

# CITY OF SAN ANTONIO

## Zoning Commission Agenda

Cliff Morton Development and Business Services Center  
1901 S. Alamo Street  
Board Room

**Tuesday, April 3, 2012**  
**12:45 PM**

### ZONING COMMISSIONERS

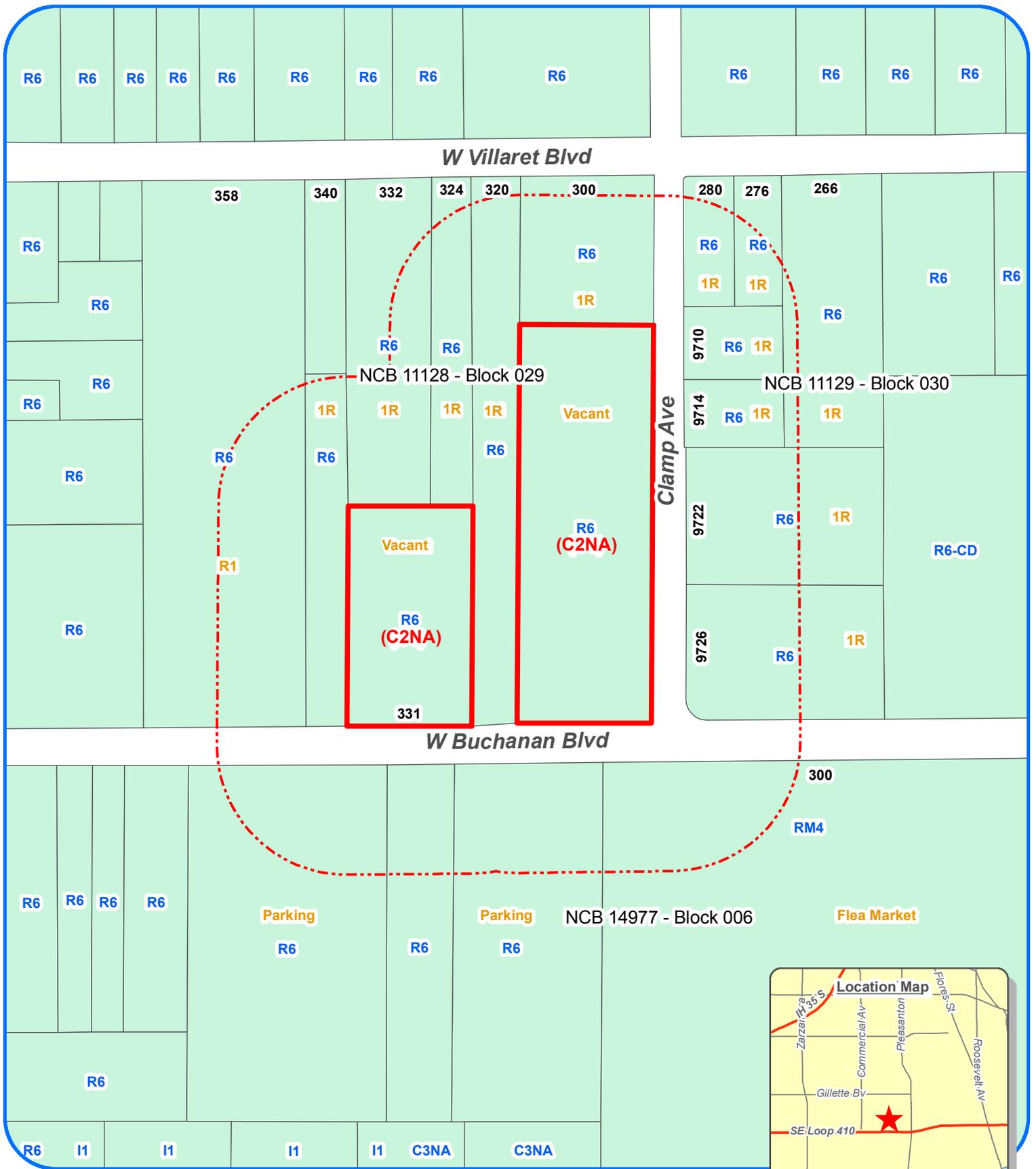
Mariana Ornelas – District 1	Christopher Martinez – District 6
Dan Martinez – District 2	David Christian – District 7
Gerard P. Clancy – District 3	Rick McNealy – District 9
Orlando Salazar – District 4	Milton R. McFarland – District 10
Rachel Flores – District 5	Brenna Nava– District Mayor
Billy J. Tiller – District 8 Chairman	

1. **12:45 PM** - Work Session - discussion of policies and administrative procedures, and any items for consideration on the agenda for April 3, 2012.
2. **1:00 P.M.** Board Room– Call to Order.
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of the March 20, 2012 Zoning Commission Minutes.
6. **ZONING CASE NUMBER Z2012073 (Council District 3):** A request for a change in zoning from “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District to “C-2NA AHOD” Commercial Nonalcoholic Sales Airport Hazard Overlay District on 4.433 acres out of NCB 11128, 331 West Buchanan Boulevard and 300 West Villaret Boulevard.
7. **ZONING CASE NUMBER Z2011052 (Council District 10):** A request for a change in zoning from “C-2 AHOD” Commercial Airport Hazard Overlay District, “C-3 AHOD” General Commercial Airport Hazard Overlay District and “C-3R AHOD” General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to “C-2 AHOD” Commercial Airport Hazard Overlay District on Lots 7, 8, 9 and 10, NCB 13740 and Parcels 38, 128A, 128B, 128C and 128D, NCB 15679 on portions of the 3100, 3500, and 3700 Blocks of Thousand Oaks.
8. **ZONING CASE NUMBER Z2012069 CD (Council District 1):** A request for a change in zoning from “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District to “R-4 AHOD CD” Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Two-Family Dwelling on 0.3233 acre tract of land being all of Lot 9 and a triangular portion of Lot 10, Block 3, NCB 761, 308 Warren Street.

9. **ZONING CASE NUMBER Z2012078 CD (Council District 1):** A request for a change in zoning from “R-4 AHOD” Residential Single Family Airport Hazard Overlay District to “R-4 AHOD CD” Residential Single Family Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot on Lot 3 and the west 10 feet of Lot 2, Block 22, NCB 10487, 411 Beryl Drive.
10. **ZONING CASE NUMBER Z2012079 CD (Council District 7):** A request for a change in zoning from “I-1 AHOD” General Industrial Airport Hazard Overlay District to “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a Conditional Use for Auto Sales on Lot 3, Block 1, NCB 15053 save and except approximately 350 square feet known as Parcel 4, 5790 Northwest Loop 410.
11. **ZONING CASE NUMBER Z2012080 (Council District 1):** A request for a change in zoning from “I-1 HS AHOD” General Industrial Historic Significant Airport Hazard Overlay District to “C-2 HS AHOD” Commercial Historic Significant Airport Hazard Overlay District on 0.7105 acres out of Lots 9 through 19 and a portion of Lots 20 and 21, Block F, NCB 2564, 1735 South Alamo Street.
12. Public Hearing and Consideration on Proposed Changes to City Code Chapter 13 Food and Food Handlers and Chapter 35 Unified Development Code Related to Mobile Food Vending Ordinance.
13. Public Hearing and Consideration on Proposed Changes to City Code Chapter 16 Article VII and the City Code Chapter 35 Unified Development Code Related to Salvage Yards and Metal Recycling Facilities.
14. Discussion and possible action to cancel the April 17, 2012 Zoning Commission Meeting.
15. **Executive Session:** consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
16. **ADJOURNMENT.**

**Accessibility Statement**

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



## Zoning Case Notification Plan

# Case Z-2012-073

Council District 3

Scale: 1" approx. = 200 ft.

Subject Property Legal Description(s): 4.433 acres out of NCB 11128

### Legend

- Subject Properties (4.433 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept  
City of San Antonio  
(02/29/2012 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



# City of San Antonio

## Development Services Department

### Staff Report

To: Zoning Commission  
Zoning Case #: Z2012073  
Hearing Date: April 3, 2012  
Property Owners: Joel Dauley and Joe Lozano  
Applicant: Joel Dauley  
Representative: Bobby Perez  
Location: 331 West Buchanan Boulevard and 300 West Villaret Boulevard  
Legal Description: 4.433 acres out of NCB 11128  
Total Acreage: 4.433  
City Council District: 3  
Case Manager: Brenda V. Martinez, Planner  
Case History: This is the second public hearing for this zoning request. The case was continued from the March 20, 2012 meeting.

#### **Proposed Zoning Change**

**Current Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 2, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on March 7, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 16, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Notices Mailed**

**Owners of Property within 200 feet:** 18

**Neighborhood Associations:** None

**Planning Team Members:** 36 (West/Southwest Sector Plan)

**Applicable Agencies:** None

## **Property Details**

**Property History:** The subject site is currently undeveloped with the exception of a number of small structures used as horse stables. The property was annexed in 1952 and was originally zoned "R-1" Single-Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district, converted to the current "R-6" Residential Single-Family District.

**Topography:** The property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

## **Adjacent Zoning and Land Uses**

**Direction:** North, East and West

**Current Base Zoning:** "R-6"

**Current Land Uses:** Single-Family Residences

**Direction:** South

**Current Base Zoning:** "R-6"

**Current Land Uses:** Flea Market

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

## **Transportation**

**Thoroughfare:** West Buchanan Boulevard

**Existing Character:** Local B Street; 1 lane in each direction

**Proposed Changes:** None known

**Thoroughfare:** Clamp Avenue

**Existing Character:** Local A Street; 1 lane in each direction

**Proposed Changes:** None known

**Public Transit:** The nearest VIA busline is the number 44 line, which operates along Moursund Boulevard.

**Traffic Impact:** A Traffic Impact Analysis is not required.

**Parking Information:** N/A

## **Staff Analysis and Recommendation: Denial of "C-2NA" with an alternate recommendation of "R-4 CD" Residential Single-Family District with a Conditional Use for a Non-Commercial Parking Lot**

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

### **1. Consistency:**

The subject property is located within the West/Southwest Sector Plan and is currently designated as "General Urban Tier" in the Future Land Use Plan. The zoning request is consistent with the Future Land Use designation.

### **2. Adverse Impacts on Neighboring Lands:**

The requested "C-2NA" district allows a wide range of retail and service uses that could increase traffic, lighting, and noise which would negatively impact neighboring residences. The range of uses permitted in the requested zoning district is too intense for the subject property's location.

Staff finds the alternate recommendation of “R-4 CD” to be more appropriate given that the subject property will continue to permit residential development. The Conditional Use will only permit the parking lot.

The application of a conditional use provides an opportunity to limit the impact of the proposed use on surrounding properties. The proposed parking lot would provide additional parking for the Mission Flea Market, which is located at 707 Moursund Boulevard.

### **3. Suitability as Presently Zoned:**

The current residential zoning is appropriate for the area. Ideally this property would continue the residential development pattern in this established neighborhood.

### **4. Health, Safety and Welfare:**

Increased vehicle traffic that would likely accompany the variety of retail uses permitted in the “C-2NA” district may pose a threat to the public health, safety and welfare of the neighborhood surrounding the subject property.

The neighboring outdoor flea market generates significant traffic through this residential neighborhood. The market has also created a parking hazard due to customers parking along the residential streets in the area. The proposed parking lot should reduce some of the current on-street parking; however it is also likely to increase traffic in the residential neighborhood.

### **5. Public Policy:**

The requested zoning is consistent with the adopted land use plan. The existing “R-6” zoning is not consistent with the adopted General Urban Tier land use designation.

The proposed use may be accomplished through approval of a lower-intensity zoning change request. Other zoning options that are consistent with the West/Southwest Sector Plan that allow a non-commercial parking lot include “O-1.5” and “C-1 S”. However, staff does not support any non-residential zoning district for the properties located at 331 West Buchanan Boulevard and 300 West Villaret Boulevard.

### **6. Size of Tract:**

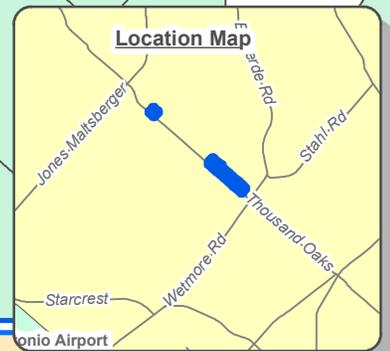
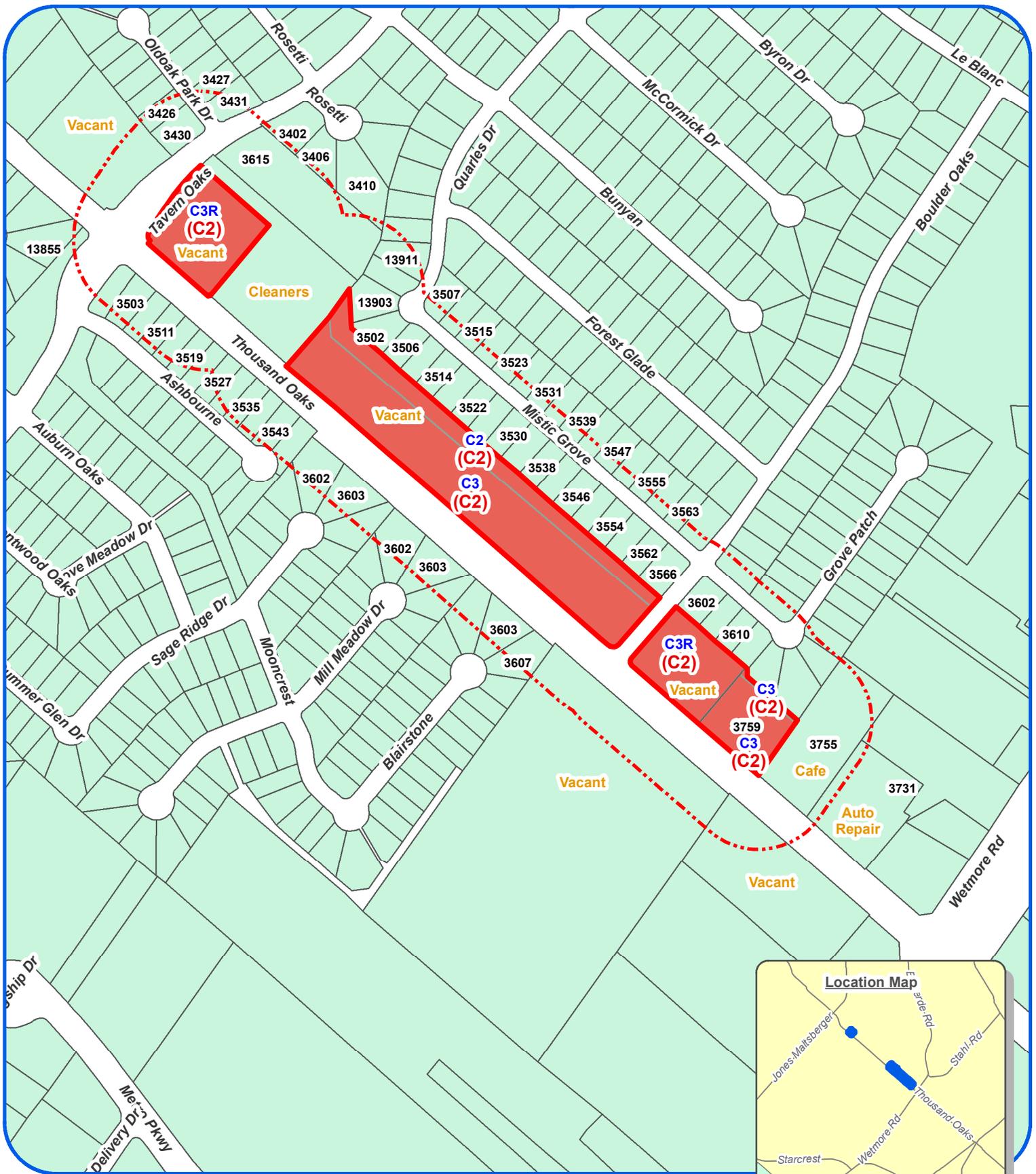
The 4.433 acre tract is of sufficient size to accommodate the proposed use.

### **7. Other Factors:**

The subject properties abut “R-6” zoning and a Type B (15 foot) landscape buffer will be required to screen and separate the requested zoning district from the adjoining single-family residential zoning districts.

