



City of San Antonio Development Services Department

Cliff Morton Development and Business Services Center
Land Development Division, Zoning Section
1901 South Alamo Street
San Antonio, Texas 78283-3966

APPLICATION PACKET FOR REGISTRATION OF NONCONFORMING USE

Applicable Sections of City Code: Article VII of the Unified Development Code (UDC)

Nonconforming Use (Article VII of the UDC)

A Nonconforming Use (commonly referred to as *Grandfathered*) is a use/activity that was allowed in its location when it was established but due to changes in the property's status or classification is no longer allowed by right. The property owner or applicant must document that a Nonconforming Use was allowed when it was established and has been maintained over time. Evidence might consist of objective documentation such as: building permits, utility hookups, tax records, business licenses, etc.

The UDC recognizes three basic categories of legal nonconformities; this application is designed to address land use nonconformities:

- Nonconforming Uses of Land. These are land uses that would not be permitted under current regulations, but which were established before the regulations went into effect. NOTE: **A Nonconforming Use may not be expanded.**
- Nonconforming Structures. These are buildings that were legal at the time they were constructed, but encroach into the current yard setbacks or exceed the current height or area limitations, for example.
- Nonconforming Lots of Record. These lots were legal when they were subdivided but do not meet the current requirements for width, depth, access, or other requirements.

Standards Affecting Nonconforming Uses

The following standards apply to all Nonconforming Use situations:

1. Their status is not affected by changes in ownership.
2. They may be changed to conforming uses, however once changed to a conforming use, the nonconforming rights are lost and a Nonconforming Use may not be re-established.
3. Normal maintenance and repair is allowed if under 50% of the appraised value of the property.
4. A Nonconforming Use will be considered terminated if the building, structure, or land is not occupied by a permitted or legally Nonconforming Use for one continuous year.
5. Nonconformance with any development standard or condition other than building setback, coverage, or height will be considered terminated if the building, structure, or land is not occupied by a permitted or legally Nonconforming Use for one continuous year.
6. Any Nonconforming Use dependent upon a building that has been declared dangerous and ordered demolished pursuant to the City of San Antonio Building Code will be considered terminated upon that declaration and order.
7. Any Nonconforming Use dependent upon a building or structure that has been damaged to the extent that repair or restoration would cost more than 50% percent of its fair market value will be considered terminated. A building official of the City of San Antonio will determine the cost of repair or restoration. Fair market value will be determined by an independent appraisal acceptable to the City.
8. Rebuilding of structures which contained Nonconforming Uses and which have been intentionally destroyed is prohibited.
9. Filing of false registration application will result in the termination of a Nonconforming Use.

SUBMISSION OF THIS APPLICATION AND SUPPORTING DOCUMENTATION DOES NOT IMPLY APPROVAL OF THE USE. A DETERMINATION WILL BE MADE BASED ON THE INFORMATION PROVIDED BY THE APPLICANT AND/OR OTHER RESOURCES. FAILURE TO PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY CITY STAFF MAY RESULT IN THE DELAY OR DENIAL OF THIS APPLICATION.

Required Items for Filing

In order to file the attached application, please read carefully and provide the necessary documentation and notarized signatures. For your convenience, we offer notary services at the Land Development counter. Submittal of the recommended supporting items identified on this page assists staff in deeming your application complete. The required non-refundable fees are as follows:

- **\$150.00 Annual Renewal Registration and Letter Fee** (due at the time of application submittal for all applications)
- **\$350.00 Registration Fee** (due only if the subject property is filing for a new registration or past the annual registration of a current registered nonconforming use)

Additionally, every applicant must submit a site plan and/or accurate aerial photograph of the subject property. Plans must be legible and drawn to scale to clearly illustrate the components of the project. Please keep in mind that Staff is not familiar with the property and need this information to accurately evaluate your project. If the plans are not legible, or do not contain the information listed below, your application may not be deemed complete. We **can not** accept drawings or materials that are larger than approximately 11 inches x 17 inches. Applicants should make every attempt to include the following on the site plan:

- A north arrow and scale
- The boundaries of the property with dimensions and square footage of the lot(s)
- The location and dimensions of all existing and proposed buildings/structures, including setbacks
- Walls, fences, walkways (including sidewalks) and off-street parking areas or garages
- Parking lot layout and circulation, if applicable

An applicant may also submit any other drawings, photographs or information in support of the application.

It is the applicant's responsibility to submit objective evidence of the lawful existence and continued use of the activity or structure by providing the following types of information, including but not limited to, documentation of the date that the use/activity commenced and evidence of continuous operation for each successive year:

Certificates of Occupancy/Previous Nonconforming Use Registrations
Plats/Plans/Surveys
County Appraisal Data
Letters or bills from utility companies
Lease agreements containing descriptions of the property uses
Sketch or plan indicating area occupied by structure and/or use
Sworn affidavits from persons with knowledge of the use

Deeds applicable to the property
Billing and/or land use permits
TABC Records
Dated photographs
Licensing Documents
Bills
Invoices and/or Customer Receipts

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to land uses, density, minimum setbacks, or size and heights of structures. These covenants and restrictions do not constitute a criterion for a City land use decision, as the City cannot enforce said restrictions. It is the responsibility of the applicant to investigate private covenants or restrictions.



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Website: www.sanantonio.gov/dsd/



APPLICATION TO REGISTER A NONCONFORMING USE (PLEASE PRINT BELOW AND CHECK BOX THAT APPLIES)

New Application

Recertification

Applicant/ Representative/ Authorized Agent <i>(Authorized agents must submit evidence of their authority to act on the property owner's behalf)</i>	Name			
	Mailing Address	City/State	Zip	Code
	Day-time Phone Number	E	-mail Address	

Site Information	Business/Project Name <i>(proposed name if applicable)</i>			
	Street Address	L	egal Description	
	Specify the Land Use(s) you are trying to Register			
	Date Land Use Commenced	Cur	rent Zoning District	Acr eage

Describe the cause for your application, including the following (attach additional pages if necessary):

- The date the land use(s) began and where they occur on the property.
- The date(s) the structure(s) were built.
- Additional information for consideration in relation to your request.

DECLARATIONS

I hereby apply for registration of a Nonconforming Use as requested on this application and certify that the submitted information and attachments are true and accurate. Information contained on the attached form(s) will be used for the purposes of administering the formal Nonconforming Use registration process of the City of San Antonio. All of the statements and representations contained in the attached documents filed in support of this application shall be deemed a permanent part of the application for all purposes.

Print Name

Signature

Date Title

Sworn to and subscribed before me by _____ on
this _____ day of _____ in the year _____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Property Owner(s)

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ E-mail _____

Official Use Only

Case No.: _____ HANSEN No.: _____ Planner Assigned: _____

Staff Decision: Registered _____ Not Registered _____

Staff Findings:

