting Service (flying)											CC	CC
Dairy Equipment Sales (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	X
Dairy Products Sales (retail)							X		X	X	X	
Dairy Products Sales (wholesale)									X	X	X	
Dance Hall									X	X		
Delicatessen							X		X	X		
Department Store							X		X	X	X	
Detergents, Soaps, and by-products manufacture using animal fats												CC
Disinfectant, Insecticides or Poison Manufacture												CC
Dog Pound or Animal Shelter (non-governmental)											X	X
Drug Manufacture										X	X	X

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Drug Sales (wholesale)									X	X	X	
Drug Store								X	X	X	X	
Dry Cleaning									X	X	X	
Dry Cleaning Pick Up and Pressing Shops								X	X	X	X	
Dry Goods Store								X	X	X	X	
Dry Goods (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	
Dwelling (one-family)	X	X	X	X	X	X						
Dwelling (two-family)			X	X	X							
Dwelling (multiple-family)				X	X					X		
Dye Manufacture												X
Electric Power Generator Station (primary station)	CC											
Electric Repair (appliances) (Completely enclosed)								X	X	X		
Electric Repair Shop (heavy equipment)										X	X	X
Electrical Substations (to be enclosed by a fence or wall, minimum 6' in height, with physical installation being enclosed by a barrier which constitutes a visual screen; visual screening would not be required in I-1 and I-2 districts)	CC											

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Electroplating												X
Elevator Maintenance and Service										X	X	X
Exterminators (Completely enclosed in B-3)									X	X	X	X
Fair Grounds, baseball park, and stadium										CC	CC	CC
Farm Equipment Sales and Service (COMPLETELY ENCLOSED IN B-3)									X	X	X	X
Farm Supplies									X	X	X	X
Farming and Truck Gardening, but not for retail sales, (permitted in any district on tracts on 5 acres or more when such farming operation excludes any livestock)												X
Feed Store or Seed and Fertilizer									X	X	X	
Felt Manufacture (cloth)												X
Felt Manufacture (roofing)												X
Fertilizer Manufacture or Processing												CC
Fish Market (wholesale)										X	X	X
Fish Market (retail)							X	X	X			
Fix-it Shop (fenced outside storage)									X	X		
Fix-it Shop (completely enclosed)									X	X	X	

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Floor Covering Sales (whole-sale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	
Floral Shop (completely enclosed)							X	X	X	X		
Floral Shop								X	X	X	X	
Florist (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	
Food Locker Plant (retail)									X	X	X	
Food Products Manufacture and Processing (not rendering)										X	X	X
Food Products (wholesale storage and sales)										X	X	
Food Store								X	X	X	X	
Food -TO-GO (RETAIL - NO CURB SERVICE)								X	X	X	X	
Foundry												X
Freight Depot (railroad and/or truck)										X	X	X
Fruit and Produce (wholesale)										X	X	
Fruit and Vegetable Stand or Store								X	X	X	X	
Funeral Home, Mortuary or Undertaking Establishment									X	X		
Fungicides Manufacture												CC
Fur Dying, finishing and storing (no tanning - no hide storage)									X	X	X	

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Furniture Repair and Upholstering (Fenced outside storage)										X	X	X
Furniture Repair and Upholstering (completely enclosed)									X	X	X	X
Furniture (wholesale sales)										X	X	X
Furniture Store Retail (fenced outside storage)										X	X	
Furniture Store Retail (completely enclosed) (No repair)								X	X	X	X	
Garage, Public or Storage										X	X	X
Garden Specialty Store								X	X	X		
Gas Regulation Station (screening)	CC											
Gasoline Filling Station and/or Service (All repairs in B-3 district to be completely enclosed)										X	X	X
Gift Shop (completely enclosed)							X	X	X	X		
Glass (retail sales)(Service incidental to sales-completely enclosed)								X	X	X	X	
Glass (wholesale sales)									X	X	X	
Glass Manufacturing and Glass Products Manufacturing												X

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Glue, Size or Gelatin Manu- facture												CC
Golf Driving Range, Pitch-and- Putt or Minature Golf Course									X	X	X	X
Golf Course and Country Club, but not Driving Range, Pitch- and-Putt, or Minature Golf Course	CC	CC	CC	X	X	CC	X	X	X	X	X	X
Grain Drying or Feed Manu- facture from refuse, mash or grain												X
Grain Milling, storage and ele- vators												X
Graphite Manufacture												X
Greenhouse or Nursery, for growing but not for retail sales X							<i>deleted</i> X	X	X			
Greenhouse or Nursery							<i>deleted</i> X	X	X	X		
Grocery Store							X	X	X	X		
Grocery (wholesale)									X	X		
Gymnasium (commercial)							X	X	X			
Hair Products Manufacturing and Processing												X
Hardware Manufacture												X
Hardware Store							X	X	X	X		

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Hardware Sales (wholesale)										X	X	
Hatchery										X	X	X
Heliport	CC	X	X	X								
Hobby Supply Store								X	X	X		
Home Occupation	X	X	X	X	X	X	X	X	X	X	X	X
Hosiery Manufacture										X	X	X
Hospital or Sanitarium							CC	CC	CC	X	X	
Hotel								X	X	X	X	X
Ice House (No on premises consumption of alcoholic beverages in B-2)								X	X	X		
Ice Manufacture										X	X	X
Ice Cream Manufacture (wholesale)										X	X	
Ice Cream and Ice Milk (retail)								X	X	X		
Ice Cream Store								X	X	X	X	
Incinerator												CC
Insulation Manufacture and Fabrication												X
Interior Decorating Studio							X	X	X	X		

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Jewelry Store								X	X	X	X	
Junk Yard, salvage yard, including storage baling or selling of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence at least six (6) feet high and adequate to obstruct view, noise and passage of persons; chain link or similar fencing may be permitted if screen planting is provided.												CC
Laboratory (Dental or Medical)							X	X	X	X		
Laboratory (Research)									X	X	X	X
Laboratory (Testing)										X	X	X
Laundry									X	X	X	
Laundry or Dry Cleaning (pick-up station)								X	X	X	X	
Laundry and Dry Cleaning (self-service)								X	X	X		
Leather Goods or Luggage Store								X	X	X		
Libraries (non-governmental)							X	X	X	X	X	
Linen Supply, Diaper Service or Uniform Supply									X	X	X	
Linoleum, Vinyl, Plastics, Rubber Asphalt or Composition Tile Manufacture												CC