Should the Zoning Commission decide to recommend approval of staff’s alternate recommendation, Zoning staff would recommend the following conditions:

1. A 15 foot Type B landscape buffer shall be provided along property boundaries abutting single family residential zoning or uses;
2. All on-site lighting shall be directed onto the site and point away from any residential zoning or uses;
3. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed;
4. No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions.



## Zoning Case Notification Plan

# Case Z-2011-052

Sheet 1 of 2

Council District 10

Scale: 1" approx. = 350 ft.

### Legend

Subject Properties (9.52 Acres - 7 Properties)

200' Notification Area (115 Properties)

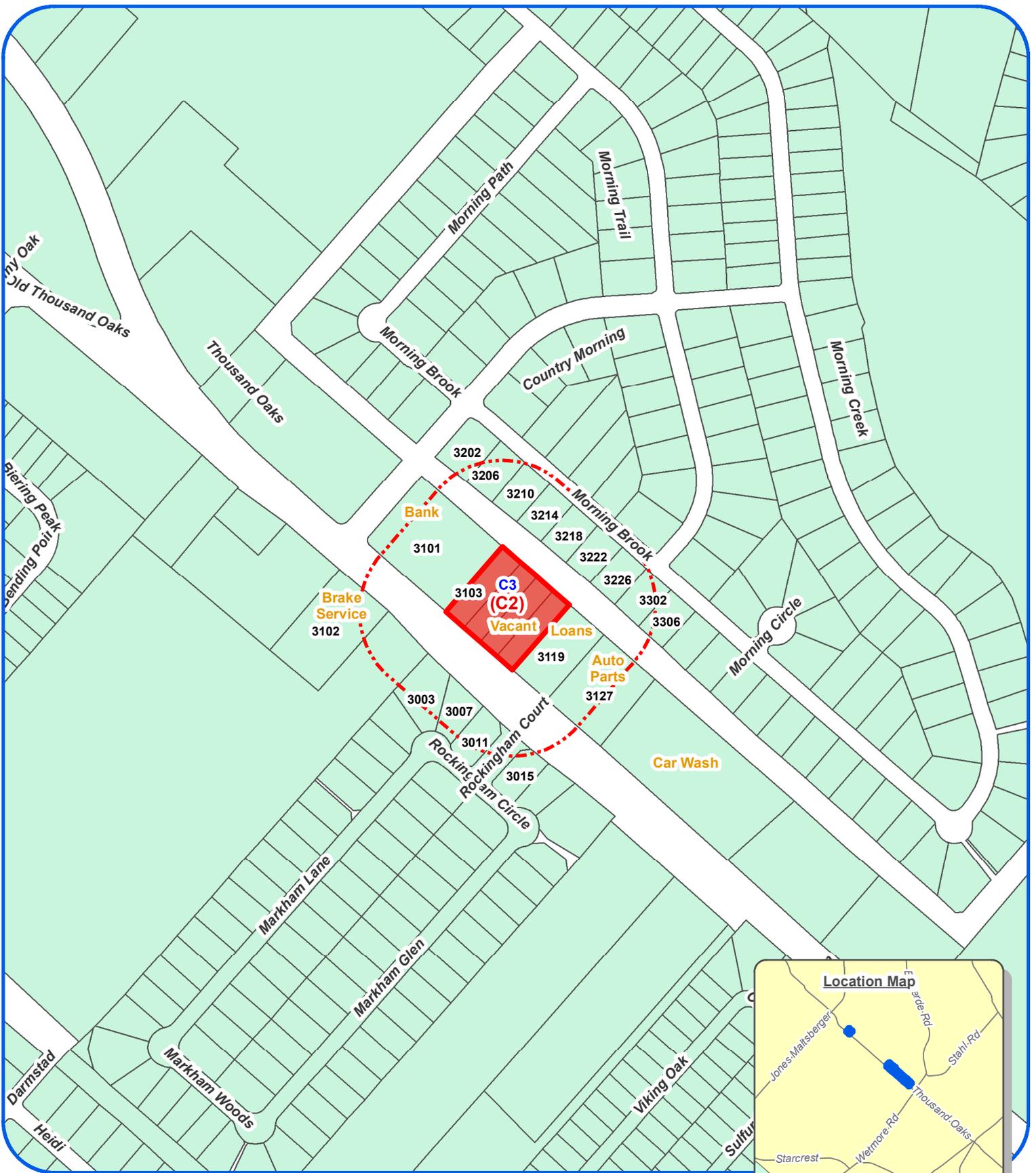
Current Zoning **TEXT**

Requested Zoning Change **(TEXT)**



Development Services Dept  
City of San Antonio  
(03/09/2012 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



# Zoning Case Notification Plan

## Case Z-2011-052

Sheet 2 of 2

Council District 10

Scale: 1" approx. = 300 ft.

### Legend

- Subject Properties ——— (9.52 Acres - 7 Properties)
- 200' Notification Area - - - - - (115 Properties)
- Current Zoning TEXT
- Requested Zoning Change (TEXT)



Development Services Dept  
City of San Antonio  
(03/09/2012 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



# City of San Antonio

## Development Services Department

### Staff Report

To: Zoning Commission

Zoning Case #: Z2011052

Hearing Date: April 3, 2012

Property Owner: Greenbrier Realty Corporation and Virginia Lorenzen

Applicant: City of San Antonio - Development Services Department

Representative: Zoning Division - Pedro Vega Case Manager

Location: Portions of the 3100, 3500, and 3700 Blocks of Thousand Oaks

Legal Description: Lots 7, 8, 9 and 10, NCB 13740 and Parcels 38, 128A, 128B, 128C and 128D, NCB 15679

Total Acreage: 9.52

City Council District: 10

Case Manager: Pedro Vega, Planner

Case History: This is the first public hearing for this zoning request.

### Proposed Zoning Change

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-3 AHOD" General Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District

**Requested Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

### Procedural Requirements

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on March 21, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 15, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 30, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### Notices Mailed

**Owners of Property within 200 feet:** 117

**Neighborhood Associations:** Eden Home Owners Association, Thousand Oaks Forest Home Owners Association and Hunters Mill Association

**Planning Team Members:** San Antonio International Airport Vicinity Plan

**Applicable Agencies:** None

### Property Details

**Property History:** The subject properties were annexed in September of 1964 and December of 1984, and were originally zoned "Temporary R-1" Temporary Single-Family Residence District. In a 1986 and 1989 zoning case the

properties were rezoned to “B-2” Business District, “B-3” Business District and “B-3R” Restrictive Business District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "C-2 AHOD" Commercial Airport Hazard Overlay District, "C-3 AHOD" General Commercial Airport Hazard Overlay District and "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District.

**Topography:** The subject property is relatively flat and has no physical characteristics that are likely to affect the use.

## **Adjacent Zoning and Land Uses**

**Direction:** Northwest

**Current Base Zoning:** "C-3" General Commercial District

**Current Land Uses:** Bank, Vacant Land, and Cleaners

**Direction:** Southeast

**Current Base Zoning:** "C-3" General Commercial District

**Current Land Uses:** Restaurant, Vacant Land, and Cash America

**Direction:** Northeast

**Current Base Zoning:** "R-4" Residential Single-Family District, "R-6" Residential Single-Family District and "C-3R" General Commercial Restrictive Alcoholic Sales District

**Current Land Uses:** Drain ROW, Single-Family Dwellings and Auto Repair

**Overlay and Special District Information:** All surrounding properties carry the “AHOD” Airport Hazard Overlay District, due to their proximity to an airport or approach path. The “AHOD” does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

## **Transportation**

**Thoroughfare:** Thousand Oaks

**Existing Character:** Secondary Arterial Type A with two lanes in each direction with center turn lanes.

**Proposed Changes:** None known.

**Public Transit:** The VIA number 502 bus line operate along Thousand Oaks .

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required.

**Parking Information:** Parking requirements are determined by use and, often, by size of the development; therefore, staff cannot calculate future parking requirements for the subject property. However, the subject properties are of sufficient size to accommodate commercial uses and parking.

## **Staff Analysis and Recommendation: Approval.**

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

### **1. Consistency:**

The subject properties are located within the boundaries of the San Antonio International Airport Vicinity Plan and are currently designated as “Low Density Residential” and “Neighborhood Commercial”. An amendment from the current land use classification to the “Community Commercial” classification was considered and recommended for approval, at the March 14, 2012 Planning Commission Public Hearing. The Planning and Community Development Department staff recommends approval of the Master Plan Amendment.

### **2. Adverse Impacts on Neighboring Lands:**

The proposed rezoning is based on an overall strategy designed to reduce the intensity of allowed commercial uses and eliminate general commercial zoning where it is in conflict with the adopted future land use plan designation. Overall, reducing the intensity of zoning along the northeast side of Thousand Oaks between

Country Morning and Wetmore Road will reduce the potential for conflicts with the abutting residential neighborhoods; allowing uses that will better serve the surrounding community.

### **3. Suitability as Presently Zoned:**

The proposed "C-2" Commercial District allows less intense uses than the existing "C-3" General Commercial District and "C-3R" General Commercial Restrictive Alcoholic Sales District. The current zoning has allowed intense commercial development that is not compatible with the surrounding residential uses, and which does not conform to the future land use designated by the San Antonio International Airport Vicinity Plan.

### **4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare due to this request. The "C-2" district permits general commercial activities designed to serve the community and promote a broad range of commercial operations and services necessary for large regions of the city, providing community balance. No outdoor storage or display of goods shall be permitted except for outdoor dining.

### **5. Public Policy:**

The San Antonio International Airport Vicinity Plan was adopted in May 2010. The Plan is a component of the City's Master Plan.

The resolution to rezone the properties on the northeast side of Thousand Oaks between Country Morning and Wetmore Road to conform to the San Antonio International Airport Vicinity Plan was approved by City Council on October 14, 2010.

The zoning request is to rezone properties within the San Antonio International Airport Vicinity Plan boundaries so that the zoning of these properties may be brought into conformity with the Master Plan Amendment. Per request from City Council (District 10), staff has conducted a study of these properties and is recommending a rezoning proposal that would be compatible with the current uses, while attempting to provide consistency with current and proposed adjacent zoning districts.

### **6. Size of Tract:**

The properties are currently vacant and of sufficient size to accommodate "C-2" commercial uses.

### **7. Other Factors:**

The Development Services Department Staff conducted three informational meetings to inform property owners, neighborhood associations, community organizations and stakeholders of the proposed zoning change at the following locations: 1) Northeast Service Center (Tool Yard) on March 22, 2011; 2) Northeast Service Center (Tool Yard) on May 26, 2011; and 3) Cliff Morton Development Business Services Center, on April 20, 2011. The proposed rezoning map was presented to the attendees, along with general information about the rezoning process.



**CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST**

TO: Mayor & City Council

FROM: Carlton Soules, Councilman District 10

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Edward Benavides, Chief of Staff; Robert Hammond, Special Projects Manager, Chris Callanen, Assistant to the City Council; Michael Bernard, City Attorney; John Peterek, Senior Management Analyst

SUBJECT: Request for an amendment to the Airport Vicinity Land Use Plan on Thousand Oaks between Country Morning and Wetmore Road

DATE: October 4, 2011

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK  
OCT - 5 AM 10:05

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

I respectfully ask for your concurrence amending the Airport Vicinity Land Use Plan along the portion of Thousand Oaks from County Morning to Wetmore Road to coincide with the planned rezoning of this corridor.

Brief Background

On October 22, 2010 City Councilman John Clamp, District 10, initiated a rezoning of Thousand Oaks from Country Morning to Wetmore Road.

City Council approved the resolution in support of the rezoning effort On February 3, 2011.

City staff members, community members, effected property owners and our office have determined the most appropriate zoning plan for responsible development along this corridor.

The proposed rezoning plan will require amending the Airport Vicinity Land Use Plan. Therefore, I am requesting your concurrence and support to amend this plan and move forward with this initiative.

Submitted for Council consideration  
by:

\_\_\_\_\_  
Councilman Carlton Soules, District 10

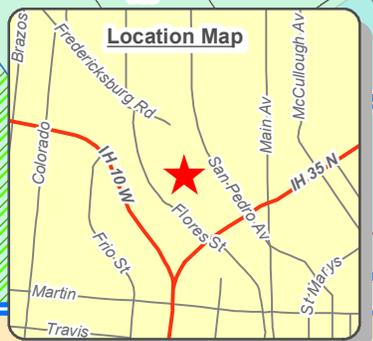
Supporting Councilmembers' Signatures (4 only)

District No.

1.

2.	<i>L. Esher</i>	<i>9</i>
3.	<i>J.M.</i>	<i>1</i>
4.	<i>David Medina</i>	<i>5</i>

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK  
11 OCT -6 AM 10:02



# Zoning Case Notification Plan

## Case Z-2012-069 CD

Council District 1

Scale: 1" approx. = 120 ft.

Subject Property Legal Description(s): NCB 00761 - Block 003 - Lot 9 & SE Tri 4 ft of Lot 10

### Legend

- Subject Properties (0.3233 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept  
City of San Antonio  
(03/05/2012 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



# City of San Antonio Development Services Department Staff Report

To: Zoning Commission  
Zoning Case #: Z2012069 CD  
Hearing Date: April 3, 2012  
Property Owner: Highway Development LLC  
Applicant: Amil Sheikhi  
Representative: Amil Sheikhi  
Location: 308 Warren Street  
Legal Description: A 0.3233 acre tract of land being all of Lot 9 and a triangular portion of Lot 10, Block 3, NCB 761  
Total Acreage: 0.3233  
City Council District: 1  
Case Manager: Pedro Vega, Planner  
Case History: This is the first public hearing for this zoning request.

## **Proposed Zoning Change**

**Current Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Two-Family Dwelling

## **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on March 21, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 15, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 30, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

## **Notices Mailed**

**Owners of Property within 200 feet:** 19

**Neighborhood Associations:** Five Points Neighborhood Association

**Planning Team Members:** 23 (Five Points Neighborhood Plan)

**Applicable Agencies:** None

## **Property Details**

**Property History:** The subject property is located within the city limits as recognized in 1938. The property was originally given zoning under the city's 1938 zoning code ("D" Apartment District). In April of 2003, the property

was part of a large area rezoning that change the zoning to the current "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District (Ordinance 97522, dated April 24, 2003).

**Topography:** The subject property is relatively flat and has no physical characteristics that are likely to affect the use.

### **Adjacent Zoning and Land Uses**

**Direction:** South

**Current Base Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Current Land Uses:** Single-Family Dwellings

**Direction:** Southwest

**Current Base Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Current Land Uses:** Single-Family Dwellings and Vacant Lots

**Direction:** North

**Current Base Zoning:** "MF-50 AHOD" Multi-Family Airport Hazard Overlay District

**Current Land Uses:** Apartment Complex

**Direction:** Northwest across Warren Street

**Current Base Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Current Land Uses:** Vacant Lots, Single-Family Dwellings, and Apartments

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

### **Transportation**

**Thoroughfare:** Warren Street

**Existing Character:** Local Access Street with one lane in each direction.

**Proposed Changes:** None known.

**Public Transit:** There are no public transit lines in the immediate vicinity of the subject property. The nearest VIA number 4, 92, 96, 97, 292 and 296 bus lines operates along San Pedro Avenue, northeast of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required because traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** Minimum Parking Requirement: 1 per unit. Maximum Parking Requirement: N/A.

### **Staff Analysis and Recommendation: Approval.**

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

#### **1. Consistency:**

The subject property is located within the Five Points Neighborhood Plan area, and is identified as "Low Density Residential" in the Future Land Use component of the Plan. Low Density Residential land use includes single-family homes on individual lots. A limited number of duplexes and granny flats or garage apartments may also be permitted. The base zoning district request is consistent with the adopted land use designation.

#### **2. Adverse Impacts on Neighboring Lands:**

Granting of the Conditional Use designation would not have an adverse impact on the neighborhood. Staff finds the conditional use to be appropriate as the property is situated abutting an apartment complex and a

neighborhood that includes an established mix of single-family and multi-unit dwellings. Additionally, the zoning request maintains the "R-4" base zoning district that is consistent with the adopted land use plan.

**3. Suitability as Presently Zoned:**

The existing "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District is appropriate for the subject property.

**4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare due to this request. One of the neighborhood's highest priorities is to conserve the existing housing stock while recognizing and appreciating the varying residential densities.

**5. Public Policy:**

The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

**6. Size of Tract:**

The subject property is 0.3233 of an acre in size, which should reasonably accommodate the proposed two-family dwelling (see site plan).

**7. Other Factors:**

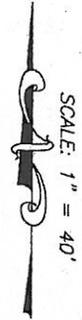
Further, the requisite site plan indicates no new construction and no changes from the property's current configuration. The application of a Conditional Use provides an opportunity to limit the impact of the proposed use on surrounding properties by limiting the scope of use allowed.

