

ARTICLE IX. EXTRATERRITORIAL JURISDICTION MILITARY PROTECTION AREAS

STATEMENT OF PURPOSE

Pursuant to Texas Local Government Code § 43.0117., the purpose of this article is to promote the public health, safety, morals, general welfare, and to protect and preserve the training missions of the military in certain areas within five miles of a military base where an active training is conducted by applying land use controls in the manner recommended by the most recent joint land use study.

DIVISION 1. – ETJ MILITARY PROTECTION AREAS GENERALLY

Sec. 35-901. - **Purpose.** The purpose of this article is to establish Extraterritorial Jurisdiction Military Protection Areas and the associated Land Use Controls in certain areas within five miles of a military base where active training is conducted in the manner recommended by the most recent joint land use study in order to protect a military mission.

Sec. 35-902. – **General Provisions.**

- (a) **Applicability.** The provisions of this article shall apply only to such areas of the ETJ which have rejected annexation and voted to apply land use controls in the manner recommended by the most recent joint land use study at a duly called election.
- (b) **Conflicts with other provision of this chapter.** Where the provisions of this division conflict with other provisions of this chapter, the provisions of this division shall prevail.

Sec. 35-903. – **Designated ETJ Military Protection Areas.**

- (a) **“ETJMPD-1” Camp Bullis/Camp Stanley ETJ Military Protection Area.**
- (b) **“ETJMPD-2” Lackland/Medina Annex ETJ Military Protection Area.**

DIVISION 2. – ETJ MILITARY PROTECTION AREA LAND USE CONTROLS

Sec. 35-904. – **Land Use Intensity Standards.**

- (a) **Applicable Standards.** Land Use intensity standards shall be applicable in designated ETJ Military Protection Areas. Land Use intensities shall be enforced in the platting process and/or building permit process. The development services director shall review each plat and/or building permit for conformity with the land use category of the City’s Comprehensive Plan.
- (b) **Method of Enforcement.** The allowable intensity for a particular property shall be enforced by regulating the lot size in terms of units per acre and land use in terms of compatible land uses.

- (1) When lot size is regulated in terms of units per acre, an enforceable note shall be placed on the plat indicating the allowable minimum and maximum units per acre as defined by the related zoning districts identified in the land use categories of the city's Comprehensive Plan. The minimum and maximum units per acre shall be derived based upon the related zoning districts identified in the land use categories of the city's Comprehensive Plan.

NOTE EXAMPLE: The Future Land Use Plan designates this property as "Medium Density Residential." Allowable lot sizes for single-family residential uses range from 3,000 square feet to 6,000 square feet. There are no minimum lot sizes for multi-family uses and non-residential uses.

- (2) When lot use is regulated in terms of compatible land use, an enforceable note shall be placed on the plat indicating the related zoning districts identified in the land use categories of the city's Comprehensive Plan, and further stating that allowable land uses shall be consistent with those zoning areas.

NOTE EXAMPLE: The Future Land Use Plan designates this property as "Medium Density Residential." Allowable land uses shall be as defined in the Unified Development Code for any property zoned "R-3", "R-4", "RM-4", "R-5", "RM-5", "RM-6", "MF-18", "MF-25", "MF-33", "MH", "MHC", and "MHP"..

- (c) **Derivation of Allowable Standards.** The allowable lot sizes, units per acre, and/or use shall be derived by determining the land use category associated with the property according to the Comprehensive Plan.

- (1) The Comprehensive Plan includes permitted zoning area designations corresponding to zoning areas codified in Article III of this Chapter.

- (2) The allowable lot size, units per acre, and/or use for a property shall correspond to the minimum standards for any related zoning area as determined by the Comprehensive Land Use Category.

- (d) **Amendments to Comprehensive Land Use Category Designations.** Amendments to the Land Use Category Designations shall utilize the process codified in Section 35-420(f) of this chapter.

- (e) **Limitation On Single Family Residential Intensities Within A Certain Distance Of Military Bases.** In order to limit encroachments and sustain training and operations on a military base, within a designated Military Sound Attenuation District, no single-family residential development shall exceed a density of 10.9 units per acre

and no platted lot for single family residential use shall be less than 4,000 square feet in area.