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Loan Office							X	X	X	X		
Locksmith								X	X	X		
Lumber Yard and building materials (retail)										X	X	X
Lumber Yard and building materials (wholesale)										X	X	X
Machine Shop										X	X	X
Machine, tools and construction equipment sales and service										X	X	X
Marine Sales									X	X	X	
Marine & Boat Manufacturing										X	X	X
Marine & Boat Storage										X	X	
Matches Manufacturing												CC
Mattress Manufacturing and Rebuilding										X	X	X
Metal Ingots, pigs, casting sheets or bearings, forging or rolling mills												X
Metal Products Fabrication											X	X
Milliner (custom)							X	X	X	X		
Millinery Manufacture										X	X	

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Millwork and similar wood products manufacture										X	X	X
Mobile Home Residence Parks (Must have a water and sewer connection for each mobile home unit)					X							
Motel								X	X	X	X	X
Motorcycle Sales & Service (Completely enclosed in B-3)									X	X	X	
Moving and Transfer Company										X	X	
Music Store								X	X	X		
Name Plate, not exceeding one square foot in area and not illuminated (attached to building)	X	X	X	X	X	X	X					
News Stand								X	X	X	X	X
Novelty and souvenir manufacture										X	X	X
Nursery, day care, or kindergarten (care of up to 6 children)			X	X	X		X	X	X	X		
Nursery, day care, or kindergarten (care of up to 20 children)				X	X		X	X	X	X		
Nursery, day care, or kindergarten				CC	X		X	X	X	X		
Nursing Home (private)							X	X	X	X		
Offices (only)							X	X	X	X	X	X

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Office Equipment and Furniture manufacture											X	X
Office Equipment and Supplies (retail)								X	X	X	X	
Office Equipment and Supplies (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	X
Oils & Fats Manufacture (animal and vegetable)												CC
Oil Well Supplies & Machinery Manufacture												X
Oil Well Supplies & Machinery Sales										X	X	X
Optical Goods (retail)								X	X	X		
Optical Goods (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	
Optician							X	X	X	X		
Packing Plant (no rendering)											X	X
Packing and Gasket Manufacture											X	X
Paints, pigments, enamels, japans, lacquers, putties, varnishes, and wood fillers manufacture and processing												X
Paint & Wallpaper Store								X	X	X	X	
Paper Products Manufacture											X	X

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Paper, Pulp, cellulose, and rayon manufacture												CC
Paper supplies (wholesale)										X	X	
Passenger Depot (railroad or bus)									X	X	X	X
Pawn Shop (completely enclosed in B-3)									X	X	X	
Pecan Shelling (carbon black processing)												CC
Pecan Shelling										X	X	X
Pet Shop (Completely en- closed)									X	X		
Petroleum Manufacturing or processing												CC
Petroleum Storage (wholesale)											X	X
Photographic Equipment & Supplies Sales (retail)								X	X	X		
Photographic Equipment & Supplies Sales (wholesale) <i>(COMPLETELY ENCLOSED IN B-3)</i>									X	X	X	
Photographic Studio							X	X	X	X	X	
Pickle Manufacture										X	X	X
Picture Framing								X	X	X		
Pipe Lines and Electrical Transmission Lines	CC											

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	B-5	B-1	B-2	B-3	B-4	I-1	I-2
Pipe storage											X	X
Planning Mill										X	X	X
Plastics Manufacture												CC
Playground Equipment Manufacture											X	X
Plumbing Fixture Sales, (completely enclosed) (retail)								X	X	X		
Plumbing Fixture Sales (wholesale)										X	X	
Post Office								X	X	X	X	X
Poultry Flock (as cage hen operation)											X	X
Poultry Processing & Live Poultry Storage											X	X
Poultry Processing & Live Poultry Storage (completely enclosed)										X	X	X
Printers									X	X	X	X
Pyroxylin Manufacture (explosive)												CC
Radio Station, with Transmitter tower	CC								CC	CC	CC	CC
Radio Station or studio, without transmitter tower						X	X	X	X	X	X	X
Reading Room						X	X	X	X			

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Reducing Salon								X	X	X		
Refrigeration Equipment Manufacture												X
Rendering Plant												CC
Riding Stable or Academy												X
Rooming house or Boarding house				X	X		X	X	X	X		
Rubber, gutta-percha manu- facture, processing or reclaim- ing												CC
Rug and/or carpet sales								X	X	X		
Rug Cleaning										X	X	
Rug Cleaning (completely en- closed)									X	X	X	
Sand or Gravel Storage Yard												X
Sauerkraut Manufacture										X	X	X
Schools, elementary	X	X	X	X	X	X						
Schools, secondary	X	X	X	X	X	X						
Shoe Manufacture										X	X	X
Shoe Polish Manufacture												X
Shoe Repair Shop								X	X	X	X	
Shoe Sales (retail)								X	X	X	X	

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Shoe Sales (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	
Sign, Advertising (excluding business signs)									X	X	X	X
Sign Shop (completely enclosed)									X	X	X	
Sign Shop											X	X
Skating Rinks										X	X	
Skating Rinks (completely enclosed)									X	X		
Small Animal Clinic or Kennels										X	X	
Small Animal Clinic or Kennels (completely enclosed)									X	X	X	
Soda & Washing Compound Manufacture												X
Sporting Goods Store								X	X	X		
Sporting Goods (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	
Stamp, coin sales, Retail							X	X	X	X		
Stationery Sales							X	X	X	X		
Stock Yard												CC
Stone Cutting or Monument Manufacture											X	X
Stone Monument Sales									X	X		

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Stone Quarry & Gravel Pits	CC											CC
Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, painting, etc.							X	X	X	X		
Sugars & Starches Manufacture												X
Surgical or Dental Supplies Store								X	X	X		
Surgical or Dental Supplies (wholesale) (COMPLETELY ENCLOSED IN B-3)									X	X	X	
Syrup Manufacture												X
Tailor Shop								X	X	X		
Tamale & Tortilla Manufacture (retail)								X	X	X		
Tamale & Tortilla Manufacture (wholesale)									X	X		X
Tannery												CC
Tar Distillation and/or Manufacture												CC
Tavern									X	X	X	
Taxidermist										X	X	X
TELEPHONE COMPANY SERVICE CENTER	CC	X	X									
TELEPHONE COMPANY BUSINESS OFFICE OR SWITCHING CENTER	CC	CC	CC	CC	CC	CC	X	X	X	X	X	X