GF NO. 4144001346 FIDELITY NATIONAL TITLE  
 ADDRESS: 308 WARREN STREET  
 SAN ANTONIO, TEXAS 78212  
 BORROWER: HIGHWAY DEVELOPMENT, LLC

**SITE PLAN**

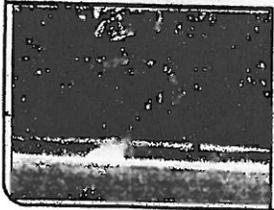
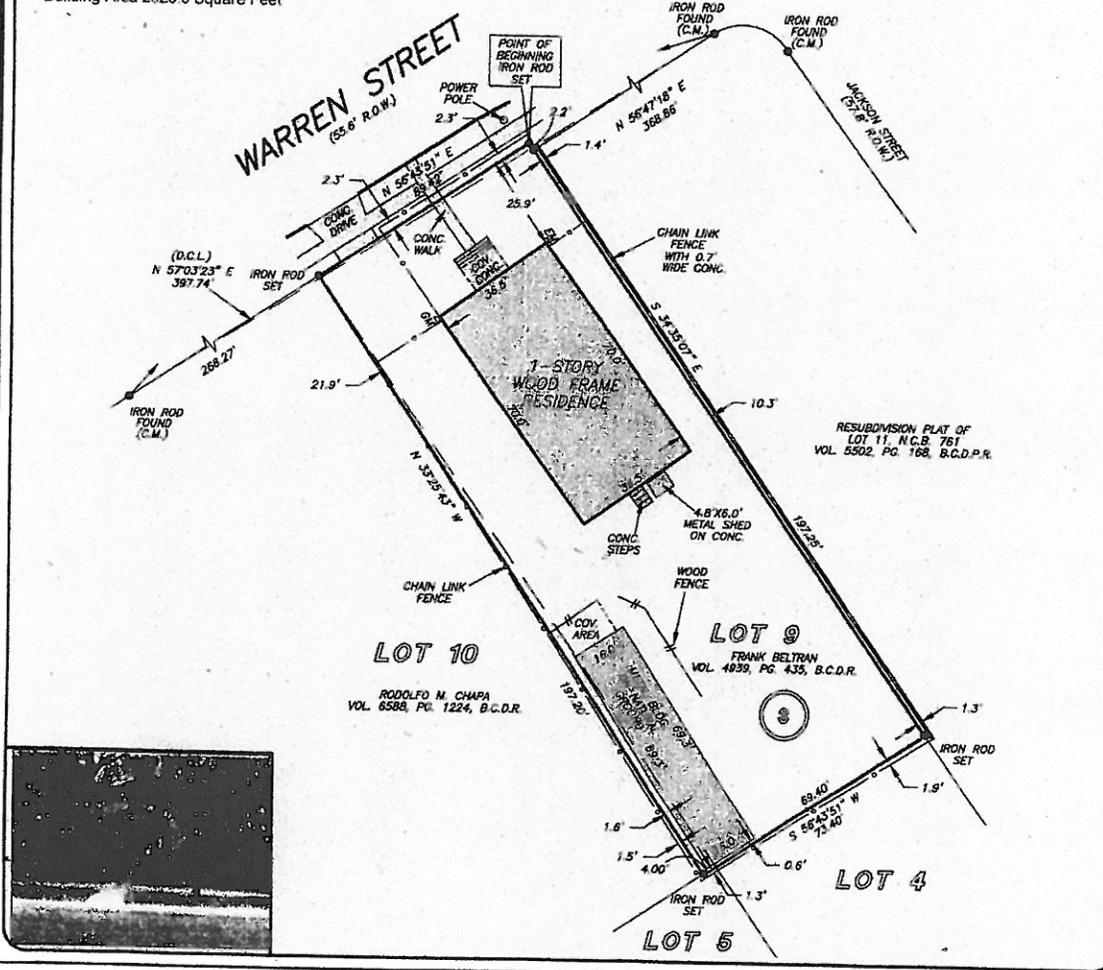
**0.3233 ACRE (14,082 SQ.FT.)  
 LOT 9, BLOCK 3  
 NEW CITY BLOCK 761**

SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF  
 SAN ANTONIO, BEXAR COUNTY, TEXAS  
 AND THE EAST IRREGULAR 4 FEET OF LOT 10, BLOCK 3,  
 NEW CITY BLOCK 761, SAN ANTONIO, BEXAR COUNTY, TEXAS  
 (SEE ATTACHED METES AND BOUNDS)



The following statement: "I, AMIR SHEIKHI, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.

Building Area 2520.0 Square Feet



THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS PER FIRN PANEL NO. 48029C 0415 C MAP REVISION: 09/29/2010 ZONE X BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE RECORD BEARING: VOL. 5502, PG. 168, B.C.D.P.R.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING PROVIDED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

ALLEN D. HUGHES  
 PROFESSIONAL LAND SURVEYOR  
 NO. 3891  
 JOB NO. SA2011-02987  
 NOVEMBER 21, 2011



DRAWN BY: BR



LAURA RAUCH  
 210-249-5100



**PRECISION**  
 surveyors

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 14925 MEMORIAL DRIVE SUITE 8100 HOUSTON, TEXAS 77079 1717 MI. LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217



# Zoning Case Notification Plan

## Case Z-2012-078 CD

Council District 1

Scale: 1" approx. = 120 ft.

Subject Property Legal Description(s): NCB 10487 - Block 022 - Lot 3 & W 10 ft of Lot 2

### Legend

- Subject Properties (0.2211 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept  
City of San Antonio  
(03/20/2012 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



# City of San Antonio

## Development Services Department

### Staff Report

To: Zoning Commission  
Zoning Case #: Z2012078 CD  
Hearing Date: April 3, 2012  
Property Owner: PTJ Enterprises LLC  
Applicant: Patrick Tijerina  
Representative: Patrick Tijerina  
Location: 411 Beryl Drive  
Legal Description: Lot 3 and the west 10 feet of Lot 2, Block 22, NCB 10487  
Total Acreage: 0.2211  
City Council District: 10  
Case Manager: Pedro Vega, Planner  
Case History: This is the first public hearing for this zoning request.

#### **Proposed Zoning Change**

**Current Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on March 21, 2012. The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 15, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 30, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Notices Mailed**

**Owners of Property within 200 feet:** 34

**Neighborhood Associations:** Dellview Area Neighborhood Association

**Planning Team Members:** 27 (Greater Dellview Area Community Plan)

**Applicable Agencies:** None

#### **Property Details**

**Property History:** The subject property was annexed in September of 1952, and was originally zoned "B" Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "R-4" Residential Single-Family District.

**Topography:** The subject property is relatively flat and has no physical characteristics that are likely to affect the use.

## **Adjacent Zoning and Land Uses**

**Direction:** East

**Current Base Zoning:** "C-2" Commercial District and "C-3" General Commercial District

**Current Land Uses:** Retail and Restaurant/Bar uses

**Direction:** West

**Current Base Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District

**Current Land Uses:** Single-Family Dwellings

**Direction:** North

**Current Base Zoning:** "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Non-Commercial Parking Lot

**Current Land Uses:** Non-Commercial Parking Lot, Alley, and Single-Family Dwellings

**Direction:** South across Beryl Drive

**Current Base Zoning:** "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District and "C-2 AHOD" Commercial Airport Hazard Overlay District

**Current Land Uses:** Vacant Lot, Restaurant, Parking, and Single-Family Dwellings

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

## **Transportation**

**Thoroughfare:** Beryl Drive

**Existing Character:** Local Access Street with one lane in each direction.

**Proposed Changes:** None known.

**Thoroughfare:** Vance Jackson

**Existing Character:** Secondary Arterial with one lane in each direction.

**Proposed Changes:** None known.

**Public Transit:** The VIA number 96 and 296 bus lines operate along Vance Jackson.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required.

**Parking Information:** Minimum Parking Requirement: N/A Maximum Parking Requirement: N/A

## **Staff Analysis and Recommendation: Approval with conditions.**

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

### **1. Consistency:**

The subject property is located within the Greater Dellview Area Community Plan area, and is identified as "Low Density Residential" in the Future Land Use component of the Plan. Low Density Residential land use includes single-family homes on individual lots. The zoning request is consistent with the adopted land use designation.

### **2. Adverse Impacts on Neighboring Lands:**

Granting of the Conditional Use would not have an adverse impact on the neighborhood. The application of a Conditional Use provides an opportunity to limit the impact of the proposed use on surrounding properties.

The proposed parking lot would provide additional parking for the Sports Bar & Grill, which is located at 2603 Vance Jackson. A secure off-street parking facility diminishes the likelihood of patrons parking on the street in the adjacent neighborhood.

### **3. Suitability as Presently Zoned:**

Since the current use of the property is vacant, there will be no loss of housing stock in this neighborhood. Given the close proximity to the intersection of two thoroughfares and commercial property across the street, a Non-Commercial Parking Lot is appropriate and reasonable use for this location.

### **4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare due to this request. The request will improve parking conditions and the opportunity to provide buffering between the Sports Bar & Grill area and the adjoining residential neighborhood.

### **5. Public Policy:**

The subject property and the proposed development meet the criteria of the Inner City Reinvestment Infill Policy (ICRIP). This policy provides development fee waivers to applicants and grant funded reimbursement for city departments, in an effort to encourage redevelopment of under-utilized urban properties.

### **6. Size of Tract:**

The subject property is 0.2211 of an acre in size, which will accommodate the proposed Non-Commercial Parking Lot (see site plan).

### **7. Other Factors:**

There are many businesses along the Westside of Vance Jackson, which front the perpendicular cross streets. The requested zoning would be appropriate among the adjacent "C-2" and "C-3" Commercial Districts and uses located to the east and south. In order to mitigate possible land use conflicts between the subject property and adjacent residential uses, staff recommends the following conditions with site plan:

1. A Type A (Minimum width 10 feet) landscape buffer shall be provided along the west property line;
2. A 6 foot tall solid privacy fence shall be installed and maintained along the west property line;
3. All on-site lighting shall be directed onto the site and point away from any residential uses;
4. No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and to provide parking instructions (not to exceed three (3) square feet in area).
5. Allowable hours of operations shall be 12:00 pm to 2:00 am

The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

Section 35-526: Parking and Loading Standards. The purpose of this section is to prescribe minimum off-street parking and design standards. Lack of adequate parking can result in motorists parking in adjacent neighborhoods or business areas. This in turn can affect the perceived livability of the neighborhood and reduce the ability of business to accommodate customers. Circulation to find parking can increase which adds unnecessary vehicle trips on the surrounding street network, increasing the length of time and distance a vehicle is operated.

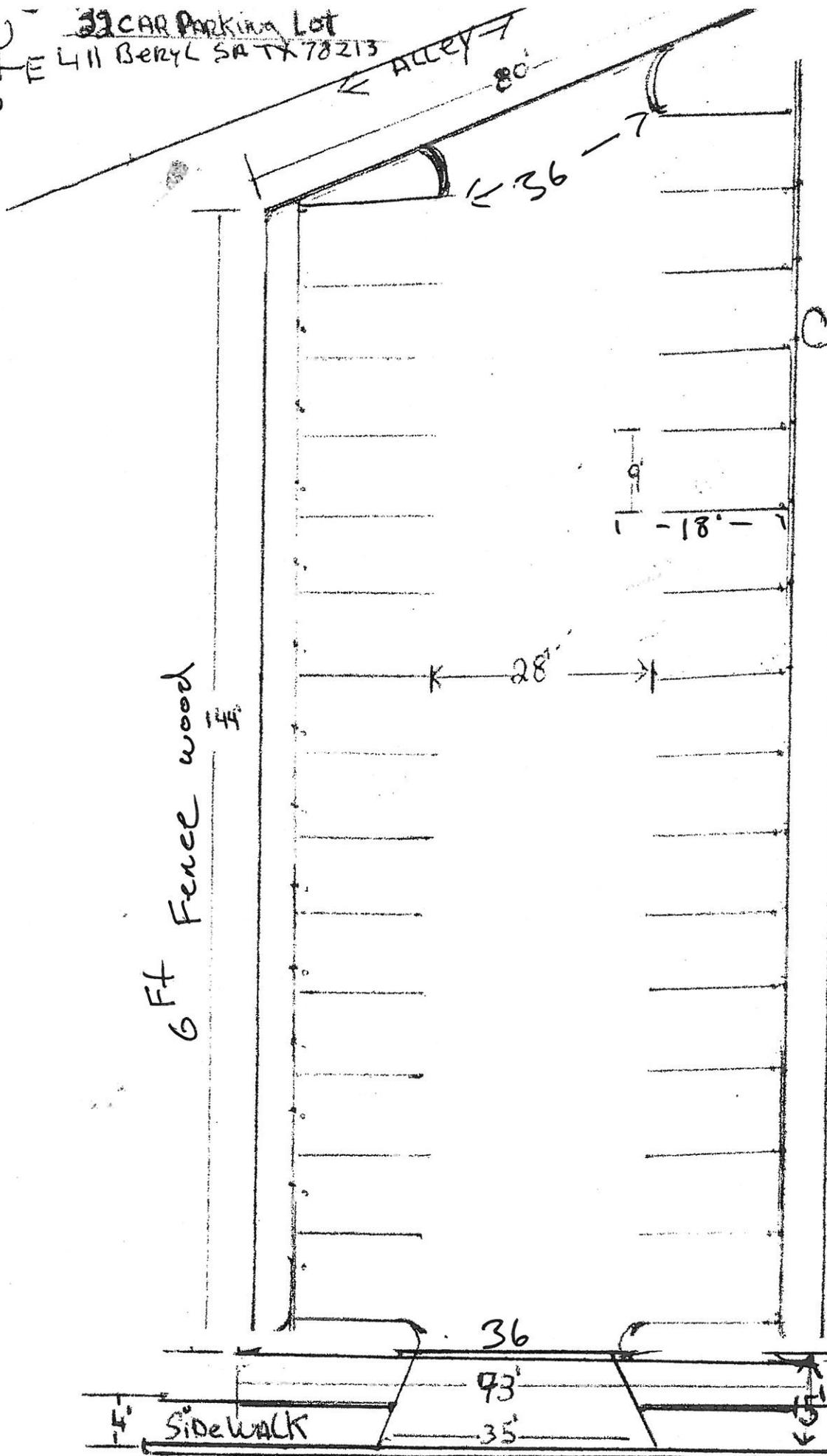
W  
S  
E  
N  
E 411 BERYL SA TX 78213

32 CAR PARKING LOT

← ALLEY →

Scale  
1 cm = 7'

22012078



6 Ft Fence wood

5' Landscape

175

9' - 18'

28'

36

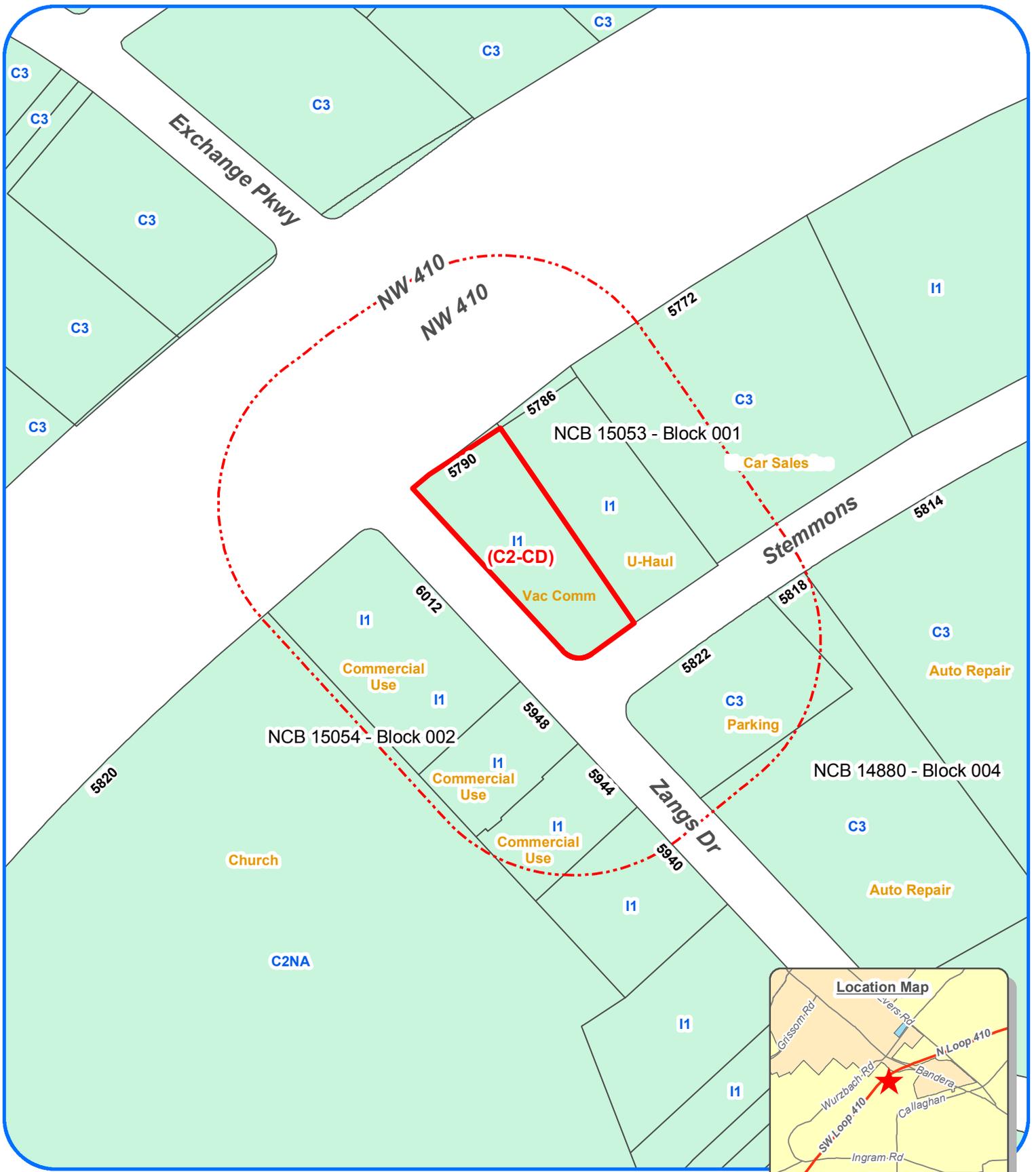
73

35

4' Sidewalk

curve

← BERYL DR →



# Zoning Case Notification Plan

## Case Z-2012-079 CD

Council District 7  
 Scale: 1" approx. = 150 ft.