Sec. 35-905. – **Military Lighting Overlay Area Standards.** Military Lighting Overlay Area Standards shall be applicable in all ETJ Military Protection Areas.

STATEMENT OF PURPOSE

The purpose of this section is to establish regulations for outdoor lighting impacting military operations five (5) miles or less from the perimeter of Camp Bullis/Camp Stanley, Randolph Air Force Base, Lackland Air Force Base, and Martindale Army Air Field.

Specific purposes of these lighting areas are as follows:

- *To reduce glare and potential distractions to night time training exercises occurring within this area.*
- *To balance the needs of the military, the City of San Antonio, and property owners regarding responsible development including outdoor lighting within this area.*
- *To permit the use of outdoor lighting that does not exceed the minimum level as guided by Illuminating Engineering Society (IES) recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.*
- *Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.*

(a) **Zoning Process and Classification.**

- (1) This section establishes a military lighting overlay area, specifies the general purposes of the military lighting overlay area and the scope of the standards within that area.
- (2) The military lighting overlay area is established as an overlay to the regular base zoning areas.
- (3) The planning and development services department shall coordinate with other appropriate departments or agencies in order to evaluate land use, traffic and other development related issues in determining the necessity of establishing a military lighting overlay area. All parties in interest and citizens shall have an opportunity to be heard at a public hearing in accordance with Chapter 211 of the Local Government Code.
- (4) The zoning designation for the military lighting overlay area shall consist of a base zone symbol and the military lighting overlay area symbol "MLOD" as a suffix. The following two (2) types of military lighting overlay areas shall be established and numbered sequentially to distinguish among different areas, i.e., "MLOD-1," "MLOD-2," etc.

(b) **Military Lighting Regions (MLRs) within Military Lighting Overlay Areas (MLODs).** Overall geographic areas shall be known as Military Lighting Regions within the Military Lighting Overlay Area and shall be specified as described below.

- (1) MLR1—Three (3) miles or less from the installation (most restricted lighting) = LZ-2 for BUG rating limitations referenced in Exhibit 1. Lighting Zone 2 allows only

fifty (50) lumens in the Uplight High (UH) and Uplight Low (UL) zones, one hundred (100) lumens total (less than a 25W incandescent lamp).

- (2) MLR2—Greater than three (3) miles and up to and including five (5) miles from the installation (less restricted lighting) = LZ-3 for BUG rating limitations referenced in Exhibit 1. Lighting Zone 3 allows only five hundred (500) lumens in the Uplight High (UH) and Uplight Low (UL) zones, one thousand (1,000) lumens total (about the output of a 75W incandescent bulb).
- (3) This will ensure the following:
 - A. Consistent color temperature of the lights.
 - B. Color temperatures do not exceed 4100K (white light or warm light) depending on MLR.
 - C. Fully shielded lights.
 - D. No light emitted above ninety (90) degrees.
 - E. Appropriate amount of light where needed.
 - F. Glare restrictions are in place.

Table 339.04-1 Maximum Allowable BUG Ratings for Non-Residential

Note: BUG ratings are defined by IDA

| | MLR-1/LZ-2 | MLR-2/LZ-3 |
|--|-------------------|-------------------|
| Maximum Allowable Backlight Ratings | | |
| Greater than 2 mounting heights from property line | B4 | B5 |
| 1 to less than 2 mounting heights from property line and ideally oriented** | B3 | B4 |
| 0.5 to 1 mounting heights from property line and ideally oriented** | B2 | B3 |
| Less than 0.5 mounting height to property line and ideally oriented** | B0 | B1 |
| ** <i>To be considered "ideally oriented" the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern</i> | | |
| Maximum Allowable Uplight Ratings | | |
| Allowed Uplight Rating | U2 | U3 |

| | | |
|--|----|----|
| Allowed % light emission above 90 degrees for street or area lighting | 0% | 0% |
| Maximum Allowable Glare Ratings | | |
| Allowed Glare Rating | G2 | G3 |
| Any luminaire not ideally oriented* with 1 to less than 2 mounting heights to any property line of concern | G1 | G1 |
| Any luminaire not ideally oriented* with 0.5 to 1 mounting heights to any property line of concern | G0 | G1 |
| Any luminaire not ideally oriented* with 0.5 mounting heights to any property line of concern | G0 | G0 |
| * Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2x the mounting heights of the luminaire location shall meet the Allowed Glare Rating. | | |

(c) **Limits to Off Site Impacts.** All luminaires shall be rated and installed using either Option A (the maximum Allowable BUG ratings as shown in Exhibit 1) or Option B (through computer lighting calculations/photometric calculations). Only one (1) option may be used per permit application.