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Television Stations, with transmitter tower	CC								CC	CC	CC	CC
Television Station or Studio without transmitter tower							X	X	X	X	X	X
Textile Manufacture											X	X
Theater (indoor)								X	X	X	X	
Theater (outdoor, including drive-in theater)									X	X	X	
Tile Manufacture (ceramic)											X	X
Tile Roofing & Waterproofing Manufacture												X
Tobacco Processing										X	X	X
Tobacco Store								X	X	X	X	
Tool Manufacture											X	X
Tool Rental (completely enclosed)									X	X	X	
Tool Rental (fenced outside storage)										X	X	
Tourist Home							X	X	X	X		

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	I-1	I-2
Toy Manufacture										X	X	X
Toy Store								X	X	X	X	
Trade School (Commercial)											X	X
Trailer Courts, must have a water and sewer connection for each trailer unit					X							
Trailer Manufacture												X
Trailer Sales									X	X	X	
Transit Vehicle Storage and Servicing										X	X	X
Truck Laundry										X	X	X
Truck Repair and Maintenance										X	X	X
University or College	CC											
UTILITY COMPANY SERVICE CENTER	CC	X	X									
Variety Store								X	X	X	X	
Venetian Blind & Metal Awning Fabrication, repair and cleaning										X	X	
Veterinarian (animals on premises)										X	X	X
Vinegar Manufacture												X
Vulcanizing Shop-Recapping											X	X
Watch Repair							X	X	X	X	X	

PERMITTED USES	R-A	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	1-1	1-2
Water Distillation										X	X	X
Water Storage (overhead)	CC											
Water or Sewage Pumping Station (non-governmental)	CC											
Welding Shop										X	X	X
Well Drilling Contractors											X	X
Warehousing										X	X	X
Wire Products Manufacturing											X	X
Wood Processing by creosoting or other preserving treatment manufacture												X
Wool Pulling and Scouring												X

DIVISION 5. TABLE OF HEIGHT YARD AND AREA REQUIREMENTS

Section 42-81. The height, yard and area requirements for property zoned subsequent to

JUNE 28, 1965, shall be as follows:

HEIGHT, YARD AND AREA REQUIREMENTS

DISTRICT	USE	MIN. FRONT YARD	MIN. EA. SIDE YARD	MIN. REAR YARD	MIN. AREA	MAXIMUM HEIGHT
R-A	1-family	30 ft.	10 ft.	25 ft.	10,000 sq. ft.	2-1/2 stories or 25 feet
	Other	30 ft.	10 ft.	25 ft.	10,000 sq. ft.	2-1/2 stories or 25 feet **
R-1	1-family	30 ft.	5 ft.	25 ft.	6,000 sq. ft.	2-1/2 stories or 25 feet
	Other	30 ft.	10 ft.	25 ft.	10,000 sq. ft.	2-1/2 stories or 25 feet **
R-5	1-family	20 ft.	5 ft.	25 ft.	5,000 sq. ft.	2-1/2 stories or 25 feet **
	Other	30 ft.	10 ft.	25 ft.	10,000 sq. ft.	
R-2	1-family	25 ft.	5 ft.	25 ft.	6,000 sq. ft.	2-1/2 stories or 25 feet
	2-family	25 ft.	5 ft.	25 ft.	8,000 sq. ft.	2-1/2 stories or 25 feet
	Other	30 ft.	10 ft.	25 ft.	10,000 sq. ft.	2-1/2 stories or 25 feet **
R-3	1-family	25 ft.	5 ft.	25 ft.	6,000 sq. ft.	2-1/2 stories or 25 feet
	2-family	25 ft.	5 ft.	25 ft.	8,000 sq. ft.	2-1/2 stories or 25 feet
	multi-family	25 ft.	10 ft.	25 ft.	6,000 sq. ft. for 1st two units / 1,200 sq. ft. each additional unit	2-1/2 stories or 25 feet
	Other	25 ft.	10 ft.	25 ft.	10,000 sq. ft.	2-1/2 stories or 25 feet **

HEIGHT, YARD AND AREA REQUIREMENTS

DISTRICT USES	MIN. FRONT YARD	MIN. EA. SIDE YARD	MIN. REAR YARD	MIN. AREA	MAXIMUM HEIGHT
R-4 1-family	25 ft.	5 ft.	25 ft.	6,000 sq. ft.	2-1/2 stories or 25 feet
2-family	25 ft.	5 ft.	25 ft.	8,000 sq. ft.	2-1/2 stories or 25 feet
multi-family	25 ft.	10 ft.	25 ft.	6,000 sq. ft. for 1st two units / 1,200 sq. ft. each additional unit	2-1/2 stories or 25 feet **
* Mobile Home	25 ft.	25 ft.	25 ft.	3 acres, min.	2-1/2 stories or 25 feet
Residence Parks				site	
Other	25 ft.	10 ft.	25 ft.	10,000 sq. ft.	2-1/2 stories or 25 feet **
B-1 1-family	25 ft.	5 ft.	25 ft.	6,000 sq. ft.	2-1/2 stories or 25 feet
2-family	25 ft.	5 ft.	25 ft.	8,000 sq. ft.	2-1/2 stories or 25 feet
multi-family	25 ft.	10 ft.	25 ft.	6,000 sq. ft. for 1st two units / 1,200 sq. ft. each additional unit	2-1/2 stories or 25 feet **
Other	25 ft.	10 ft.	25 ft.	10,000 sq. ft.	2-1/2 stories or 25 feet **

* Yard requirements pertain to Mobile Home Parks and not to individual lots within a Park.

** Any portion of a building may be erected to exceed the height limit specified in this section, provided that such portion is set back from the required side and rear yards one foot for each two feet of height in excess of the 2-1/2 stories or 25'. Yard credits shall be allowed for space occupied by existing buildings, of conforming height, extending from the required yard lines.

HEIGHT, YARD AND AREA REQUIREMENTS

DISTRICT	USE	MIN. FRONT YARD	MIN. EA. SIDE YARD	MIN. REAR YARD	MIN. AREA	MAXIMUM HEIGHT
B-2	All Uses	25 ft.	10 ft., none where fire wall is pro- vided on property line **	Same as Side **		2-1/2 stories or 25 feet *
B-3	All Uses	25 ft.	10 ft., none where fire wall is pro- vided on property line **	Same as Side **		2-1/2 stories or 25 feet *
B-4	All Uses	None	None	None	None	None
I-1	All Uses	25 ft.	10 ft. unless fire wall is provided on property line **	Same as Side **		2-1/2 stories or 25 feet *
I-2	All Uses	25 ft.	10 ft. unless fire wall is provided on property line **	Same as Side **		2-1/2 stories or 25 feet *

* Any portion of a building may be erected to exceed the height limit specified in this section, provided that such portion is set back from the required side and rear yards one foot for each two feet of height in excess of the 2-1/2 stories or 25'. Yard credits shall be allowed for space occupied by existing buildings, of conforming height, extending from the required yard lines.