Subject Property Legal Description(s): NCB 15053 - Block 001 - Lot 3 Save & Except approximately 350 square feet known as Parcel 4

**Legend**

- Subject Properties (0.6820 Acres) ———
- 200' Notification Area - - - - -
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential **1R**



Development Services Dept  
 City of San Antonio  
 (03/20/2012 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



# City of San Antonio

## Development Services Department

### Staff Report

To: Zoning Commission

Zoning Case #: Z2012079 CD

Hearing Date: April 3, 2012

Property Owner: Tyler Enterprises, Inc.

Applicant: Eldorado Motors, LLC

Representative: H3 Advisors, LLC

Location: 5790 Northwest Loop 410

Legal Description: Lot 3, Block 1, NCB 15053 save and except approximately 350 square feet known as Parcel 4.

Total Acreage: 0.682

City Council District: 7

Case Manager: Brenda V. Martinez, Planner

Case History: This is the first public hearing for this zoning case.

#### **Proposed Zoning Change**

**Current Zoning:** "I-1 AHOD" General Industrial Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Sales

#### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 16, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on March 21, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 30, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

#### **Notices Mailed**

**Owners of Property within 200 feet:** 13

**Neighborhood Associations:** Thunderbird Hills Neighborhood Association

**Planning Team Members:** 41 (North Sector Plan)

**Applicable Agencies:** None

## **Property Details**

**Property History:** The subject site is currently developed with a structure measuring 6,000 square feet. According to the Bexar County Appraisal District, the structure was constructed in 1978.

The property was annexed in 1971, and was originally zoned "Temp R-1" Temporary Single-Family Residence District. In a 1974 case, the subject property was rezoned to "I-1" Light Industry District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district, converted to the current "I-1" General Industrial District.

**Topography:** The property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

## **Adjacent Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-3"

**Current Land Uses:** Commercial Uses

**Direction:** South

**Current Base Zoning:** "I-1" and "C-3"

**Current Land Uses:** Commercial Uses and Auto Repair

**Direction:** East

**Current Base Zoning:** "I-1" and "C-3"

**Current Land Uses:** U-Haul Rentals and Auto Sales

**Direction:** West

**Current Base Zoning:** "I-1" and "C-2"

**Current Land Uses:** Commercial Uses and a Church

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

## **Transportation**

**Thoroughfare:** Northwest Loop 410

**Existing Character:** Freeway; 8 Lanes

**Proposed Changes:** None known.

**Thoroughfare:** Zangs Drive

**Existing Character:** Local B Street; 1 lane in each direction

**Proposed Changes:** None known

**Public Transit:** The nearest VIA buslines are the number 550 line and 607 line which operate along the Loop 410 access road and Bandera Road.

**Traffic Impact:** A Traffic Impact Analysis is not required.

**Parking Information:** Auto and Vehicle Sales – new and used - Minimum Parking Requirement: 1 per 500 square feet GFA of sales and service building. Maximum Parking Requirement: 1 per 375 square feet GFA of sales and service building.

## **Staff Analysis and Recommendation: Approval**

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

### **1. Consistency:**

The subject property is located within the West/Southwest Sector Plan and is currently designated as “General Urban Tier” in the Future Land Use Plan. The base zoning district request is consistent with the Future Land Use designation.

### **2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on surrounding properties. The majority of surrounding properties are zoned for intense commercial and industrial uses.

### **3. Suitability as Presently Zoned:**

Both the existing and requested zoning are appropriate as the subject property is located on an expressway. The proposed auto sales use is compatible with the surrounding land uses and overall character of the area.

### **4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety or welfare. There is an established pattern of commercial uses along this portion of NW Loop 410, including several other auto sales facilities.

### **5. Public Policy:**

The request does not appear to conflict with any public policy objective.

### **6. Size of Tract:**

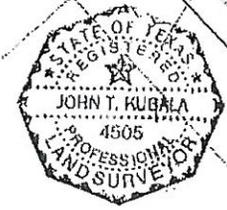
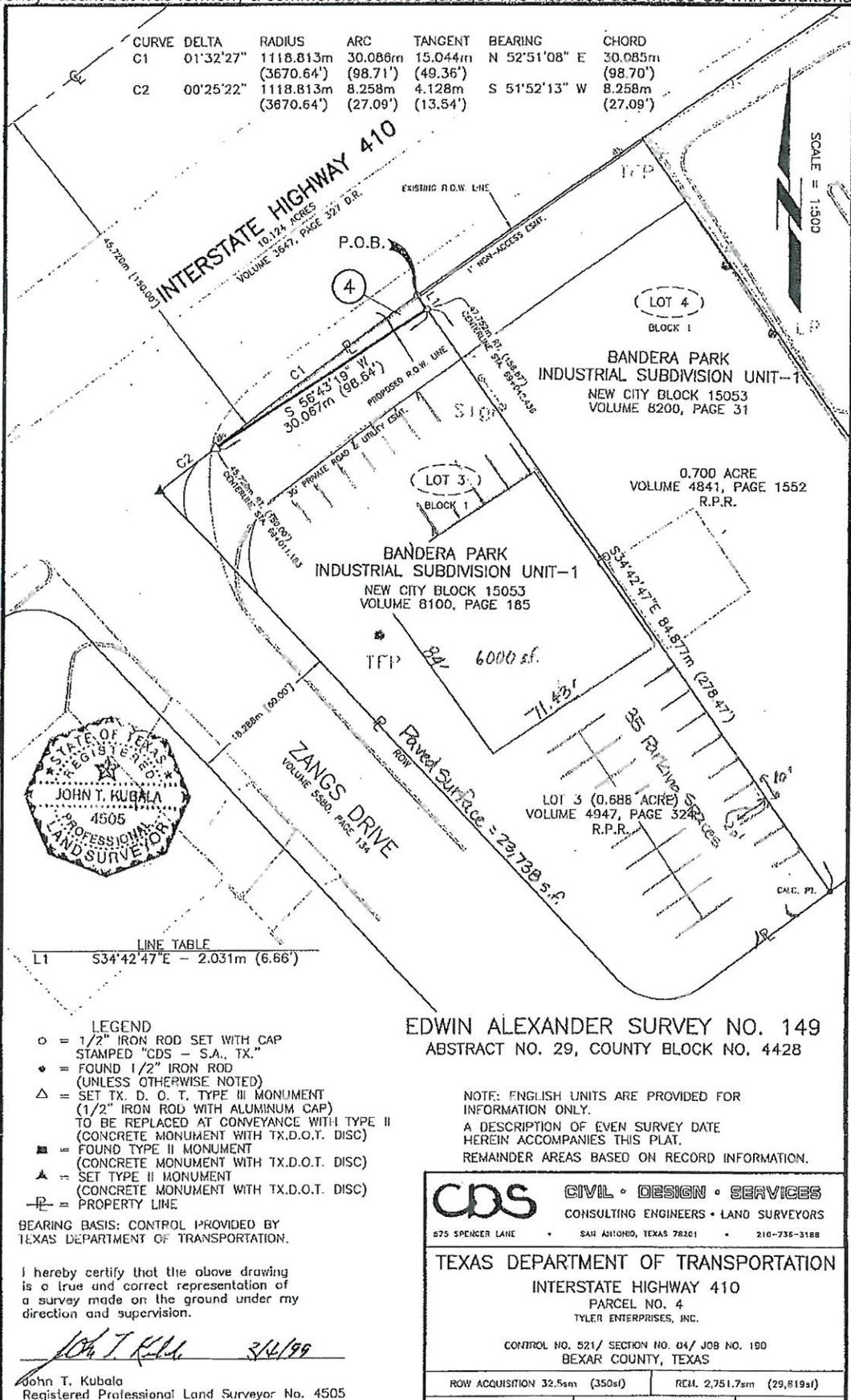
The subject property is 0.6820 acres, which should be able to accommodate the commercial use with adequate space for parking.

### **7. Other Factors:**

None.

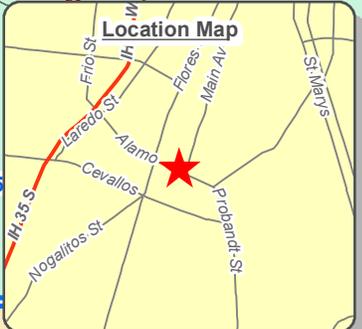
I, David Tyler, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.

The property is currently vacant but was formerly a commercial service garage. The intended use will be C2 with conditional use for auto sales.



*John T. Kubala* 3/4/99  
 John T. Kubala  
 Registered Professional Land Surveyor No. 4505

**22012079**



# Zoning Case Notification Plan

## Case Z-2012-080

Council District 1  
 Scale: 1" approx. = 150 ft.  
 Subject Property Legal Description(s): 0.7105 acres out of Lots 9 through 19 and a portion of Lots 20 & 21, Block F, NCB 02564

- Legend**
- Subject Properties (0.7105 Acres) ———
  - 200' Notification Area - - - - -
  - Current Zoning **TEXT**
  - Requested Zoning Change **(TEXT)**
  - 100-Year DFIRM Floodplain
  - Single Family Residential **1R**



Development Services Dept  
 City of San Antonio  
 (03/21/2012 - E Hart)

**Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).**



# City of San Antonio

## Development Services Department

### Staff Report

To: Zoning Commission

Zoning Case #: Z2012080

Hearing Date: April 3, 2012

Property Owner: Alamo Viejo, Inc. (Alfonso and Narciso Cano)

Applicant: Dennis Cano

Representative: Robert Barron

Location: 1735 South Alamo Street

Legal Description: 0.7105 acres out of Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and a portion of Lots 20 and 21, Block F, NCB 2564

Total Acreage: 0.7105

City Council District: 1

Case Manager: Brenda V. Martinez, Planner

Case History: This is the first public hearing for this zoning case.

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### **Proposed Zoning Change**

**Current Zoning:** "I-1 HS AHOD" General Industrial Historic Significant Airport Hazard Overlay District

**Requested Zoning:** "C-2 HS AHOD" Commercial Historic Significant Airport Hazard Overlay District

### **Procedural Requirements**

The request was publicly noticed in accordance with Section 403 of the Unified Development Code (UDC). The application was published in The Daily Commercial Recorder, an official newspaper of general circulation on March 16, 2012. Notices were sent to property owners and registered neighborhood associations within two hundred (200) feet of the subject property on March 21, 2012. Additionally, notice of this meeting was posted at city hall and on the city's internet website on March 30, 2012, in accordance with Section 551.043(a) of the Texas Government Code.

### **Notices Mailed**

**Owners of Property within 200 feet:** 25

**Neighborhood Associations:** King William Association. The Lone Star Neighborhood Association is within 200 feet.

**Planning Team Members:** 18 (Downtown Neighborhood Plan)

**Applicable Agencies:** None.

## **Property Details**

**Property History:** The subject site is currently developed with a commercial structure measuring 12,112 square feet in total. According to the Bexar County Appraisal District, the structure was constructed in 1949. The property is located within the City Limits as they were recognized in 1936. In a 1991 case, the property was rezoned to "I-1" Light Industry District. Upon adoption of the Unified Development Code, the previous base zoning district converted to the current "I-1" General Industrial District.

**Topography:** The property does not include any abnormal physical features such as significant slope or inclusion in a flood plain.

## **Adjacent Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "RM-4" and "MF-33"

**Current Land Uses:** Single-Family Residences and a Day Care

**Direction:** South

**Current Base Zoning:** "I-2"

**Current Land Uses:** Salvation Army

**Direction:** East

**Current Base Zoning:** "I-2"

**Current Land Uses:** Pioneer Flour Mill

**Direction:** West

**Current Base Zoning:** "RM-4" and "C-3"

**Current Land Uses:** Single-Family Residences, Commercial Use and a Parking Lot

**Overlay and Special District Information:** All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

## **Transportation**

**Thoroughfare:** South Alamo Street

**Existing Character:** Secondary Arterial Type B; 2 lanes in each direction

**Proposed Changes:** None known.

**Public Transit:** The nearest VIA buslines are the number 51 line, 54 line, 251 line and 304 line which operate along South Alamo Street.

**Traffic Impact:** A Traffic Impact Analysis is not required.

**Parking Information:** Theater – indoor with 2 or less screens and/or stages - Minimum Parking Requirement: 1 per 6 seats. Maximum Parking Requirement: 1 per 4 seats.

## **Staff Analysis and Recommendation: Approval**

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

### **1. Consistency:**

The subject property is located within the Downtown Neighborhood Plan and is currently designated as “Mixed Use” in the Future Land Use Plan. The requested “C-2 HS” is consistent with the Future Land Use designation.

### **2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. Denial of the request could allow intense industrial uses on the subject property.

### **3. Suitability as Presently Zoned:**

The existing zoning is not appropriate for the subject property or the surrounding neighborhood. The industrial zoning is the result of outdated zoning practices that were once common. Current zoning practices would not place industrial zoning in or near established residential neighborhoods. Further, medium intensity commercial zoning is most appropriate along arterials or major thoroughfares.

### **4. Health, Safety and Welfare:**

Staff has found no indication of a likely negative influence on public health, safety or welfare in relation to this zoning change request. Should the property be used for the industrial uses permitted in the existing zoning district, public health, safety and welfare could be at risk because of the subject property’s proximity to residential uses.

### **5. Public Policy:**

The request does not appear to conflict with any public policy objective.

### **6. Size of Tract:**

The subject property measures 0.7105 acres in size, which should be able to accommodate the commercial use with adequate space for parking.

### **7. Other Factors:**

Continued reinvestment and redevelopment in the adjacent neighborhood has hastened a transition from industrial to a mixed use area comprised of high density residential uses, office and service uses as well as entertainment venues. Transitioning this half-block from “I-1” to “C-2” promotes the renewal of this historic neighborhood.

