



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 528**
Repeal of Multi-Tenant Provisions

DATE: January 18, 2011/*Revised August 14, 2014*

CREATED BY: Land Development Division/Zoning Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) has created this **revised** Information Bulletin (IB) to describe recent changes to the Unified Development Code (UDC) resulting in termination of the multi-tenant provisions of Appendix D. This bulletin has been updated to incorporate the department's new format for Information Bulletins.

Scope:

Background

For many years, the City of San Antonio contained areas zoned either with districts established either by the 1938 or the 1965 zoning ordinance. The 1938 zoning ordinance was "Euclidean", providing cumulative uses in more intense districts. The 1965 zoning ordinance, by contrast, was typical of mid-century zoning ordinances with a focus on segregating differing land uses and employing bulk and setback requirements to control intensity. In 2001, the City of San Antonio adopted a new zoning ordinance to replace both of the previous zoning ordinances and bring the entire city under one regulatory framework with goals of improving predictability and easing enforcement. To allow understanding of new zoning requirements conversion of existing zoning districts was postponed until February 4, 2002.

Several provisions were placed in Appendix D of the UDC to minimize potential hardships caused by the conversion, including a provision for any property owner to reserve a land use lost by the conversion up until three years after the conversion date. A multi-tenant use provision of UDC 35-D101(g) was enacted to allow continuation of legitimate uses authorized by the base zoning districts at the time of the February 4, 2002 conversion to new zoning districts created by the May 3, 2001 UDC.

The City has determined that some uses are no longer appropriate in certain zoning districts and has made numerous amendments to the allowable uses within the zoning text of the UDC to further the City's Comprehensive Master Plan. In an effort to promote greater conformity to the zoning districts of the May 3, 2001 UDC and prevent installation of land uses not authorized through zoning action by the City Council, the multi-tenant use provision of 35-D101 (g) was repealed on November 18, 2010, with an effective date of May 1, 2011. This staggered effective date provides for a total of ten years since the adoption date of the zoning districts currently in place and provides impacted parties over six months from the date of City Council action to make appropriate arrangements.

Scenarios

Staff has identified the following scenarios to assist property owners to understand the impact of this approved UDC amendment.

1. No Change Sought by Owner/Tenant

Where no change in use is contemplated, there is no need for any action at the present time. All legally existing uses may continue to operate as legal non-conforming uses in accordance with Article VII of the UDC. Property owners may wish to register non-conforming uses. The application materials to register a nonconforming use with the City of San Antonio Development Services Department is available online at <http://docsonline.sanantonio.gov/FileUploads/dsd/NCU%20Application%20082108.pdf> Nonconforming use registration is also eligible for a fee waiver through the ICRIP program (see additional explanation of ICRIP in subsection 2a below).

2. Change in Use/Tenancy Sought

To assist customers where a change in use and/or tenant is requested, two possible avenues have been identified:

- a. Rezone the property – properties with zoning that does not allow the intended or desired use, or uses, should consider rezoning to a different zoning district that allows the desired use. Much of the area subject to the 1938 zoning ordinance is in the Inner City Reinvestment/Infill Policy (ICRIP) area that is eligible for waiver of zoning fees for qualifying projects. A description of eligible fees as well as the process to obtain a fee waiver is online at: <http://docsonline.sanantonio.gov/FileUploads/dsd/CurrentICRIPFeeWaivers.pdf> . In addition, a map of ICRIP eligible areas is attached to this Information Bulletin. The application to request rezoning is available online at: <http://docsonline.sanantonio.gov/FileUploads/dsd/zoning%20application.pdf>

- b. Another option is for applicants to register existing nonconforming uses pursuant to UDC 35-705 and then to pursue changing the nonconforming use to a lesser nonconforming use pursuant to 35-704.

<i>A use permitted in:</i>	<i>Located in:</i>	<i>May be changed to a use permitted in:</i>
Resource Protection "RP" Residential Estate "RE"	Less restricted residential	Any more restricted district
Any business or industrial	Any residential district	Any residential use or a more restrictive business use as follows: "I-1" use may be changed to any "C-3", "C-2", "C-1", Office, or "NC"; "C-3" use may be changed to any "C-2", "C-1", Office, or "NC"; "C-2" may be changed to, "C-1", Office, or "NC"; "C-1" may be changed to Office, or "NC"; and office may be changed to an "NC" use
Any business district	More restricted business district	A more restrictive business use as follows: "I-1" use may be changed to any "C-3", "C-2", "C-1", Office, or "NC"; "C-3" use may be changed to any "C-2", "C-1", Office, or "NC"
"I-1" district	More restricted business district	"I-1" district

The application to register a nonconforming use with the Development Services Department is online at <http://docsonline.sanantonio.gov/FileUploads/dsd/NCU%20Application%20082108.pdf> Nonconforming use registration is also eligible for a fee waiver through the ICRIP program.