** When Side or Rear of lot in:	Abuts on Lot in:	Minimum width of side yard in less Restricted District Shall Be:	Depth of rear yard in less Restricted District Shall Be: (Minimum)
Business District	Residence District	15 feet	20 feet
Industrial District	Residence District	20 feet	40 feet
Industrial District	Business District	15 feet	20 feet

DIVISION 6. SUPPLEMENTARY REGULATIONS

Sec. 42-82. Supplementary Use Regulations

A. Areas subject to Inundation. Certain areas are subject to periodic inundation, making them unsafe and unfit for human habitation. No structure or portion thereof shall be erected where the land to be covered by such structure or portion thereof has been designated by the Director of Public Works as uninhabitable, until the conditions making the land uninhabitable have been corrected. Land that is permitted to be used shall not be considered to be guaranteed by the City against flood or other hazard.

B. Illumination of Uses. Lighting facilities used to illuminate signs, parking areas, or for other purposes shall be so arranged that the source of light is concealed from adjacent residence properties and does not interfere with traffic.

C. Relocation Structures and Certificate of Occupancy.

(1) Structures in excess of 10 years of age shall not be moved on to any property within an R-1^{or R-2} District.

(2) In cases in which structure relocations are permissible, certificates of occupancy shall not be issued by the Director of Housing and Inspections until all applicable provisions of Sec. 42-45.7 hereof, Chapter 10, Art. IV, of the City Code and all other applicable requirements for issuance of such certificate of occupancy required by federal, and state law and city charter and ordinances are complied with.

D. Subdivision Sales Offices.

(1) Permitted. Subdivision sales offices shall be permitted in any district on a temporary basis for a two (2) year period or until sales of eighty-five per cent (85%) of the houses in the subdivision (with a maximum of two hundred fifty (250) houses per subdivision) have been consummated.

(2) Definition of service area. An official map of the addition to be served, along with the proposed office location, shall be furnished the building inspector at the time the permit for such office is requested. Said map, defining the service area of the office, shall include a maximum of two hundred fifty (250) lots.

(3) Occupancy permit required. Occupancy permits shall be renewed at six months' intervals by application with the building inspector.

(4) Signs. Advertising signs, limited to four (4) in number, and restricted to identification of the land developer and to advertising of residences for sale will be permitted. Such signs shall be limited to two hundred and eighty-eight (288) square feet in area and shall not be of neon or flashing type. Also, temporary signs, advertising individual homes for sale, will be permitted when limited to a maximum of 12 square feet.

(5) Removal of improvements. Any lighting, paved area, curb cuts, or signs erected or constructed for use of said office shall be removed and the property returned to complete residential character upon expiration of occupancy permit.

(6) Construction and location. This operation shall be conducted either within a residence, constructed for sale within the subdivision, or within a portable structure of not more than six hundred (600) square feet, located within the bounds of the specific addition for which houses are being sold. Said office shall be used for sale of houses within the applicable addition only and shall be used for no purpose other than that of conducting sales of residences. (Ord. No. 28675, § 1, 6-30-60)

Amendment note --- Ord. No. 28675, enacted June 30, 1960, amended ch. 42 to add § 42-35, 1 as hereinabove set forth.

Sec. 42-83. Supplementary Area Regulations.

Dwelling on Small Lot. Where a lot located in a residence district contains an area less than the required lot area for the district and on the effective date of this ordinance was existing and of record and held in separate and different ownership from any lot immediately adjoining and is within the proper zoning district, such lot may be used for a one-family dwelling, except as provided in Section 42-63 (Lot Area) of this chapter.

Sec. 42-84. Home Occupations.

Home occupations where permitted must meet the following requirements:

- a. No retail business shall be permitted.
- b. No manufacturing business shall be allowed.
- c. No repair work shall be allowed.
- d. No stock in trade shall be kept and sold on the premises.
- e. No person not residing on the premises shall be employed.
- f. No mechanical equipment not customarily found in a home shall be employed.
- g. No interior or exterior alterations shall be permitted and no construction features shall be permitted which are not customarily found in a dwelling.
- h. The entrance to the space devoted to such occupation shall be within the dwelling.
- i. There shall be no exterior displays such as are permitted by the sign ordinance of the City of San Antonio.
- j. There shall be no exterior storage of equipment or materials used in the occupation.
- k. The home occupation must be conducted entirely within a

building except for those necessary outdoor activities related to day-care nursery or kindergarten for less than six children.

Sec. 42-85. Home Occupations and Name Plates.

For the purpose of providing required minimum lot area, a home occupation and/or a name plate shall be considered as being part of the use or, as being a part of the structure to which it is attached.

Sec. 42-86. Supplementary Height Regulations.

A. Height Exceptions. The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouse, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, or necessary mechanical appurtenances usually carried about the roof level, provided that such features are limited to that height necessary for their proper functioning, and provided that height does not exceed the limitations of the Airport Zoning Ordinance.

B. Excess Height. In any district any main structure may be erected or altered to a height in excess of that specified for the district in which the structure is located provided that each required side, and rear yard is increased one foot for each two feet of such excess height and provided further that height does not exceed the limitations of the Airport Zoning Ordinance.

C. Radio and Television Tower and Antenna. Height of any radio and/or television antenna in any residentially zoned lot, or abutting any lot zoned for residence shall be no greater than the distance from the tower base to the nearest property line and shall not exceed 50 feet in height in any event.

Sec. 42-87. Supplementary Yard Regulations.

A. Reversed Corner Lot. In any district a reversed corner lot, that is a corner lot having to its rear a lot facing toward the intersecting or side street shall have provided on the intersecting or side street side of the corner lot, a side yard having a width equal at least to the depth of the front yard required for a structure on the lot to the rear of the corner lot.

B. Projecting Architectural Features. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, belt courses, cornices, buttresses, eaves, and similar architectural features, provided that such projections shall not extend closer than three feet to any property line and shall not extend more than five feet into any required yard. No portion of a main structure, including eaves and other architectural features, may be located nearer than six feet to any portion of an accessory structure.

C. Accessory Structures.

(1) Side Yard and Rear Yard Requirements. No accessory structure shall be erected or altered so that it is closer to any side or rear line than five (5) feet. In those cases, however, in which no projecting architectural feature is proposed, then, the side and/or rear yard may be reduced to three (3) feet.