**Potential UDC modifications**

**35-311 Use Regulations**

\*\*\*\*\*

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD (LBCS Function)
*****												
<u>Service</u>	<u>Food, Mobile Food Court (subject to 35-399)</u>					<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>			<u>S</u> <u>2550</u>

\*\*\*\*\*

**Table 311-2a  
 Nonresidential Use Matrix**

		Urban		Rural		Farm		Mixed Industrial					
	PERMITTED USE	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR Minor Node	MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
<u>Service</u>	<u>Food, Mobile Food Court (subject to 35-399)</u>	<u>P</u>	<u>P</u>						<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>

**35-358. “AE-1”, “AE-2”, “AE-3”, and “AE-4” Arts and Entertainment Districts.**

**(b) Administration.**

\*\*\*\*\*

**TABLE 358-1  
 ARTS AND ENTERTAINMENT SPECIAL ZONING DISTRICTS USE MATRIX**

		AE-2					
	PERMITTED USE	AE-1	Corner	Interior	AE-3	AE-4	
<u>Service</u>	<u>Food, Mobile Food Court (subject to 35-399)</u>	<u>P</u>	<u>S</u>		<u>P</u>	<u>P</u>	

\*\*\*\*\*

**35-399. Mobile Food Courts**

(a) Generally. Where permitted pursuant to Section 35-311, Mobile Food Courts shall comply with the following:

**1) Location and Placement**

- A. Mobile Food Courts shall comply with dimensional standards of 35-310, Table 310-1.
- B. All activity must occur on private property outside of the public right-of-way unless the City of San Antonio has executed a license agreement authorizing such activity.
- C. Each Mobile Food Court shall be located at least 200 feet away from any single-family residential use or single-family zoning district identified in Section 35-303(a) including R-20, NP-15, NP-10, NP-8, R-6, R-5, R-4, and R-3. The 200 foot minimum distance shall be measured from property line to property line.
- D. Vehicular drive-through service of food and/or beverages shall not be permitted except upon a specific use authorization of the City Council for that portion of the property with the drive through.
- E. No more than ten (10) individual mobile food establishment units are permitted per Mobile Food Court site, provided however that additional mobile food establishment units may be permitted by specific use authorization of the City Council.
- F. No mobile food establishment or vending unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane.

**2) Site Development Standards**

- A. The provisions of Article V shall apply to Mobile Food Courts.
- B. The placement of the mobile food establishment unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- C. A minimum twenty (20) foot wide fire apparatus access route shall be provided around the periphery of any mobile food court.
- D. Mobile Food Courts shall require an all weather surface as defined in Section 35-A101..
- E. Mobile Food Courts shall provide parking in accordance with 35-526, Table 526-3b. Occupation of any parking spaces by a mobile food establishment unit shall not reduce any required parking spaces for the principal use on a lot.
- F. Electrical service may be provided by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators.
- G. Permanent restroom facilities shall be provided.

**3) Performance Standards**

- A. The visual and structural integrity of the mobile food establishment unit must be maintained continuously.

- B. No outside sound amplifying equipment, or noisemakers, such as bells, horns, or whistles shall be permitted except where City Council has approved a specific use authorization for live entertainment and such outside sound is limited to those activities described in the definition of live entertainment in Section 35-A101.
- C. Lighting shall comply with Section 35-392, and if applicable the Military Lighting Overlay District requirements.
- D. All signage shall comply with Chapter 28, Signs and Billboards. For the purposes of on-premises signs, signage visible on the mobile food establishment shall be considered an attached sign. Signage for each mobile food establishment shall be affixed only to the unit. The following sign types are prohibited:
  - 1. Freestanding signs with the exception of one single-tenant sign per street frontage to identify the name of the Mobile Food Court and one incidental sign per driveway where the sign complies with Section 28-241(e)(6)
  - 2. Temporary signs
  - 3. Off-premises signs
  - 4. Digital display signs
- E. The noise level of mechanical equipment and generators used in association with a mobile food establishment may not exceed 63 decibels when measured at the property lines of the Mobile Food Court.

The provisions of subsection (a) shall not apply to mobile vendor food courts established in the “ED” entertainment district operated or managed or otherwise maintained by an amusement park.

- (b) Lot Requirements.** A mobile food court shall be platted in accordance with the subdivision procedures of Article 4 of this Chapter.
- (c) License and permit requirements.** All plans for site work, installation, construction, utility connection, signs and operation must be approved by Development Services and other Departments as applicable, including but not limited to the Office of Historic Preservation, Health, Fire and Public Works. The requirements of any special zoning district, including overlay districts, shall supersede the requirements of this section.

\*\*\*\*

### **35-526 Parking & Loading Standards**

\*\*\*\*\*

- (b) Table of Off-Street Parking Requirements**

\* \* \* \* \*

**TABLE 526-3b  
Parking in Nonresidential Use Districts**

	<i>PERMITTED USE</i>	<i>Minimum Vehicle Spaces</i>	<i>Maximum Vehicle Spaces</i>
<a href="#">SERVICE</a>	<a href="#">Food, Mobile Food Court</a>	<a href="#">2 per mobile food establishment unit</a>	<a href="#">5 per mobile food establishment unit</a>

\*\*\*\*

**35-A101. Definitions and Rules of Interpretation.**

\*\*\*\*

**(b) Definitions.**

Words with specific defined meanings are as follows:

\*\*\*\*

**Food, Mobile Food Establishment.** A “Mobile Food Establishment” is a business that serves food or beverages from a self contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term “Mobile Food Establishment” shall not include individual nonmotorized vending carts or motorized mobile ice cream/frozen dessert vendors.

**Food, Mobile Food Court.** A “Mobile Food Court” is a parcel or group of parcels of land where three or more mobile food establishments congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food establishment as a secondary and/or accessory use of the land.

\*\*\*\*

~~**Mobile food vending.** A food service establishment mounted on a vehicle; for purposes of this definition a vehicle shall mean every device in, upon, or by which any food is or may be transported, pushed or drawn.~~

**Mobile Food Vending, Base of Operation.** The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking. Food preparation for catering is permitted. A mobile food vending base of operation shall not include activities associated with the “Food, Mobile Food Court” as defined in this section.

**DRAFT 5. THIS IS A DRAFT ORDINANCE AND WILL BE  
REPLACED BY THE FINAL.**

**AN ORDINANCE**

**AMENDING CHAPTER 16, LICENSES AND BUSINESS REGULATIONS, ARTICLE VII, BY RENAMING SALVAGE YARDS AND AUTO DISMANTLERS, AND BY AMENDING CHAPTER 35, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY HARMONIZING APPLICABLE PROVISIONS WITH REVISED CHAPTER 16 ARTICLE VII, AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, recent legislative changes to Chapter 1956 of the Texas Occupations Code relating to the regulation of metal recycling entities necessitate review and revision of applicable City law; and

**WHEREAS**, in efforts to clarify and strengthen City Code provisions relating to salvaging and recycling operations, it became apparent that salvaging efforts, for city purposes, was more clearly identified as motor vehicle recycling and recycling operations more clearly identified as metal recycling operations; and

**WHEREAS**, in addition, it was apparent that coordination of these operations was necessary with underlying land use; and

**WHEREAS**, the City of San Antonio is authorized to regulate motor vehicle recycling and metal recycling businesses and procedures through its police powers in order to aid in the recovery of stolen property; and

**WHEREAS**, Chapter 16 provides licensing and recordkeeping requirements and enforcement procedures that will enable the police department to identify and recover illegally appropriated public and private property composed of certain metals; and

**WHEREAS**, changes in Chapter 35 will effectively harmonize land use requirements with aforementioned licensing and recordkeeping requirements in Chapter 16; **NOW THEREFORE**,

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

**SECTION 1.** Chapter 16, Licensed and Business Regulations, Article VII, Salvage Yards and Auto Dismantlers, is amended through underlining (added) and deletion of stricken (~~deleted~~) language.

**SECTION 2.** Chapter 16, Article VII, Salvage Yards and Auto Dismantlers is hereby amended by renaming said article as Motor Vehicle and Metal Recycling Facilities:

**ARTICLE VII. MOTOR VEHICLE AND METAL RECYCLING FACILITIES**  
**[SALVAGE YARDS AND AUTO DISMANTLERS]**

**SECTION 3.** Chapter 16, Article VII, Division 1 General Requirements for Salvage and Recycling Uses is amended to read as follows:

**DIVISION 1. – GENERAL~~[LY]~~ REQUIREMENTS FOR MOTOR VEHICLE RECYCLING AND METAL RECYCLING FACILITIES SALVAGE AND RECYCLING USES**

**SECTION 4.** Section 16-186, Definitions is amended to read as follows:

**Sec. 16-186. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Best management practices* means a technique or series of structural and non-structural techniques which, when used in a storm water pollution prevention plan, as required by federal law, is proven to be effective in controlling industrial related runoff.

*Building construction materials* means copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, window glass, window frames, doors, door frames, downspouts, gutters, lumber, air conditioning units and other similar materials.

*Chief of police* means the chief of police for the city and such persons as he may designate to perform his duties under this article.

*City* means the City of San Antonio, Bexar County, Texas.

*Clear thumbprint impression* means an intentional recording of the friction ridge detail on the volar pads of the thumb.

*Dealer* means a person, firm, or corporation who owns or operates a motor vehicle recycling facility or metal recycling facility, as defined herein. Dealer includes agents and employees. ~~{buys salvage for recycling or resale or owns or operates a salvage yard, as~~

~~defined herein.}~~

*Department* means the department of development services.

Director means the director of the development ~~{housing and neighborhood}~~ services department.

*Hazardous Material* means any hazardous or toxic substance, material, or waste which is or becomes regulated by any governmental authority of the State of Texas or the United States government, including without limitation, any material or substance which (i) is defined or listed as a “hazardous material,” “toxic pollutant,” “hazardous waste,” “hazardous substance,” or “hazardous pollutant” under applicable federal, state, or local law or administrative code promulgated thereunder, (ii) contains hydrocarbons of any kind, nature or description, including, but not limited to, gasoline, oil, and similar petroleum products, other than reclaimed asphalt pavement, (iii) contains asbestos, (iv) contains polychlorinated biphenyls (“PCBs”), or (v) contains radioactive materials.

*Licensee* means a person, firm or corporation who holds a license to conduct business as a motor vehicle recycling facility or metal recycling facility.

*Metal recycling facility* means any person, firm or corporation that is engaged in the business of purchasing or acquiring scrap, used or obsolete ferrous or nonferrous metal, including regulated material, to be converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that requires the use of powered tools, machinery or equipment, including processes that involve sorting, cutting, classifying, cleaning, baling, wrapping, disassembling, shredding, shearing, or changing the physical form of that metal, and excludes motor vehicle recycling facilities.

*Minor* means any person under eighteen (18) years of age.

*Motor Vehicle Crushing* is a manner of using an industrial device known as a car crusher to reduce the dimensions of wrecked, abandoned or inoperable motor vehicles prior to transport for recycling.

*Motor Vehicle Recycling Facility* means a person, firm or corporation engaged in the business of purchasing and acquiring wrecked, abandoned or inoperable motor vehicles for the purpose of dismantling, disassembling, crushing and/or selling the usable parts thereof except where such inoperable motor vehicles have been crushed and are being held at a licensed metal recycling facility for the purpose of recycling the scrap metal.

*Real-time electronic web-based database* means an electronic filing system in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the Internet.

Regulated material means a direct product or byproduct of any manufactured, shaped, or processed aluminum, brass, copper, lead, or bronze. It also includes regulated metal as defined below.

Regulated metal means manhole covers; guardrails; metal cylinders designed to contain compressed air, oxygen, gases or liquids; beer kegs made from metal other than aluminum; historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum; unused rebar; street signs; drain gates; safes; communication, transmission, and service wire or cable; condensing or evaporator coils for central heating or air conditioning units; utility structures, including the fixtures and hardware; aluminum or stainless steel containers designed to hold propane for fueling forklifts; metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions; catalytic converters not attached to a vehicle; fire hydrants; metal bleachers or other seating facilities used in recreational areas or sporting arenas; any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad; insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation; backflow valves; and metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.

Salvage materials means and refers to any secondhand worn out, cast off, or discarded article or material (including but not limited to bodies, parts, and sections of junked, wrecked, or inoperable vehicles, airplanes, and boats) ready for destruction, or collected or stored for dismantling, conversion, or removal of parts; and shall include any article kept for more than sixty (60) days for the purpose of its repair.

~~[Salvage yard means any facility or premises used for the storage or collection of regulated metal or salvage as defined below in section 16-199.]~~

**SECTION 5.** Section 16-200, Administrative rules is amended and renumbered as Section 16-187, Administrative rules to read as follows:

**Sec. 16-187 ~~16-200~~. Administrative rules.**

The director and the chief of police shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this ~~Article Code~~. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary, the office of the chief of police and the office of the director. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law. Failure to comply with any of the promulgated rules or regulation established under this subsection shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a motor vehicle recycling facility or metal recycling facility ~~metal~~

~~recycling, secondhand metal or secondhand business~~ under this Article Code. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

**SECTION 6.** A new Section 16-188 entitled “Zoning requirement” is added to read as follows:

**Sec. 16-188. Zoning requirement.**

- (a) Proper zoning is required for the establishment or expansion of property as required by Chapter 35, Unified Development Code of the City Code of San Antonio, Texas.
- (b) In granting any required specific use authorization, the City Council may impose conditions which the applicant must comply with prior to issuance of a license and a certificate of occupancy by the director of development services for the use of land or buildings on the property pursuant to the approval. City Council imposed conditions shall not be construed as conditions precedent to the granting of specific use authorization, but shall be construed as conditions precedent to the granting of a license and certificate of occupancy.

**SECTION 7.** Section 16-187, License required is amended and renumbered as Section 16-189, License required to read as follows:

**Sec. 16-189. ~~16-187.~~ License required.**

- (a) No dealer may operate a motor vehicle recycling facility or metal recycling facility within the City without a valid license. ~~A dealer may transfer a valid license only with written approval of the director and in compliance with all applicable City Code requirements.~~
- (b) A dealer may transfer a valid license only with written approval of the director and in compliance with all applicable City Code requirements.

**SECTION 8.** Section 16-188 Application for license is amended and renumbered as Section 16-190, Application for license to read as follows:

**Sec. 16-190. ~~16-188.~~ Application for license.**

- (a) All applications for licenses to operate motor vehicle recycling and metal recycling facilities ~~salvage yards~~ must be made in writing to the director on a form prescribed by the director and shall, among other things contain:

- (1) The name, residence, and business address of the applicant (this information shall be listed for each member of the partnership and for each officer of a corporation);
  - (2) The name and nature of the proposed operation; and
  - (3) The present zoning, address, and legal description of the premises for which application is being applied.
- (b) All applications must contain the following statement:  
"The license applied for shall be subject to all provisions of the codes and ordinances of the city relating to motor vehicle recycling facilities and metal recycling facilities ~~salvage yards and auto dismantlers~~ as well as all state and federal regulations relating to such operations."
- (c) All applications must be signed and sworn to by the party applying for the license (by a general partner of a partnership and by an officer of a corporation) before a notary public or other official authorized to administer oaths.
- (d) The application to ~~operate a salvage yard engaged in the dismantling or conversion of junked, wrecked, or inoperable vehicles whether for scrap or parts~~ must include:
- (1) A copy of the national pollutant discharge elimination system discharge permit or notice of coverage for that location;
  - (2) A copy of the storm water pollution prevention plan for that location which must include:
    - a. A list of people on the operation's pollution prevention team, with an outline of their respective responsibilities;
    - b. A statement of waste minimization or waste reduction efforts in place for that location;
    - c. A copy of the spill response plan in place for that location;
    - d. A list of the spill response equipment available at that location;
    - e. A list of authorized personnel on that location to respond to a spill at that location;
    - f. A list of significant spills or leaks occurring for the last three (3) years at that location;
    - g. Records of scheduled inspections of storm water management devices at that location;
    - h. A site map detailing the outfalls, drainage areas, drainage patterns, and surface waters for that location;
    - i. A list of non-storm water discharges and their areas (such as springs, air conditioner condensation, etc.) for that location;
    - j. Records of non-storm water discharge testing for that location;
    - k. A list of floor drains at that location that discharge to the storm sewer;
    - l. An inventory of significant materials and/or inventory of potential pollutant sources at that location exposed to rainfall; and
    - m. A summary of any sampling data for storm events for that location;

- (3) When applicable, identification ~~Identification~~ of the best management practices, measures and controls for that location which should include but not be limited to:
- a. Draining fluid and removing batteries from incoming vehicles as soon as feasible;
  - b. Labeling and separating fluid storage containers such as oil, antifreeze, fuel, etc.;
  - c. Recycling or reusing vehicle fluids where practical;
  - d. Cleaning parts indoors or under a covered area using minimal amounts of biodegradable detergents;
  - e. Development of a preventive maintenance schedule to include inspections, maintenance, and cleaning of the yard/facility's equipment and vehicles;
  - f. Scheduling of periodic inspections of equipment for leaks, spills, and malfunctioning or worn parts;
  - g. Maintaining an adequate supply of dry absorbent material on-site;
  - h. Proper disposal of used absorbent materials;
  - i. Placement of drip pans or plastic sheets under vehicles, parts, and equipment during maintenance and dismantling;
  - j. No use of vehicle fluids, oils, or fuel for weed control;
- (4) A copy of the multi-sector permit for that location and:
- a. Copies and dates of all sampling pursuant to federal regulations taken during the past year; or
  - b. Copies of any waivers or alternative certification to the required sampling;
  - c. A statement that the location is not required to conduct testing for that period due to compliance with federal regulations for concentrations of pollutants, and copies of all supporting documentation and test data;
- (5) Copies of all other records and permits required by the **Texas Commission state commission** on Environmental quality and the Environmental Protection Agency for that location including:
- a. TCEQ waste registration;
  - b. EPA identification number;
  - c. Manifests for offsite hazardous waste shipments for the last three (3) years;
  - d. Annual waste summaries for the last three (3) years;
  - e. Annual waste generation fee receipt;
  - f. Contingency plan and emergency procedures;
  - g. TCEQ pollution prevention plan;
  - h. TCEQ annual pollution prevention progress report.
  - i. Production of any of the records or permits listed in subsection (d) shall not be required upon presentation of certification from the appropriate agencies or entities that such records or permits are not required for that location.