(1) **Option A:** All luminaires shall be rated and installed according to Exhibit 1.

(2) **Option B:** Will be required for all non-residential luminaires that:

- A. Do not have BUG ratings, or exceed acceptable BUG ratings.
- B. Are not fully shielded, or have adjustable mountings.

The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:

1. Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three (3) object heights of the property line must be included in the calculations.
2. Analysis shall utilize an enclosure comprised of calculation planes with zero (0) reflectance values around the perimeter of the site. The top of the enclosure shall be no less than thirty-three (33) feet above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure.

3. Photometric plan and data sheets, such as or similar to that furnished by manufacturers, showing the angle of cut off or light emissions.
4. A lighting plan and photometric plan shall be prepared by a certified engineer, lighting engineer, architect, landscape architect or designer.

The design complies if:

- i. The total lumens on the inside surfaces of the virtual enclosure are less than fifteen (15) percent of the total site lumen limit per Exhibit 2; and
- ii. The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Exhibit 3.

"Total initial luminaire lumens" is a measurement in addition to footcandles or lux. The footcandle (fc) is equal to one (1) lumen per square foot. Lux is the metric unit and is equal to one (1) lumen per square meter.

Table 339.04-2 Allowed Total Initial Site Lumens

| | MLR-1/LZ-2 | MLR-2/LZ-3 |
|-------------------------------------|-------------------|-------------------|
| Allowed Lumens per SF | 2.5 | 5.0 |
| Allowed Base Lumens per Site | 7,000 | 14,000 |

Note: Lighting Zones (LZ) are defined in IDA model ordinance.

Table 339.04-3 Maximum Vertical Illuminance at Any Point in the Plane of the Property Line

| Maximum Allowable Vertical Illuminance | |
|---|-------------------|
| MLR-1/LZ-2 | MLR-2/LZ-3 |
| 0.3 FC or 3.0 LUX | 0.8 FC or 8.0 LUX |

Note: Lighting Zones (LZ) are defined in IDA model ordinance

Table 339.04-4 Additional Allowances for Certain Non-Residential Uses

| | MLR-1/LZ-2 | MLR-2/LZ-3 |
|--|-------------------|-------------------|
| | | |

| Additional Lumens Allowances for All Buildings except service stations and outdoor sales facilities. A MAXIMUM OF THREE (3) ALLOWANCES ARE PERMITTED | | |
|---|----------------------------------|----------------------------------|
| <p>Building Entrances or Exits. This allowance is per door. In order to use this allowance, luminaires must be within 20 feet of the door.</p> | 2,000 lumens per door | 4,000 lumens per door |
| <p>Building Facades. This allowance is lumens per unit area of building facade that are illuminated. To use this allowance, luminaires must be aimed at the facade and capable of illuminating it without obstruction.</p> | 8 lumens per square foot area | 16 lumens per square foot area |
| <p>Sales or Non-Sales Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, luminaires must be located under the canopy.</p> | 6 lumens per square foot area | 12 lumens per square foot area |
| <p>Guard Stations. This allowance is lumens per unit area of guardhouse plus 2000 sf per vehicle lane. In order to use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.</p> | 12 lumens per square foot area | 24 lumens per square foot area |
| <p>Outdoor Dining. This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 2 mounting heights of the hardscape area of outdoor dining.</p> | 5 lumens per square foot area | 10 lumens per square foot area |
| <p>Drive Up Windows. This allowance is lumens per window. In order to use this allowance, luminaires must be within 20 feet of the center of the window.</p> | 4,000 lumens per drive-up window | 8,000 lumens per drive-up window |
| <p>Additional Lumens Allowances for Service Stations only. Service stations may not use any other additional allowances</p> | | |
| <p>Vehicle Service Station Hardscape . This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. In order to use this allowance, luminaires must be illuminating the hardscape area and must not be within a building, below a canopy, beyond property</p> | 8 lumens per square foot area | 16 lumens per square foot area |