(2) In All District Where a Rear Yard is Required. All accessory buildings may occupy not more than 30% of that rear yard area.

(3) In All Residence Districts the floor area of all accessory buildings shall not exceed 50% of the floor area of the principal structure, exclusive of breezeways and attached garages or carport. This regulation shall not reduce the floor area of all accessory buildings to less than 600 square feet. In no case shall any accessory building be built closer than ten feet to the main building nor exceed one story in height.

(4) Reversed Corner Lot. No accessory structure on a reversed corner lot, that is a corner lot having to its rear a lot facing toward the intersecting or side street, shall be erected or altered nearer to the intersecting or side street line than the front building line to be observed by any structure on the lot to the rear of the corner lot.

D. Fences and Walls.

(1) No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of three feet, and no fence or wall, other than the wall of a permitted structure, shall be erected or altered in any side or rear yard to exceed a height of six feet.

(2) Fencing as required in Sec. 42-80 shall be of solid construction and designed so as to provide a visual barrier and shall be six feet in height.

(3) In I-1 and I-2 Districts, not fronting residential or commercial districts, and not located to adversely effect site distance at street and/or alley intersections, there shall be no limitation as to fence height.

E. Storage in Front and Side Yards. There shall be no storage of vehicles (other than non-commercial off-street parking), or storage or display of any

merchandise or materials of any kind in any front yard as required by this Ordinance in any district or in any side yard or rear yard as required by this Ordinance, which abuts any residence district.

F. Vision Clearance. On any corner lot on which a front yard is required by this chapter, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points 25 feet from the point of intersection, measured along such street lines.

G. Residences in Non-Residential Zones. A residential use may be permitted in a non-residential zone when:

- (1) The use provides a residence for a caretaker residing on the premises or
- (2) The use is constructed as a part of, and provides a residence used in conjunction with, the non-residential use.

DIVISION 7. OFF-STREET PARKING REQUIREMENTS

Sec. 42-88. General Requirement - when applicable.

No land shall be used, and/or no building shall be erected, altered, used, or occupied, and no use shall be operated in any zoning district other than the B-4 District, unless the off-street parking facilities herein required are provided. Off-street parking facilities in excess of the amounts heretofore required, need not be provided nor maintained for land, structures, or uses actually used, occupied and operated on the effective date of this ordinance. In the event that after the effective date of this ordinance, land, structures, or uses are enlarged, or expanded, the land, structures, and uses hereby excluded shall not be used, occupied, or operated unless there is provided for the increment

only of such land, structures, and uses, at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure or use.

Sec. 42-89. Responsibility for Off-Street Parking Facilities.

The provision for and maintenance of off-street parking facilities herein required shall be the joint and several responsibility of the operator and owner of the use, structure and/or land on which, is located the use for which off-street parking facilities are required.

Sec. 42-90. Size and Location.

Each off-street parking space shall be an area of not less than one hundred and eighty square feet, exclusive of access or maneuvering area, ramps and other appurtenances. Except as otherwise permitted under a special plan for location or sharing of facilities, off-street parking facilities shall be located on the lot on which the use or structure for which they are provided is located.

Sec. 42-91. Construction and Maintenance.

Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

- a. Drainage and surfacing. Areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition, free of weeds, dust, trash and debris.
- b. Wheel Guards. Boundary or perimeter areas shall be provided with wheel guards or bumper guards, so located that no part of parked vehicles will extend beyond the property line of the parking area.
- c. Protective Screen Fencing. Areas shall be provided with protective

screen fencing so that occupants of adjacent structures are not unreasonable disturbed, during day or night, by the movement of vehicles.

d. Lighting. Facilities shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

e. Entrances and Exits. Facilities shall be provided with entrances and exits so located as to minimize traffic congestion.

f. Prohibition of Other Uses. Facilities shall not be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials, or supplies.

g. Limitation on Size of Vehicles. In the residence districts facilities shall be used only by vehicles up to three-fourths ton.

Sec. 42-92. Minimum Requirements for Off-Street Parking.

The minimum requirements for off-street parking facilities are found in Section 42-94. The classification of uses enumerated in said table are general and are intended to include all similar uses. Where the classification of use is not determinable from said Table, the Director of Planning shall fix the classification.

Sec. 42-93. Sharing Off-Street Parking Facilities.

Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking facilities may be located on another site than the one occupied by the use or structure requiring such facilities. Two or more uses may share the same off-street parking facilities and each of such uses may be considered as having provided such shared space individually. Such shared parking space, however, shall not be considered as having been provided individually unless the schedules of operation of all such uses

are such that none of the uses sharing the facilities require the off-street parking facilities at the same time.

A. Cooperative Parking Plan. The arrangement for sharing of off-street parking facilities as described in Sec. 42-93, shall be known as a cooperative parking plan.

B. Application for Approval of Cooperative Parking Plan. An application for approval of a cooperative parking plan hereunder shall be filed with the Director of Planning by the owner or owners of the entire land area to be included within the Cooperative Parking Plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing in common.

C. Review of Application. Application shall be reviewed for approval or disapproval by the Directors of Planning and Traffic.

D. Registration of Cooperative Parking Plan. Upon approval of the plan a copy of such plan shall be registered among the records of the Director of Housing and Inspections and shall thereafter be binding upon the applicants, their heirs, successors and assigns. This registration shall limit and control the issuance and validity of permits and certificates and shall restrict, limit and control the use and operation of all land and structures included within such cooperative parking plan.

E. Amendment or Withdrawal of Cooperative Parking Plan. Pursuant to the same procedure and subject to the same limitations and requirements

by which the cooperative parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this chapter.

Sec. 42-94.. Table of Off-Street Parking Requirements.