- j. The director may require code enforcement officers to physically ascertain that documents required by subsection (d) are kept on file at the salvage yard as an alternative to the inclusion of such documents with an application. In such cases, the application must not be approved until the officers have ascertained the documents' existence. Enforcement of federal or state requirements shall remain the responsibility of the appropriate agencies.
- (e) Production of any of the records or permits listed in subsection (d) shall not be required upon presentation of certification from the appropriate agencies or entities that such records or permits are not required for that location.
- (f) The director may require code enforcement officers to physically ascertain that documents required by subsection (d) are kept on file at the motor vehicle recycling facility or metal recycling facility ~~salvage yard~~ as an alternative to the inclusion of such documents with an application. In such cases, the application must not be approved until the officers have ascertained the documents' existence. Enforcement of federal or state requirements shall remain the responsibility of the appropriate agencies.
- (g) Zoning Verification letter affirming that present zoning classification supports motor vehicle recycling facility or metal recycling facility.

**SECTION 9.** Section 16-189 License fees is amended and renumbered as Section 16-191 License fees to read as follows:

**Sec. 16-191. ~~16-189.~~ License fees.**

The annual fee for each motor vehicle recycling facility ~~salvage yard or location where junked, wrecked or inoperable vehicles are stored,~~ licensed by this article shall be five hundred seventy-five dollars (\$575.00) paid to the city with the application for the license. The annual fee for each metal recycling facility ~~metal recycler or second hand metal dealer or location where vehicles are not stored,~~ licensed by this article shall be two hundred fifty dollars (\$250.00) paid to the city with the application for the license. The fee will be refunded in the event the license is refused. The license shall cover the period from the first day of January through the last day of December of each year. Only the first year's license may be prorated for each month or fraction thereof. The fee for issuing a duplicate license for one which is lost, destroyed or mutilated shall be ten dollars (\$10.00).

**SECTION 10.** Section 16-190, Issuance or denial of licenses is amended and renumbered as Section 16-192 Issuance, renewal or denial of licenses to read as follows:

**Sec. 16-192. ~~16-190.~~ Issuance, renewal or denial of licenses.**

Annual licenses shall be issued by the director upon receipt of the prescribed fee and the completed application, provided that:

- (a) The applicant, including partners or officers in the case of a partnership or a corporation, has not been convicted within the previous five (5) years of two (2) or more violations of this article; and
- (b) After inspection, the premises are in compliance with this article and other applicable city ordinances and codes. In the event a license is denied, the applicant may appeal this decision to the city council.
- (c) In the event a license is denied, the applicant may appeal this decision to the city council.

**SECTION 11.** A new Section 16-193, Revocation of licenses is added to read as follows:

**Sec. 16-193. Revocation of licenses.**

- (a) The director may revoke a license if the dealer or any employee, manager, or agent of the dealer cumulatively has accrued two (2) convictions for violating this article within a 12-month period, or three (3) convictions within an 18-month period, and/or has failed to comply with any provision of sections 16-204(b) and 16-206(c).
- (b) In the event a license is revoked, the dealer may appeal this decision to the city council.

**SECTION 12.** Section 16-191 City council approval; appeal to city council is amended by re-titling and renumbering as Section 16-194 Appeal process for License Denial or Revocation to read as follows:

**Sec. 16-194. ~~16-191.~~ Appeal process for License Denial or Revocation. ~~City council approval; appeal to city council.~~**

*License Denial*

- (a) The director shall issue a written notice of a motor vehicle recycling facility or metal recycling facility dealer's license application denial to the dealer by certified mail, return receipt requested. The denial notice shall inform the dealer of the right of appeal and of the time limit for the written notice of appeal.
- (b) The dealer shall have the right of an appeal to the city council if demanded in writing and delivered to the City Clerk within ten (10) days after the dealer's receipt of the director's written notice of dealer's license denial.
- (c) The city council may uphold, reverse, or modify the director's decision or action.

Failure to appeal to the city council within the prescribed period shall render the director's decision or action final.

License Revocation

- (a) The director shall issue a written thirty (30) days notice of a motor vehicle recycling facility or metal recycling facility dealer's license revocation to the dealer by certified mail, return receipt requested. The revocation notice shall inform the dealer of the right of appeal and of the time limit for the written notice of appeal. The revocation shall become final on the 31st day after the dealer's receipt of said notice unless an appeal is properly filed.
- (b) The dealer licensee shall have the right of an appeal to the city council if demanded in writing and delivered to the City Clerk within ten (10) days after the dealer's receipt of the director's written thirty (30) days notice of dealer's license revocation.
- (c) The city council may uphold, reverse, or modify the director's decision or action. Failure to file an appeal to the city council within the prescribed period shall render the director's decision or action final. Revocation of a license shall be for a period of one year.
- ~~(a) [It shall be unlawful for any person to establish or expand any salvage yard within the city without obtaining prior approval of the city council. In granting such approval, the city council may impose conditions which the applicant must comply with before certificates of occupancy may be issued by the director of building inspections for the use of land or buildings on the property pursuant to the approval. The conditions shall not be construed as conditions precedent to the granting of approval, but shall be construed as conditions precedent to the granting of the certificates of occupancy.~~
- ~~(b) The decision of the city council whether to approve the expansion or establishment of a salvage yard, as defined by this article, shall be made only after a public hearing before the council on the question at which interested parties shall have the opportunity to be heard. The housing and neighborhood services department shall mail notices to the owners of all property located within two hundred (200) feet of the area to be occupied by the new salvage yard or expansion. The notice shall state:~~
- ~~(2) The nature of the approval sought;~~
  - ~~(3) The location of the requested expansion or new yard;~~
  - ~~(4) The date, time, and location of the hearing; and~~
  - ~~(5) That the addressee will have the opportunity to be heard regarding the requested expansion or establishment of the new salvage yard.~~

~~The rules, methods and procedures for the timing and delivery of notices and all other related notice matters shall be the same as those used whenever an application for a change in zoning is to be heard before the zoning commission.~~

- ~~(c) At any time a salvage yard, as defined by this article, ceases operations and the property is not used for a salvage yard for a period of one year or more, reestablishment of the use will require approval of the city council in the same manner as an expansion or establishment of a new salvage yard.~~
- ~~(d) The city council will not approve the establishment of a new salvage yard, as defined by this article, nor an expansion of an existing salvage yard, if the location of the new salvage yard or the expansion area is within five hundred (500) feet of a church or school building or within three hundred (300) feet of a residence (single family home, duplex, apartment, townhouse, or mobile home) if such church, school or residence is located within an A, B, C, D, E, F, G, H, R-1, R-2, R-3, R-4, R-5, R-6, O-1, B-1, B-2, or B-3 zone.~~
- ~~(e) Any appeal of the decision or action by the director shall be filed in writing with the city clerk within twenty (20) days of receipt of the decision or action specifying the exact grounds and reasons for the appeal. The appeal shall be heard by the city council during its next available, regularly scheduled meeting. The city council may uphold, reverse, or modify the director's decision or action. Failure to appeal to the city council within the prescribed period shall render the director's decision or action final, and in cases of license revocation, the effect shall be a forfeiture of the license, which forfeiture shall be final.]~~

**SECTION 13.** Section 16-193 Fencing is amended and renumbered as Section 16-195 Fencing to read as follows:

**Sec. 16-195. ~~16-193.~~ Fencing.**

- (a) All motor vehicle recycling and metal recycling facilities ~~salvage yards~~ shall be enclosed on all sides (including front and rear) with a substantial and anchored wall or screen fence constructed as an adequate barrier to inhibit the migration of rodents and other vectors from the motor vehicle recycling facility or metal recycling facility ~~salvage yard~~ to an adjacent property. The wall or screen fence shall be constructed with appropriate screen drains so as not to inhibit necessary water drainage.
- (b) The wall or screen fence shall be constructed such that the interior of the motor vehicle recycling facility or metal recycling facility ~~salvage yard~~ is not visible from the exterior. The wall or screen fence ~~for salvage yards located within one hundred (100) feet of a property with a residence thereon~~ shall be constructed such that the interior of the is not visible from the exterior. ~~or modified so that it is eight (8) feet in height.~~ The wall or screen fence for all motor vehicle recycling or metal recycling facilities shall be eight (8) feet in height ~~other salvage yards shall be at least six (6) feet in height.~~
- (c) Those sections of a motor vehicle recycling facility or metal recycling facility ~~salvage yard~~ which are contiguous with another motor vehicle recycling facility or metal

recycling facility salvage yard shall be exempt from subsection (b), if those sections otherwise have an adequate barrier as required by subsection (a), to inhibit the migration of rodents and other vectors between the motor vehicle recycling or metal recycling facilities salvage yards.

- (d) Any section of wall or screen fence located within one hundred (100) feet of a property with a residence thereon measured from property line to property line shall be constructed or modified so that it extends at least (3) inches into the ground or base surface (impervious cover). Building up the surrounding ground to cover at least the lower (3) three inches of the section of wall or screen fence shall be considered compliance with this requirement. Should water drainage be substantially affected, the procedure in section 16-196 16-192 shall be followed.
- (e) All walls or screen fences shall be maintained in a neat, solid, substantial, and safe condition. No wall or screen fence shall be kept in a listing, damaged, or decaying condition.
- (f) Gates for access to the motor vehicle recycling facility or metal recycling facility's salvage yard's premises at each street or alley line shall not have combined openings exceeding thirty (30) percent of the alley or street frontage. All gates for access shall swing inward and shall be kept closed when the motor vehicle recycling facility or metal recycling facility salvage yard is not open for business.
- (g) The fencing requirements in the subsection shall not apply to motor vehicle recycling or metal recycling facilities salvage yards conducted solely within a completely enclosed structure or structures.
- (h) The fence requirements of this Article shall supersede the requirements of Chapter 35, Unified Development Code. Dealers affected by this section shall have two (2) years from the date this section becomes effective to comply.

**SECTION 14.** Section 16-194, Manner of storage; waste containment; weed and brush maintenance; fire lane is amended and renumbered as Section 16-196, Manner of storage; waste containment; weed and brush maintenance; fire lane to read as follows:

**Sec. 16-196. 16-194. Manner of storage; waste containment; weed and brush maintenance; fire lane.**

- (a) Salvage materials and any scrap, used or obsolete ferrous or nonferrous metal, including regulated material Salvage articles on the premises of a motor vehicle recycling facility or metal recycling facility salvage yard shall be arranged so that a reasonable inspection of, or access to, all parts of the premises can be had at any time by the proper fire, health, police, code enforcement, and building authorities which inspections dealers shall permit during business hours or any reasonable period afterwards at any reasonable time. All junked, wrecked or inoperable vehicle bodies

located outside of a building, if stacked, shall be so stacked only with the use of metal racks or other safe, metal supports so that all bodies are at least six (6) inches above the ground or base surface and are arranged to provide ease of inspection, control of insects and rodents, and to facilitate water drainage, containment, and waste control. Neither the vehicle bodies, vehicle parts, nor other salvage materials and any scrap, used or obsolete ferrous or nonferrous metal, including regulated material articles shall be stored or stacked higher than the height of the motor vehicle recycling facility or metal recycling facility's salvage yard's wall or screen fence.

- (b) No salvage materials and any scrap, used or obsolete ferrous or nonferrous metal, including regulated material articles shall be placed in any manner outside of the motor vehicle recycling facility or metal recycling facility's salvage yard's surrounding screen fence or wall.
- (c) Premises shall be kept clean of any weeds and/or brush over twelve (12) inches tall where salvage materials and any scrap, used or obsolete ferrous or nonferrous metal, including regulated material articles are kept and/or within one hundred fifty (150) feet from the curb line of adjacent streets or the edge of the streets or road surface where no curb exists.
- (d) Upon the ~~salvage~~ dealer's possession of all salvage articles, contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste—including Freon—shall be removed from the salvage materials articles and contained, stored, and disposed in compliance with all applicable state and federal regulations. Disposal of accumulated contaminated liquids and materials shall be accomplished by a duly licensed contractor. The ~~salvage~~ dealer shall maintain on premises all completed manifests evidencing legal disposal for a period of no less than five (5) years from the date of disposal.
- (e) All storage of liquid waste shall be subject to applicable state and federal regulations. In no event shall any ~~salvage~~ dealer maintain a volume and weight of stored liquid waste inventory in excess of the lesser of the maximum exempt amounts allowed by the fire code as adopted within the City ~~this~~ Code or state and federal regulations for a small quantity generator. All liquid waste shall be stored only in above ground containers approved by and in accordance with the state department of transportation, the Texas Administrative Code, and the fire code sufficient for the delivery to a transporter for disposal. It shall be unlawful for any waste to be held in a container which leaks, is in any other manner not in compliance with state and federal regulations, or in any manner fails to completely contain the material in question.
- (f) All solid waste, regardless of character or category, shall be so contained as to cause or allow no release or spill of the material in question.
- (g) All motor vehicle recycling or metal recycling facilities salvage yards, as defined by this article, shall have a fire lane. No salvage materials, or any scrap, used or obsolete

ferrous or nonferrous metal, including regulated material articles shall be placed within ten (10) feet of the surrounding wall or screen fence. The fire chief shall oversee fire lane specifications and compliance for each motor vehicle recycling facility and metal recycling facility salvage yard, and may alter the required number of feet in accordance with the location, use, size, and other characteristics of an individual motor vehicle recycling facility or metal recycling facility salvage yard. A motor vehicle recycling facility or metal recycling facility salvage yard shall be brought into compliance within one year. All penalties and appellate procedures of chapter 11 shall apply to this subsection.

**SECTION 15.** A new Section 16-197, Motor Vehicle Crushing is added to read as follows:

**Sec. 16-197. Motor Vehicle Crushing**

- (a) Motor vehicle crushers shall be situated on a bermed or self-contained impervious surface, under a roof and protected from the weather.
- (b) Mobile motor vehicle crushers shall be situated on an impervious surface and can only operate at licensed motor vehicle recycling facilities no more than five days per calendar month.

**SECTION 16.** Section 16-192, Variances, is amended and renumbered as Section 16-198, Variances to read as follows:

**Sec. 16-198. 16-192. Variances.**

The board of adjustment is authorized to grant, pursuant to the procedures set forth in this Code [the UDC], a variance from the provisions of sections 16-195 and 16-196 16-193 and 16-194, but only due to unique circumstances on the premises or adjacent thereto (such as topography), not created by the dealer and not merely financial, and which are not a part of general conditions in the area, provided and except, however, that existing industries within the purview of this article may expand to adjoining property without the necessity of an additional license so long as all other requirements for such expansion are met by the dealer. The board of adjustment, however, may neither not in any manner grant variances to subsection 16-196(g) 16-194(g) nor to imposed conditions set forth by city council, nor to requirements set by state or federal regulations which may be listed in this article.

**SECTION 17.** DIVISION 2. Receipt of Regulated Metal Property is deleted as follows:

**~~[DIVISION 2. RECEIPT OF REGULATED METAL PROPERTY]~~**

**SECTION 18.** Section 16-195, Emergency contact numbers is renumbered as Section 16-199, Emergency contact numbers and previous Section 16-199, Definitions, is deleted in its entirety to read as follows:

**Sec. ~~16-199.~~ ~~16-195.~~ Emergency contact numbers. ~~[Definitions.]~~**

All dealers shall place and maintain a sign on the premises that may be read from the street right-of-way listing the names and telephone numbers of at least one person in the county who may be called to give admittance to the premises in case of emergency.