3. Existing Registered Multi-Tenant Uses and Uses Registered by May 1, 2011

Existing uses registered under the multi-tenant provision must apply to the Development Services Department for a permanent Certificate of Occupancy before May 1, 2011. The City of San Antonio will not honor registered multi-tenant uses for any applications for a Certificate of Occupancy received on or after May 1, 2011, including temporary Certificates of Occupancy. After May 1, 2011 properties must either be appropriately zoned or registered for nonconforming use through other available provisions in Article VII of the UDC.

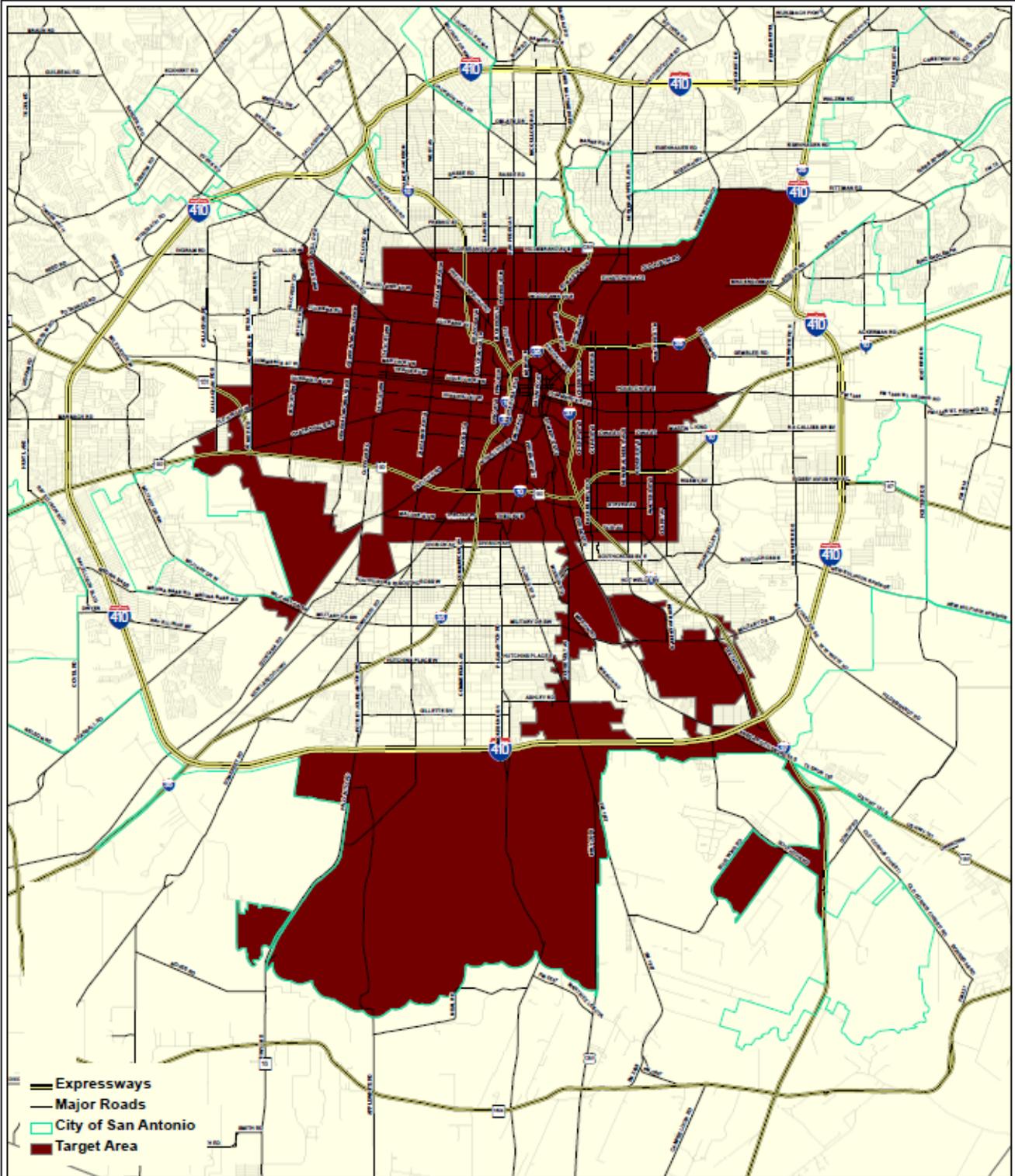
Summary:

This IB is a courtesy for informational purposes only to reflect the currently adopted UDC. The effective date of the previously approved UDC amendment relative to nonconforming multi-tenant uses is May 1, 2011 and staff recommends that property owners perform due diligence if any change in use is proposed for a nonconforming property. The Zoning section staff is available to discuss all options including both rezoning and nonconforming registration with any interested party. You may call (210) 207-1111 and ask to speak with the zoning planner of the day.

Prepared by: Catherine Hernandez, Planning Manager

Reviewed by: Catherine Hernandez, Planning Manager

Authorized by: John Jacks, Assistant Director



This map is a derivative work of the City of San Antonio. It is not to be used for any purpose other than that for which it was prepared. The City of San Antonio is not responsible for any errors or omissions in this map.

Inner City Reinvestment/Infill Policy Adopted 4 February 2010

City of San Antonio