The requirements for off-street parking facilities in all zones other than the B-4 District shall be governed by the following table:

TABLE OF OFF-STREET PARKING REQUIREMENTS

USES	PARKING REQUIREMENT
Brick yard, lumber yard and similar open sales yards	One space for each 150 square feet of retail space
Churches, theaters, gymnasiums, convention halls, assembly halls, stadiums, funeral homes	One space for each four seats
Clinics	One space for each two hundred sq. ft. of gross floor area
Colleges, business colleges and trade schools	One space for each two employees and one space for each five students
College fraternities and sororities	One space for each bed
Dance hall, night club, tavern, skating rink, commercial amusement	One space for each 100 sq. ft. gross floor area. For uses not requiring a building, one space for each 800 sq. ft. of ground area shall be provided
Drive-in eating establishments, or cold drink stands, or frozen milk product stands, where food or drink is served to the customers in their car	Two spaces for each 100 sq. ft. of gross floor area, with a minimum of 20 spaces
Filling station, auto repair garage	One space for each 300 sq. ft. of gross floor area and semi-enclosed service area
General business, commercial and personal service establishments	One space for each 200 sq. ft. gross floor area
General Office	One space for each 300 sq. ft. of gross floor area

USES	PARKING REQUIREMENTS
Hospitals	One space for each two beds plus one space for each hospital or staff doctor plus one space for each five employees; parking for each group to be physically separate from other and identified by user-group
Hotels, motels, tourist courts, and trailer courts	One space for each guest room or trailer space and one space for each two employees (Associated commercial or retail areas require additional spaces.)
Industrial, manufacturing wholesaling, processing establishments	One space for each 800 sq. ft. gross floor area
Institutions for children or the aged, convalescent homes, and sanitariums	One space for each four beds
Libraries, museums, art galleries, clubs and lodges	One space for each 300 sq. ft. gross floor area
Mobile Home Residence Parks	One space for each mobile home lot plus one additional space for each two lots
Multi-family dwellings	One and one-half spaces for each family dwelling unit
Post Offices	Two spaces for each 300 sq. ft. gross floor area, exclusive of area for truck loading or other postal vehicles
Restaurants, cafeterias	One space for each 100 sq. ft. gross floor area

USES	PARKING REQUIREMENTS
Schools, elementary	Two spaces for each classroom plus two spaces for each office
Schools, junior	Three spaces for each classroom plus three spaces for each office
Schools, secondary	Six spaces for each classroom plus six spaces for each office
Single-family, two-family	One space for each family dwelling unit
Warehousing	One space for each 2000 sq. ft. gross floor area

DIVISION 8. OFF-STREET TRUCK LOADING REQUIREMENTS.

Sec. 42-95.. General Requirement- when applicable.

A. Truck loading facilities, as hereinafter provided shall be required in all zones other than the B-4 District, for structures containing uses devoted to business, industry, manufacturing, storage, warehousing, processing, offices, professional buildings, hotels, multiple family dwellings, hospitals, airports, railroad terminals and any buildings of a commercial nature.

B. When applicable. No structure shall be designed, erected, altered, used or occupied unless the off-street truck loading facilities herein required are provided. Off-street truck loading facilities in excess of the amounts heretofore required need not be provided nor maintained for structures actually used, occupied, and operated on the effective date of this ordinance. In the event that such structures are enlarged, expanded, or changed, the structures hereby excluded shall not be used, occupied, or operated unless there is provided for the increment only of such structures, at least the amount of off-street truck loading facilities that would be required hereunder if the increment were a separate structure.

Sec. 42-96. Responsibility.

The provision for and maintenance of the off-street truck loading facilities required shall be the joint and several responsibility of the operator and owner of the land upon which the structure requiring the facilities is located.

Sec. 42-97.. Types and Location.

A. Types. For the purpose of this ordinance there shall be two sizes of off-street truck loading spaces designated "Large" and "Small".

(1) "Large Spaces".

Each "large" space shall have an overhead clearance

of at least fourteen feet, shall be at least twelve feet wide, and shall be at least fifty feet long, exclusive of access or maneuvering area, platform, and other appurtenances;

(2) "Small Spaces".

Each "small" space shall have an overhead clearance of at least ten feet, shall be at least eight feet wide, and shall be at least twenty feet long, exclusive of access or maneuvering area, platform and other appurtenances.

B. Location. Off-street truck loading facilities shall be located on the same lot on which the structure for which they are provided is located; provided, however, that facilities provided under co-operative arrangement as hereinafter permitted may be located on another site not more than 300 feet from the structure for which they are provided.

Sec. 42-98. Construction and Maintenance.

Off-Street truck loading facilities shall be constructed, maintained and operated in accordance with the following specifications:

- a. Drainage and Surfacing. Areas shall be properly graded for drainage, surfaced with concrete, or asphaltic concrete, or asphalt, and maintained in good condition, free of weeds, dust, trash, and debris;
- b. Protective Screen Fencing. Areas shall be provided with protective screen fencing such that occupants of adjacent structures are not unreasonable disturbed, during day or night, by the movement of vehicles;

- c. Lighting. Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic;
- d. Entrances and Exits. Areas shall be provided with entrances and exits so located as to minimize traffic congestion.

Sec. 42-99. Combined Facilities.

Requirements for the provision of off-street truck loading facilities with respect to two or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, co-operatively established and operated; provided however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the Director of Planning, a lesser number of spaces will be adequate, taking into account the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors. In order to eliminate a multiplicity of individual facilities, to conserve space where space is at a premium and to promote orderly development generally, the Director of Planning is hereby authorized to plan and group off-street truck loading facilities co-operatively for a number of structures requiring such facilities within close proximity to one another in a given area and especially in the central business district, in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the co-operative plan.

Sec. 42-100. Minimum Requirements - Area.

The following minimum truck loading spaces shall be provided in all districts for structures containing the uses enumerated in Section 42-94:

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Required No. of Spaces</u>
0 up to & including 12,500	1 (small)
12,501 up to & including 25,000	2 (small)
25,001 up to & including 40,000	1 (large)
40,00 up to & including 100,000	2 (large)
For each additional 80,000 over 100,000	1 (large)

Sec. 42-101. Waiver.

The Director of Planning is authorized to waive the off-street loading requirements for structures that are required to provide and maintain fewer than five off-street parking spaces, or any other structure if the design and the proposed use of the structure shows no need of off-street loading.

DIVISION 9. PLANNED BUILDING GROUPS

Sec. 42-102. Planned Building Groups - Purpose

A. Purpose of Provisions. Under the regulations prescribed by this chapter for the various districts, a separate lot is required for each structure other than an accessory structure. As an alternate, for the purpose of allowing and encouraging greater variety of design and flexibility of location for buildings comprising a planned group, the provisions of this section permit or waive the requirement for a separate lot for each building and permit two or more buildings to be erected and maintained on the same lot when certain conditions hereinafter set forth are met. Examples of building groups that might be erected under the provisions of this section are multiple-family dwelling projects of various design and density, shopping centers, office and retail, or combinations of these uses.

In addition, the Planning Commission may waive yard, height and/or area requirements for planned multi-unit residential developments, such as town houses or row houses, provided, however, that such waiver or waivers are not in conflict with the requirements therefor contained in the Subdivision Ordinance, Chapter 36 of this code.