For the purpose of this article, the following terms shall have the meanings indicated:

~~Building construction materials means copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, window glass, window frames, doors, door frames, downspouts, gutters, lumber, air conditioning units and other similar materials.~~

~~Chief of police means the chief of police for the city and such persons as he may designate to perform his duties under this article.~~

~~City means the City of San Antonio, Bexar County, Texas.~~

~~Clear thumbprint impression means an intentional recording of the friction ridge detail on the volar pads of the thumb.~~

~~Dealer means both secondary metals recyclers and secondhand metal dealers collectively.~~

~~Director means the director of the housing and neighborhood services for the city.~~

~~Licensee means a person who holds a license to conduct business as a scrap metal processor or secondhand dealer.~~

~~Metal recycling entity means anyone, who from a fixed location engages in the business of utilizing machinery or equipment for the processing of or manufacturing of iron, steel or nonferrous metallic scrap and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for re-melting purposes.~~

~~Minor means any person under eighteen (18) years of age.~~

~~Person means an individual, joint venture, partnership, corporation, trust, or association.~~

~~Real time electronic web based database means an electronic filing system in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the Internet.~~

~~Regulated metal means a direct product or byproduct of any form of a manufactured, shaped, or processed aluminum, brass, copper, lead, bronze, catalytic converters, batteries, unused rebar or other nonferrous metallic material.~~

~~Secondary metals recycler means any person who, directly or through an agent, manager, or employee, purchases or receives scrap metal which is thereafter subjected to two (2) or more of the following:~~

- ~~(1) Sorting or classifying;~~
- ~~(2) Cleaning;~~
- ~~(3) Baling or wrapping;~~
- ~~(4) Cutting, shredding, or shearing; or~~
- ~~(5) Changing the physical form or chemical content thereof as needed for the manufacturing of new metal items.~~

~~Secondhand metal dealer means a person other than a secondary metals recycler, who personally or through managers, agents, and/or employees, purchases or receives scrap or other metal items that are offered for sale.~~

~~Used means any items, goods, products, wares, chattels, or articles of any sort which have previously been owned by someone other than the manufacturer, or a dealer whose business it is to sell such items, goods, products, wares, chattels, or articles when new to the consumer.~~

**SECTION 19.** Section 16-196, Rodent and vector control, is amended and renumbered as Section 16-200, Rodent and vector control to read as follows:

**Sec. 16-200. ~~[16-196.]~~ Rodent and vector control.**

- (a) All All motor vehicle recycling and metal recycling facilities salvage yards shall have a rodent and vector extermination treatment covering the entire premises conducted a minimum of once every six (6) months, conducted in such a manner and utilizing such chemicals as are acceptable to the director.
- (b) A rodent and vector control program is the responsibility of the dealer and shall be on-going for the duration of the motor vehicle recycling facility or metal recycling facility's salvage yard's operation.
- (c) A code enforcement compliance officer shall inspect all motor vehicle recycling and metal recycling facilities salvage yards, as defined by this article, within the city a minimum of once every six (6) months. At the time of the inspection, the inspector shall be provided with evidence to prove that such extermination procedure has occurred within the preceding six-month period and that the dealer has an on-going program for observation, determination, and control of rodents and vectors. The dealer's presentation of evidence of a service contract with a recognized and licensed pest control contractor may satisfy this requirement.
- (d) If a professional exterminator has been employed, a receipt for payment for services rendered shall be provided. If the dealer conducts the extermination without using a professional exterminator, the dealer shall request health department certification at

the time the extermination occurs and furnish the code enforcement compliance officer with such evidence sufficient to show that the control has been accomplished in an efficient manner.

- (e) It shall be unlawful for any dealer to fail to have the necessary rodent and vector extermination conducted in accordance herewith, and it shall also be unlawful to fail to present to the code enforcement compliance officer upon request the necessary verification of such effective extermination.

**SECTION 20.** Section 16-197, Monthly inspections; nuisance declared, is amended and renumbered as Section 16-201, Monthly inspections; nuisance declared to read as follows:

**Sec. 16-201 ~~16-197~~. Monthly inspections; nuisance declared.**

- (a) Monthly inspections shall be made of all motor vehicle recycling and metal recycling facilities by the development services department salvage yards by the housing and neighborhood services department for the purpose of assuring compliance with the terms of this article. A form shall be devised by said department to be completed at the time of such inspection indicating the date the inspection occurred. This form indicating the date of the last inspection must be posted by the dealer in a conspicuous place on the premises at all times.
- (b) Conditions maintained in violation of this article which impact public health, safety, or welfare, or which deprive neighbors of their safe or peaceful use of nearby properties shall be unlawful and shall be deemed a public nuisance.
- (c) Multiple allegations of violations of the provisions of this article shall be grounds for the director to consider revocation of the dealer's license. Revocation by the director, if such should occur, may take place only after opportunity is afforded to the dealer to confer with the director concerning the alleged violations. Revocation may be appealed to the city council.

**SECTION 21.** Section 16-198, Time limit for compliance by newly annexed yards is amended and renumbered as Section 16-202, Time limit for compliance by newly annexed motor vehicle recycling and metal recycling facilities to read as follows:

**Sec. 16-202. ~~16-198~~. Time limit for compliance by newly annexed motor vehicle recycling and metal recycling facilities. [yards]**

- (a) Dealers of motor vehicle recycling or metal recycling facilities salvage yards which are annexed into the city shall have a period of one year from the effective date of the annexation to install fencing as required by this article. Dealers whose motor vehicle recycling or metal recycling facilities salvage yards are annexed shall also demonstrate compliance with existing federal, state, and county laws and regulations applicable to fencing requirements for such facilities yards at the date of annexation.

- (b) Subsequent to annexation, the director shall promptly notify affected dealers in newly annexed areas of the obligations under this article.

**SECTION 22.** A new Section 16-203, Violation and Penalties is created to read as follows:

**Sec. 16-203. Violation and Penalties.**

- (a) It shall be unlawful for a motor vehicle recycling facility dealer to do or perform any act prohibited by Division 1, and it shall be unlawful for a motor vehicle recycling facility dealer to fail to do or perform any act required by Division 1. A violation of this Division 1 is a class C misdemeanor offense, no culpable mental state or criminal intent is required, and upon conviction, a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (b) It shall be unlawful for a metal recycling facility dealer to do or perform any act prohibited by this Article, or fail to do or perform any act required by this Article. Unless specifically addressed below, a violation under this Article is a class B misdemeanor offense.
- (c) A metal recycling facility dealer commits an offense if they do not hold a City license. An offense under this Article is a Class B misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted under this Article, in which event the offense is a Class A misdemeanor.

**SECTION 23.** DIVISION 2. Additional Requirement for Metal Recycling Facilities is added to read as follows:

**DIVISION 2. ADDITIONAL REQUIREMENTS FOR METAL RECYCLING FACILITIES**

Compliance with Division 2 is in addition to State mandates under the Texas Occupations Code.

**SECTION 24.** Section 16-201, Records required to be kept by metal recycling entities, and secondhand metal dealers is re-titled, amended and renumbered as Section 16-204, Record required to be kept by metal recycling facilities to read as follows:

**Sec. 16-204. Records required to be kept by metal recycling facilities. ~~16-201. Records required to be kept by metal recycling entities, and secondhand metal dealers.~~**

- (a) The provisions of this section apply to all business carried on at a single location. With the exception of the sale or transfer of aluminum cans, a metal recycling facility

~~entity or secondhand metal~~ dealer shall keep at his place of business a record in a real-time electronic web-based database, in a form and method approved by the chief of police, in which he shall enter daily, in English, a full description of each transaction in which personal property is purchased or otherwise received at his place of business. Such description shall include:

- (1) The date and time of receipt of any item;
  - (2) The full name and current address of the person or place of business from whom each item was received;
  - (3) A clear thumbprint impression from the person seeking to transfer, sell or otherwise give the items that are the subject of each transaction;
  - (4) Verified evidence that the person transferring, selling or otherwise giving the items is at least eighteen (18) years of age by presentation of valid identification, including a photograph of the face of person transferring, selling or otherwise giving the item, in the form of:
    - a. A current driver's license from Texas or another state within the United States;
    - b. An identification card issued by the state department of public safety; or
    - c. United States military identification.
  - (5) A description of the motor vehicle and/or trailer or other mode of transportation in or on which each item received was carried to, delivered or transported to the metal recycling facility ~~entity, secondhand metal dealer, or secondhand dealer's place of business~~, including state and license plate number, if applicable;
  - (6) The individual transaction number assigned by the licensee to each item received;
  - (7) A description of the items received as part of the transaction including, where customary in the business, the size, weight, material, and any other designations or descriptions customarily employed in the sale and purchase of such items;
  - (8) A digital photo of the seller, and digital photograph of items received;
  - (9) The name or employee number of the employee who facilitates or conducts the transaction.
- (b) The real-time electronic web-based database described in subsection (a) shall be created and maintained by the police department. The metal recycling facility ~~entity or secondhand metal dealer~~ shall forward the required record and descriptions set forth in subsection (a) in an electronic format to the designated police department web site before the close of business on each day on which the metal recycling facility ~~entity or secondhand metal dealer~~ is open for business. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling facility ~~entity or secondhand metal dealer~~ under this Code. Any person violating any provision of this section shall be punished as provided by section 16-203(b). ~~16-210.3~~.

- (c) The metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees shall obtain a consecutively numbered receipt from the seller or transferor of the property. Such receipt shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. A printed version of the record input and transmitted to the real-time electronic web-based database as described in this section shall satisfy this requirement. An accurate copy or record of receipts obtained shall be retained for a period of not less than one year.
- (d) A metal recycling ~~facility entity or secondhand metal~~ dealer shall, upon request, submit and exhibit the various business records that are required to be maintained under this section for inspection or copying by any peace officer or authorized inspector of the director. Failure to maintain or to so permit the examination or copying of such records when requested shall be a misdemeanor offense punishable as specified in section ~~16-203(b). 16-210.3.~~
- (e) The metal recycling ~~facility entity or secondhand metal dealer~~ shall be on-line with the real-time database within (90) ninety days of the approval and signing of the ordinance from which this article derives by the city council. All other sections of this article will be immediately enforced upon the approval and signing of the ordinance from which this article derives by city council.

**SECTION 25.** Section 16-206, Articles to be retained at least seventy-two (72) hours; tag; exceptions is amended and renumbered as Section 16-205, Articles to be retained at least seventy-two (72) hours; tag; exceptions to read as follows:

**Sec. ~~16-205~~ 16-206.** Articles to be retained at least seventy-two (72) hours; tag; exceptions.

- (a) Notwithstanding the provisions of subsections (b) and (c), no metal recycling ~~facility entity or secondhand metal~~ dealer shall process, dismantle or in any manner alter, dispose of, sell or remove from the premise ~~sell, dismantle, deface or in any manner alter or dispose of~~ any regulated metal purchased or otherwise received at the ~~by him~~ ~~at his~~ licensed place of business for seventy-two (72) hours after receipt, excluding weekends and holidays, provided that he is not required to keep aluminum cans for more than twenty-four (24) hours. During such 72-hour period, all items of property shall be stored or displayed at the dealer's business location, in the exact form received, and in a manner so as to be identifiable from the description entered in the database. Such property shall not be kept in such a manner so as to prevent or impede its examination.
- (b) A peace officer who has reasonable suspicion to believe that an item of regulated material in the possession of a metal recycling ~~facility dealer~~ ~~entity or a secondhand metal dealer~~ is stolen may place the item on hold in the manner provided by V.T.C.A., Occupations Code § 1956.037.

- (c) Exceptions. A metal recycling ~~facility entity~~ is not required to comply with the provisions of this section if the metal recycling ~~facility entity~~ verifies that the person or entity seeking to sell or otherwise transfer the metal items has one of the following licenses or permits to establish that he is a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of its business:
- (1) The metal items are not in their original packaging in which case the metal recycling entity must comply with section;
  - (2) A valid city-issued metal recycling ~~facility entity or secondhand metal dealer~~ license, which the metal recycling ~~facility entity or secondhand metal dealer~~ shall record by photocopying the license or recording the license number in connection with the sale and maintain for a period of not less than three (3) years; or
  - (3) A valid city-issued construction, demolition, or electrical permit, which the metal recycling ~~facility entity or secondhand metal dealer~~ shall record by photocopying the permit or recording the project number located on the permit in connection with the sale and maintain for a period of not less than one year.

(d) A violation under this Section is punishable as provided in Section 16-203(b).

**SECTION 26.** Section 16-207, Acceptance of property suspected stolen; peace officer requested holds; violation is amended and renumbered as Section 16-206, Acceptance of property suspected stolen; peace officer requested holds; violation to read as follows:

**Sec. ~~16-206~~ 16-207. Acceptance of property suspected stolen; peace officer requested holds; violation.**

- (a) It shall be the duty of every metal recycling ~~facility entity or secondhand metal dealer~~, his agents or employees to report immediately to the police department, by filing a formal complaint, any offer to sell to the metal recycling ~~facility entity or secondhand metal dealer~~, his agents or employees, property that such metal recycling ~~facility entity or secondhand metal dealer~~, his agents, or employees have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such metal recycling ~~facility entity or secondhand metal dealer~~, his agents, or employees, shall also report any property acquired by the metal recycling ~~facility entity or secondhand metal dealer~~, that the metal recycling ~~facility entity or secondhand metal dealer~~ or, his agents or employees, subsequently determine or reasonably suspect to be stolen property, and the metal recycling ~~facility entity or secondhand metal dealer~~, his agents or employees, shall furnish such other information as might be helpful to the police in investigating the matter.

(b) ~~It Notwithstanding the provisions of section 16-206, it shall be the duty of every metal recycling facility entity or secondhand metal dealer, his agents or employees to hold all suspected stolen property in a secure place for sixty (60) days upon request by a peace officer. The metal recycling facility entity or secondhand metal dealer, his agents or employees, may not process or remove the property from the dealer(s) or entity(ies) premises before the 60th day after receipt of the request from a peace officer to hold the property unless the hold is released at an earlier time in writing by a peace officer of this state or a court order.~~

~~(1)The item is released into a peace officer's care, custody and control at an earlier time;~~

~~(2)A peace officer releases the hold on the property upon an earlier date;~~

~~(3)A peace officer makes a written request to extend the holding period for up to twenty four (24) months from the date the request is received; or~~

~~(4)A court orders release of the property.~~

(c) Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required **to operate?** of a metal recycling ~~facility entity or secondhand metal dealer~~ under this Code. Any person violating any provision of this section shall be punished as provided by section 16-203(b). 16-210.3.

**SECTION 27.** Section 16-202, Government or utility property is amended and renumbered as Section 16-207, Government or utility property to read as follows:

**Sec. 16-207 ~~16-202~~. Government or utility property.**

(a) It shall be unlawful for any metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees to purchase or receive an item of property, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, on which are written or affixed the words "Property of the City of San Antonio" or other words or markings demonstrating ownership by the city except in the following circumstances:

(1) Where the person offering such property for sale is an employee of the city authorized by the director to make such a sale and provides the metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees with a written authorization from the city treasurer for the sale of such property; or

(2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the director evidencing the purchase of such property by the person offering such property.

(b) It shall be unlawful for any metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees to purchase or receive an item of property that is marked with

any form of the name or initials of a governmental agency, including but not limited to the state and the United States of America and their agencies and political subdivisions or that the metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees know or should reasonably be expected to know belongs to a governmental agency, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, except:

- (1) Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees with a written authorization from the agency for the sale of such property; or
  - (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property.
- (c) It shall be unlawful for any metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees to purchase or receive an item of property that is[;] marked with any form of the name or initials of an electrical, telephone, cable, or other public utility company or that the metal recycling ~~facility entity or secondhand metal~~ dealer, his agents or employees know or should reasonably be expected to know belongs to a public utility unless the person offering such property for sale presents at the time of such offer a valid receipt from the public utility company evidencing the purchase of such property by the person offering such property.
- (d) A violation of this section is punishable as provided in Section 16-203(b).

**SECTION 28.** Section 16-203, Acceptance of building construction materials is amended and renumbered as Section 16-208, Acceptance of building construction materials to read as follows:

**Sec. ~~16-208~~, ~~16-203~~ Acceptance of building construction materials.**

- (a) It shall be unlawful for any metal recycling ~~facility entity or secondhand metal~~ dealer, to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by him at his licensed place of business unless he complies with the provisions of sections 16-204 and 16-205. ~~16-201 and 16-206~~.
- (b) It shall be unlawful for any metal recycling ~~facility entity or secondhand metal~~ **dealer** to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material unless ~~received by him at his licensed place of business unless prior to receiving, selling, dismantling, defacing or in any manner altering or disposing of any building construction material,~~ the metal recycling **facility** ~~entity or secondhand metal dealer~~:

- (1) Records, along with the description of the property, the serial number, or other identifying characteristics of each part or piece of building construction material; and
- (2) Obtains a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer, that property. Any person violating any provision of this section shall be punished as provided by section 16-203(b). ~~16-210.3.~~

**SECTION 29.** Section 16-204, Acceptance of air conditioning unit parts, and Section 16-205, Stock to be open for inspection are amended and renumbered as Section 16-209, Acceptance of air conditioning unit parts, and Section 16-210, Stock to be open for inspection to read as follows:

**Sec. 16-209 ~~16-204~~. - Acceptance of air conditioning unit parts.**

It shall be unlawful for any metal recycling facility ~~entity, secondhand metal dealer or secondhand dealer~~, his agents or employees to purchase or receive any nonferrous central air conditioning unit parts to include air conditioning window units from any person offering such property for sale unless the person presents an original copy of a reclamation receipt or recovery receipt issued by a state- or city-licensed mechanical contractor that recovered the Freon from the unit which is being sold.

- (a) ~~(1)~~ Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the metal recycling facility ~~[entity or secondhand metal]~~dealer or ~~;~~ his agents or employees with a written authorization from the agency for the sale of such property; or
- (b) ~~(2)~~ Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property.
- (c) ~~(3)~~ The person offering the property for sale is the manufacturer of air conditioning units, or a licensed recycler in the business of purchasing air conditioning parts to include air conditioning window units must provide a certificate of reclamation or recovery certificate to the metal recycling facility ~~[entity, secondhand metal]~~ dealer or ~~;~~ his agents or employees in order to resell the units to the metal recycling facility ~~[entity, secondhand metal]~~ dealer, his employees or his agents.

**Sec. 16-210 ~~16-205~~. Stock to be open for examination.**

The stock or inventory of any metal recycling ~~facility dealer entity, secondhand metal dealer, or secondhand dealer~~ shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the director's office. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling ~~facility [entity, secondhand metal dealer or secondhand]~~ dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 16-203(b) [~~16-210.3~~].

**SECTION 30.** Section 16-208, Facsimile, telecopy, or similar equipment required is amended and renumbered as Section 16-211, Facsimile, telecopy, or similar equipment required to read as follows:

**Sec. 16-211, ~~16-208~~. Facsimile, telecopy, or similar equipment required.**

A metal recycling facility secondary metals recycler or secondhand metal dealer shall maintain at its place of business, or otherwise have immediate access to, a facsimile, telecopy, or other equipment of similar function on which notifications of stolen property or other notifications relating to regulated metal property may be expeditiously received from the police department. The equipment must be operable at all times during the usual and customary business hours of the metal recycling facility secondary metals recycler or secondhand metal dealer. The metal recycling facility secondary metals recycler or secondhand metal dealer shall maintain the facsimile number or other access number of the equipment on file with the chief of police and shall notify the chief of police within twenty-four (24) hours after any change in the number. Any person violating any provision of this section shall be punished as provided by section 16-203(b) ~~16-210.3~~.

**SECTION 31.** Section 16-209, Purchasing or receiving goods from minors, and Section 16-210 Acceptance of property inscribed with company name, are amended and renumbered as Section 16-212, Purchasing or receiving goods from minors, and Section 16-213, Acceptance of property inscribed with company name, to read as follows:

**Sec. 16-212 ~~16-209~~. Purchasing or receiving goods from minors.**

(a) It shall be unlawful for any metal recycling facility to ~~No metal recycling entity or secondhand metal dealer, shall~~ purchase or otherwise receive in the course of his business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless:

- (1) The minor is accompanied by his parent or guardian, who shall state in writing, that such transaction is taking place with such parent's or guardian's full knowledge and consent; or
- (2) The only items offered for sale by the minor are aluminum cans.

(b) It shall be the duty of such metal recycling ~~facility entity or secondhand metal dealer~~, to preserve and keep on file, and available for inspection, such written statements of consent for a period of not less than one year.

(c) A violation under this section is punishable as provided in Section 16-203(b).

**Sec. ~~16-213~~ 16-210. Acceptance of property inscribed with company name.**

It shall be unlawful for any metal recycling ~~facility dealer entity or secondhand metal dealer~~, or his agents or employees, to purchase or receive an item of property that is marked with any form of the name or initials of a private company or that the metal recycling ~~facility entity or secondhand metal dealer~~ knows or should reasonably be expected to know belongs to a private company unless the person offering such property for sale presents at the time of such offer a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property. A violation under this section is punishable as provided in Section 16-203(b).

**SECTION 32.** Section 16-210.1, Acceptance of property delivered by shopping cart, is amended and renumbered as Section 16-214, Acceptance of property delivered by shopping cart to read as follows:

**Sec. ~~16-214~~ 16-210.1. Acceptance of property delivered by shopping cart.**

It shall be unlawful for any metal recycling ~~facility dealer entity or secondhand metal dealer~~, his agents or employees to purchase or receive an item of property that is transported to the metal recycling ~~facility entity or secondhand metal dealer's place of business~~ by a shopping cart that is marked with any form of the name or initials of a private company or that the metal recycling ~~facility entity or secondhand metal dealer~~ knows or should reasonably be expected to know belongs to a private company unless the person operating the shopping cart presents at the time of transportation of property to the metal recycling ~~facility entity or secondhand metal dealer~~ presents a valid receipt from the owner of the shopping cart evidencing the purchase of the shopping cart by the person operating the shopping cart. A violation under this section is punishable as provided in Section 16-203(b).

**SECTION 33.** Sections 16-210.2 through 16-210-5 are deleted as follows:

**~~[Sec. 16-210.2. – Change in business address.~~**

~~Should any licensee move his place of business from the place designated in such license to a new address, he shall immediately give written notice to the director and have the change noted on his license.~~

**~~Sec. 16-210.3. – Individuals to be prosecuted; fine upon conviction.~~**

It is a class "C" misdemeanor for any individual dealer, manager, agent, or employee of a dealer to recklessly receive or negligently allow another to receive regulated metal property in violation of this code. Upon conviction it shall be punishable by a fine of not more than five hundred dollars (\$500.00).

**~~Sec. 16-210.4. -- Revocation of license of salvage dealers with repeat violations; hearing.~~**

~~The housing and neighborhood services department director shall investigate suspended violators of this article. An administrative license revocation hearing shall be conducted by the city manager or a duly appointed hearing officer in accordance with the requirements of section 16-210.5. The hearing officer shall consider documentary evidence and testimony from any interested parties who desire to offer relevant testimony. Upon a determination that the licensee is unable or unwilling to enforce the business practices necessary to comply with this article, the city manager shall revoke the dealer's license.~~

**~~Sec. 16-210.5. -- License revocation hearing.~~**

~~(a) Request by housing and neighborhood services director to city manager for hearing. The director shall notify the city manager of the need for a salvage dealer's license revocation administrative hearing and the city manager or a duly authorized representative shall set a hearing date. The director shall notify the affected dealer of such hearing, the reason for such hearing, and of the dealer's right to present evidence and to question all witnesses at such hearing. The notice shall be mailed by certified mail, return receipt requested, or hand delivered to an individual salvage dealer or to any partner of a partnership dealer, or to any officer of a corporate dealer. The notice shall be so delivered not less than fifteen (15) days before such hearing.~~

~~(b) Prerequisite for hearing. Such hearing shall be had if the dealer or any employee, manager, or agent of the dealer cumulatively have accrued two (2) convictions for violating this article within a 12 month period, or three (3) convictions within an 18-month period.~~

~~(c) Notice to dealer of license revocation. If the hearing officer determines that the dealer's salvage dealer's license shall be revoked, the city manager shall issue a written thirty (30) days notice of a salvage dealer's license revocation to the dealer by certified mail, return receipt requested. The revocation notice shall inform the dealer of the right of appeal and of the time limit for the written notice of appeal. The revocation shall become final on the 31st day after the dealer's receipt of said notice unless an appeal is properly filed.~~

~~(d) Appeal to city council; request in writing. The dealer licensee shall have the right of an administrative appeal to the city council if demanded in writing and delivered to the city manager within ten (10) days after the dealer's receipt of the city manager's written thirty (30) days notice dealer's license revocation. Any continuation of business as a dealer after such revocation takes effect shall be in violation of the license requirements of this article unless enjoined by a court of competent jurisdiction. Said revocation notice shall inform~~

the dealer of the right of appeal and of the time limit for the required written notice of appeal to be submitted to the city manager.]

**SECTION 34.** Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, is hereby amended by adding the underlined (added) language and deleting the stricken (~~deleted~~) language in the following manner:

**SECTION 35.** Chapter 35, Table 311-2 Non-residential use matrix is amended by adding Metal Recycling Facility sections, a Motor Vehicle Recycling Facility section and deleting Junkyard or Salvage Yard from the matrix.

<b>TABLE 311-2 NON-RESIDENTIAL USE MATRIX</b>													
	<i>PERMITTED USE</i>	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	I	I-1	I-2	ERZD	LBCS
*****													
<del>Manufacturing</del>	<del>Junkyard or Salvage Yard</del>										<del>S</del>	<del>NA</del>	2120
*****													
Processing	<u>Motor Vehicle Recycling Facility</u>										<u>S</u>	<u>NA</u>	
Processing	<u>Recycling Facility Without Outside Storage and/or Processing (Excluding Metal Recycling Facility)</u>									<u>P</u>	<u>P</u>	<u>S</u>	
Processing	<u>Recycling Facility With Outside Storage and/or Processing (Excluding Metal Recycling Facility)</u>										<u>P</u>	<u>NA</u>	
Processing	<u>Metal Recycling Facility Without Outside Storage and/or Processing</u>									<u>S</u>	<u>S</u>	<u>S</u>	
Processing	<u>Metal Recycling Facility With Outside Storage and/or Processing</u>										<u>S</u>	<u>NA</u>	

**SECTION 36.** Chapter 35, Table 311-2a Non-residential use matrix is amended to read as follows:

<b>TABLE 311-2a NON-RESIDENTIAL USE MATRIX</b>		Urban		Rural		Farm		Mixed Industrial					
	<i>PERMITTED USE</i>	UD Major Node	UD Minor Node	RD Major Node	RD Minor Node	FR Ag Commercial	VILLAGE CENTER FR / FR	MI - 1	MI-1 Minor Node	VILLAGE CENTER - MI	MI - 2	MI-2 Minor Node	VILLAGE CENTER - M2
*****													
<b>Manufacturing</b>	<u>Junkyard or Salvage Yard</u>										P		
*****													
<b>Processing</b>	<u>Motor Vehicle Recycling Facility</u>										S		
<b>Processing</b>	<u>Recycling Facility Without Outside Storage and/or Processing (excluding metal recycling facility)</u>							P			P		
<b>Processing</b>	<u>Recycling Facility With Outside Storage and/or Processing (excluding metal recycling facility)</u>										P		
<b>Processing</b>	<u>Metal Recycling Facility Without Outside Storage and/or Processing</u>							S			S		
<b>Processing</b>	<u>Metal Recycling Facility With Outside Storage and/or Processing</u>										S		

**SECTION 37.** Chapter 35, Section 35-334 “MAOZ” Military Airport Overlay Zones is amended to read as follows:

**35-334 “MAOZ” Military Airport Overlay Zones**

Military Airport Overlay Zone Permitted Use Table

MAOZ Permitted Use	MAOZ-1	MAOZ-2
<p><u>MOTOR VEHICLE RECYCLING FACILITY</u> <del>JUNK YARD or SALVAGE YARD</del></p>	<p>p<sup>3</sup></p>	<p>p<sup>3</sup></p>

**SECTION 38.** Chapter 35, Section 35-338 “RIO” River Improvement Overlay Districts is amended to read as follows:

**35-338 “RIO” River Improvement Overlay Districts**

(c) Uses

**(1) Prohibited Uses.**

A. The following uses are prohibited within the river improvement overlay district:

- 9. Motor vehicle recycling facility ~~Junkyard or salvage yard~~

**SECTION 39.** Chapter 35, Section 35-525 (a)(5)C. is amended to read as follows:

**35-525 Outdoor Storage Standards**

(a) **Applicability.** The provisions of this section apply to the keeping, in an unroofed area, any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours, where outside storage is permitted as a use in Table 311-2, Nonresidential Use Matrix or in the definition of the use in Appendix A. For purposes of this section, outdoor storage is divided into the following categories:

(5) **Class 5 Storage.** Class 5 storage includes any of the following:

- C. The storage, sale, dismantling or other processing of used or waste materials that are not intended for re-use in their original forms. This use includes automotive wrecking yards, motor vehicle recycling facilities ~~junkyards~~, and paper salvage yards.

**SECTION 40.** Chapter 35, Table 526-3b is amended to read as follows:

**TABLE 526-3b**

Group	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
<u>PROCESSING</u> <u>MANF.</u>	<u>MOTOR VEHICLE</u> <u>RECYCLING FACILITY</u> <u>JUNK YARD or SALVAGE</u> <u>YARD</u>	1 per employee	N/A

**SECTION 41.** Chapter 35, APPENDIX A, DEFINITIONS AND RULES OF INTERPRETATION is amended to delete “junk yard or salvage yard” and “recycling business” definitions:

~~Junk yard or Salvage yard.....UDC A:41~~

~~Recycling business.....UDC A:54~~

\* \* \* \* \*

~~Junkyard or salvage yard. Any premises where junk, articles or materials, including junked, wrecked or inoperable vehicles, which are ready for destruction or which have been collected or stored for salvage or conversion to some use.~~

~~Motor vehicle recycling facility. Any person, firm or corporation engaged in the business of purchasing and acquiring wrecked, abandoned and/or inoperable motor vehicles for the purpose of dismantling, disassembling, crushing and/or selling the usable parts thereof except where such inoperable motor vehicles have been crushed and are being held at a licensed metal recycling facility for the purpose of recycling the scrap metal.~~

~~Metal recycling facility. Any person, firm or corporation that is engaged in the business of purchasing or acquiring scrap, used or obsolete ferrous or nonferrous metal, including regulated materials, to be converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that requires the use of powered tools, machinery or equipment, including processes that involve sorting, cutting, classifying, cleaning, baling, wrapping, disassembling, shredding, shearing, or changing the physical form of that metal, and excludes motor vehicle recycling facilities.~~

~~Processing. For the purposes of this Chapter, a series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. “Processing” is generally associated with the chemical transformation of materials or substances into new products and may include, but is not limited to, the blending and combining of gases and liquids or the shredding and compacting of metals. Processing of recyclable material may include baling, briquetting, cleaning, compacting, crushing, flattening, grinding, shredding and sorting of source-separated recyclable~~

materials and repairing of reusable materials. A processing facility may also contain a warehouse. Outdoor storage shall comply with UDC section 35-525.

~~Recycling business. A business that is primarily engaged in: (A) Converting ferrous or non-ferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; (B) Using raw material products of that kind in the production of new products; or (C) Obtaining or storing ferrous or non-ferrous metals or other materials for a purpose described by subsection (A) or (B).~~

Recycling facility. For the purposes of this Chapter, a facility in which recyclable products are recycled, processed, and treated to return such products to a condition in which they may be used again in new products. The presence of power-driven processing equipment distinguishes a recycling facility from a facility used merely for drop off or collection of recyclable materials. This use includes the processing of waste material into salable products. Recycling of oil and other liquids may also occur in a recycling facility.

**SECTION 42.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 43.** There is no financial impact as a result of the passage of this ordinance.

**SECTION 44.** No other provision of the City Code is amended hereby. All other provisions shall remain in effect.

**SECTION 45.** Notice of the changes to Chapter 35 shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

**SECTION 46.** The City Clerk for the City of San Antonio is hereby directed to publish notice of this ordinance in a newspaper published in the City of San Antonio, Texas, as required by Article 2, Section 17 of the City Charter of San Antonio, Texas.

**SECTION 47.** The publishers of the City Code of San Antonio are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**SECTION 48.** This Ordinance becomes effective immediately upon receipt of eight or more affirmative votes; otherwise, it shall become effective on the tenth day after passage.

**PASSED AND APPROVED this xx<sup>th</sup> day of xxxx, 2012.**

**M A Y O R**  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Michael D. Bernard, City Attorney

DRAFT