B. Limitation. The provisions of this section are applicable in all districts except in the R-A District.

Sec. 42-103, Special Plans for Building Groups - District Regulations.

Every building group erected and maintained under the provisions of this section shall comply with all of the regulations established by this chapter for the district in which the building group is located except the regulation requiring a separate lot to be provided and maintained for each principal structure. A building group may be considered as one building for the purpose of complying with the lot area, height, yard and other regulations of this chapter.

Sec. 42-104 Procedure for Submission and Approval of Special Plans for Building Groups.

A. Application for Approval. An application for approval of a special plan for a building group shall be filed with the Director of Planning and shall contain the following information:

(1) Interest and ownership. The applicant's name, address, and interest in the application, and the name, address, and interest of every person, firm, or corporation represented by the applicant in the application; the concurrence of the owner or owners of the entire land area included in the special plan and all incumbrances of such land; and sufficient evidence to establish that the applicants are all the owners or hold a legal interest in the property.

(2) Plans for Building Group. Plans showing the land area included within the special plan, with the boundaries and dimensions and present zoning classification of the area, the adjoining properties and the present zoning classification thereof, all public and private easements and right-of-way, both existing and proposed, within or bounding the designated area and the adjoining properties, the location of buildings and the use of the land on adjoining properties, proposed contours at appropriate contour interval

but not to exceed five-foot intervals and necessary finished grades, the location, number of stories, and gross floor area of proposed principal buildings and accessory buildings, curb-cuts, drive-ways, off-street parking areas, off-street loading areas, walks, open areas to be set aside for special purposes, the location and height of proposed walls, fences, and screen planting, the types of paving or other surfacing to be used in the various areas, and such other site information as may be necessary to describe completely the proposed building group.

(3) Proposed Drainage. Adequate facilities for the the drainage of surface water, including storm sewers, gutters, paving, and the proper design of finished grades;

(4) Circulation. Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking areas, off-street loading areas.

(5) Open Areas. Adequate and properly located open space is to be provided for activities related to the nature of the specific project.

(6) Protection of Residence Districts. In business building groups near or adjoining residence districts, adequate provision (including fences, walls, and planting) to screen and protect the residence districts from parking lot illumination, headlights, fumes, heat noise, blowing papers and dust, and the visual encroachment of commercial buildings, service areas, signs, and commercial activity on the privacy and neighborhood character of the residence district.

(7) Building - Spacing and Orientation Requirements. The following spacing between buildings shall be measured perpendicularly between exterior walls, it does not apply to corner-to-corner placement of buildings

where walls do not overlap:

(a) Spacing of Non-Residential Buildings. The distance between buildings shall be no less than ten feet, with projecting architectural features being permitted to extend into this ten foot space a distance of no more than two feet.

(b) Orientation of Buildings Containing Dwelling Units.

In buildings containing dwelling units, walls having main window exposures shall be so orientated as to insure adequate light and air, to avoid exposure to highways and other high-volume traffic ways, and to preserve visual and aural privacy between buildings;

(c) Access by Emergency Vehicles. The buildings in a planned building group shall be so arranged that every inhabited building is accessible by emergency vehicles.

B. Administrative Examination. Upon receipt of an application for approval of a special plan for a building group, the Director of Planning shall examine the application and make such investigation as is necessary. The Director of Planning shall transmit the application, together with his report and recommendations, to the Planning Commission. The Director of Planning may also transmit a copy of the application to any department or agency which might be affected by the approval of the application, and such department or agency may make recommendation through the Director of Planning to the

C. Review by Planning Commission. The Planning Commission shall review each application and shall approve or disapprove the special plan; said approval may be made subject to the posting of a performance bond in a form to be approved by the City Attorney.

Sec. 42-105.

A. Registration of Special Plan. Upon approval of a special plan, a copy of such plan shall be registered among the records of the Director of Planning and the Director of Housing & Inspections and shall thereafter be binding upon the applicants, their heirs, successors, and assigns, said plan shall limit and control the issuance and validity of permits and certificates, and the use and operation of all land and structures within the said plan, provided, however, that the Director of Housing & Inspections may, upon a showing of a special necessity, permit minor changes in the location of structures and site improvements if such minor changes will not change the character of the development; increase the gross floor area, intensity of use, or ground coverage; reduce the total building site area, the spaces between buildings, or the ratio of off-street parking area and off-street loading area to gross floor area, or otherwise causing the special plan to fail to meet the conditions specified herein.

B. Amendment or Withdrawal of Special Plans. Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and registered, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitations of the special plan and all land and structures withdrawn from such special plan

comply with all other regulations of the chapter. Proper replatting of the land included in the original special plan area, if a portion of the land is later withdrawn from the special plan, shall be required, to provide a separate lot for future buildings.

PASSED AND APPROVED this 17th day of June,
A.D., 1965.

Wm McQuinn
MAYOR

ATTEST: J. H. Schulman
City Clerk

DISTRIBUTION

ITEM NO. _____

new zoning ord
ROLL CALL VOTE

MEETING OF THE CITY COUNCIL

DATE: JUN 17 1965

MOTION BY: Calderon

SECONDED BY: Jones

ORD. NO. 33412

ZONING CASE _____

RESOL. _____

PETITION _____

DEPARTMENT	DATE	ORD. OR RESOL.	CONTRACT
AVIATION DIRECTOR			
STINSON FIELD			
BUDGET			
COMMERCIAL RECORDER			
FINANCE DIRECTOR			
ASSESSOR & COLLECTOR			
CONTROLLER			
CORPORATION COURT			
INTERNAL AUDIT			
PURCHASING			
FIRE CHIEF			
HEALTH DIRECTOR			
HOUSING & INSP. DIRECTOR			
LEGAL			
BACK TAX ATTORNEY			
LAND			
LIBRARY DIRECTOR			
PARKS & REC. DIRECTOR			
PERSONNEL DIRECTOR			
PLANNING DIRECTOR			
POLICE CHIEF			
PUBLIC INFORMATION DIR.			
PUBLIC WORKS DIRECTOR			
ASST. DIRECTOR			
TRAFFIC & TRANSP. DIR.			
URBAN RENEWAL AGENCY			
OTHER			

COUNCIL MEMBER	ROLL CALL	AYE	NAY
WALTER W. MC ALLISTER PLACE No. 1, MAYOR		✓	
DR. HERBERT CALDERON PLACE No. 2		✓	
ROBERT C. JONES PLACE No. 3		✓	
S. H. JAMES PLACE No. 4		✓	
MRS. S. E. COCKRELL, JR. PLACE No. 5		✓	
JOHN GATTI PLACE No. 6, MAYOR PRO-TEM		✓	
FELIX B. TREVINO PLACE No. 7		✓	
GERALD PARKER PLACE No. 8		✓	
ROLAND C. BREMER PLACE No. 9		✓	

BRIEFED BY: _____

ADDITIONAL INFORMATION:
ZONING ORD

J. H. INSELMANN
CITY CLERK

65-631

Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared _____

Mrs. Charles D. Treuter

, who being by me duly sworn,

says on oath that he is ~~xxxxx~~ the publisher^s of the Commercial Recorder

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the Hearing On Proposed Zoning Ordinance hereto attached has been published in

every issue of said newspaper on the following days, to-wit: _____

April 30

, 1965

NOTICE OF HEARING ON PROPOSED ZONING ORDINANCE

On November 3, 1938, the City of San Antonio enacted a Comprehensive Zoning Ordinance which established districts within said municipality and provided for the location and use of buildings, structures and land, the size of yards and open spaces and the density of population. Studies made by the City Zoning and Planning Commission of the City of San Antonio indicate that changes and revisions in said zoning regulations are appropriate and should be enacted.

In accordance with the provisions of Article 1011f of the Revised Civil Statutes of the State of Texas, a Public Hearing of the City Council and the City Zoning and Planning Commission will be held on the 20th day of May, 1965, at 9:00 o'clock A. M. in the City Council Chamber of the City Hall of the City of San Antonio, for the purpose of considering changes and revisions in the zoning regulations of said City by establishing certain new zoning regulations, classifications and districts as recommended by the City Zoning and Planning Commission of the City of San Antonio, Texas.

A copy of the proposed changes and revisions of the zoning regulations may be examined at the City Hall in the office of the City Planning Commission located on the third floor, City Hall. Parties in interest and citizens are invited to examine the proposed revisions and to attend the Public Hearing.

B. J. SHELLEY
City Manager
City of San Antonio

ATTEST:
J. H. INSELMANN
City Clerk

Mrs. Charles D. Treuter

Sworn to and subscribed before me this 18th day of May

, 1965

Stella Orozco

Notary Public in and for Bexar County, Texas
STELLA OROZCO

STATE OF TEXAS)
)
COUNTY OF BEXAR)

BEFORE ME, the undersigned authority:

personally appeared Rute Domingue

to me personally known to be the Bookkeeper

OF THE SAN ANTONIO EXPRESS and SAN ANTONIO EVENING NEWS,

daily newspapers published in the City of San Antonio, in the county and

state aforesaid, and being by me first duly sworn, deposes and says

that the advertisement of

City of San Antonio
San Antonio, Texas

appeared in all editions of said newspapers in the manner and style

shown by the attached clipping on the following dates:

May 5, 1965

Rute Domingue

Subscribed and sworn to this 5 day of May

Joseph K. Elder

Notary Public in and for
Bexar County, Texas.

JOSEPH K. ELDER
Notary Public, Bexar County, Tex

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A copy of the proposed changes and revisions of the zoning regulations may be examined at the City Hall in the office of the City Planning Commission located on the third floor, City Hall. Parties in interest and citizens are invited to examine the proposed revisions and to attend the Public Hearing.
B. J. SHELLEY
CITY MANAGER
CITY OF SAN ANTONIO
ATTEST:
J. H. Inselmann
City Clerk

Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared _____

Mrs. Charles D. Treuter

, who being by me duly sworn,

says on oath that ^She is ~~one of~~ the publishers of the Commercial Recorder

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the An Ordinance 33412 hereto attached has been published in

every issue of said newspaper on the following days, to-wit: _____

June 22

, 19 65

AN ORDINANCE 33412

AMENDING CHAPTER 42 OF THE CITY CODE OF SAN ANTONIO; ESTABLISHING DEFINITIONS OF CERTAIN TERMS; RE-STATING PRESENT ZONING DISTRICTS AND REGULATIONS FOR PROPERTY ZONED PRIOR TO JUNE 28, 1965 AND ESTABLISHING SEPARATE ZONING DISTRICTS AND REGULATIONS FOR PROPERTY ZONED SUBSEQUENT TO JUNE 28, 1965; ADOPTING THE OFFICIAL ZONING MAP OF THE CITY; SETTING FORTH THE DUTIES OF THE PLANNING COMMISSION IN ZONING MATTERS; ESTABLISHING THE BOARD OF ADJUSTMENT AND TERMS OF ITS MEMBERS; PRESCRIBING PROCEDURES FOR THE REZONING OF PROPERTY INCLUDING PAYMENT OF FEES AND PUBLIC NOTICE AS REQUIRED BY STATE STATUTE; PROVIDING FOR CHANGES, RESTRICTIONS AND TERMINATION OF NONCONFORMING USES; ESTABLISHING SUPPLEMENTARY USE REGULATIONS FOR PROPERTY ZONED SUBSEQUENT TO JUNE 28, 1965 BY REQUIRING OFF STREET PARKING FACILITIES AND OFF STREET TRUCK LOADING FACILITIES AND SPECIAL PROVISIONS FOR PLANNED BUILDING GROUPS; PROVIDING FOR A FINE NOT EXCEEDING \$200.00 FOR VIOLATION; PROVIDING FOR SEVERABILITY AND DECLARING THIS ORDINANCE TO BE EFFECTIVE JUNE 28, 1965. PASSED AND APPROVED this 17th day of June, 1965.

Mrs. Charles D. Treuter

Sworn to and subscribed before me this 22nd day of June

, 19 65

Stella Orozco

Notary Public in and for Bexar County, Texas

STELLA OROZCO

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

*Frank
Please
have by
Monday*

RECEIVED

JUN 25 1965

TO: City Attorney

FROM: City Clerk

LEGAL DEPARTMENT
CITY OF SAN ANTONIO, TEX.

COPIES TO: -

SUBJECT: Amendments to the New Zoning Ordinance

Date June 25, 1965

Attached is a form of ordinance which was prepared by the Legal Department some time ago, which is used by this office in writing ordinances changing classification and rezoning of property.

Since passage of the new zoning ordinance may effect this form, I would appreciate it if you would review the attached, and advise whether it is satisfactory for use under the new ordinance. If you find this form should not be used, please prepare a new ordinance form for this purpose.

As you know, the ordinance is effective on June 28th, and your prompt attention to this request is appreciated.

J. H. Inselmann
J. H. INSELMANN
City Clerk

JHI.k

attachment

June 17th

#65-631

Page 20