| | | |
|---|--------------------------------|--------------------------------|
| lines, or obstructed by a sign or other structure. | | |
| <p>Vehicle Service Station Canopies.</p> <p>This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to use this allowance, luminaires must be located under the canopy.</p> | 16 lumens per square foot area | 32 lumens per square foot area |
| <p>Additional Lumens Allowances for Outdoor Sales facilities only.</p> <p>Outdoor Sales facilities may not use any other additional allowances.</p> | | |
| <p>Outdoor sales lots.</p> <p>This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas and shall not exceed 25% of the total hardscape area. To use this allowance, Luminaires must be within 2 mounting heights of the sales lot area.</p> | 8 lumens per square foot area | 12 lumens per square foot area |
| <p>Outdoor sales frontage.</p> <p>This allowance is for linear feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.</p> | 1,000 lumens per linear foot | 1,500 lumens per linear foot |

Note: Lighting Zones (LZ) are defined in IDA model ordinance.

- (d) **Lighting Plans.** A lighting plan shall be submitted and approved at the time of permitting that include relevant source, luminaire and pole information including:
- (1) For commercial permitted projects:
 - Luminaire manufacturer and catalog number.
 - Lamp manufacturer and catalog number if applicable.
 - Mounting height.
 - BUG rating for each luminaire type, including for any variations in lamping and shielding or photometric plan in lieu of BUG rating.
 - Color information (CCT and CRI).
 - (2) For residential permitted projects:

- Lighting information may be submitted in the form of manufacturer specs and/or cut sheets to include:
 - o Light source information.
 - o Location.
 - o Shielding, if applicable.
 - o Controls.
- (e) **Certification Statement.** The lighting plan/photometric plan shall also contain a certification by the preparer of the lighting plan/photometric plan that the exterior lighting represented on the lighting plan complies with the requirements of the ordinance from which this section derives.

(f) **Area Standards.**

- (1) As used in this article, the following terms shall be defined as follows:

BUG: A luminaire classification system that rates: backlight (B), uplight (U), and glare (G).

Business: A person, partnership, corporation, or organization engaged in commerce, manufacturing, or a service; profit and non-profit seeking enterprise or concern. The definition is intended to be broadly construed and shall include, but not be limited to, charitable organizations.

Candela: The unit of measure indicating the luminous intensity (candlepower) of a light source in a specific direction.

Color Rendering Index (CRI): A measure of the accuracy with which a light source of a particular CCT renders different colors in comparison to a reference light source with the same CCT. A high CRI provides better illumination with the same or lower lighting levels. It is important not to mix lamps with different CCTs and CRIs. Specify both the CCT and CRI when purchasing lamps.

Correlated Color Temperature (CCT): A measure in degrees Kelvin (°K) of light's warmth or coolness. Lamps with a CCT of less than 3,200°K are pinkish and considered warm. Lamps with a CCT greater than 4,000°K are bluish-white and considered cool.

Digital Sign: Catho-ray tube (CRT), flat panel liquid-crystal display (LCD), plasma, aerial imaging, projector or other electronic devices that are at the end-point of a digital signage system, presenting the content to include: Dynamic signs, electronic signs, digital media advertising, as well as signs within a Digital Signage Network, In-store TV Network, Captive Audience Network, Narrowcasting Network, Out-of-home Media Network, Digital Media Network, and Advertising Network.

Direct light: Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens of a luminaire.

Exempted nonconforming luminaires: Any existing luminaires which were lawfully in place according to all applicable city ordinances at the time, but which do not now comply with all applicable regulations as of the effective date of area designation.

Flood lamp: means a specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

Foot-candle (fc): A unit of light measurement equal to one (1) lumen per square foot.

Full cutoff: Describes a luminaire light distribution where one hundred (100) candela per one thousand (1,000) lamp lumens (ten (10) percent) may emit at all vertical angles beginning at eighty (80) degrees up from nadir to less than ninety (90) degrees, and zero (0) candela per one thousand (1,000) lamp lumens (zero percent) is allowed at ninety (90) degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded. (See Figure 1).

Fully shielded: A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. A fully shielded fixture is not necessarily full cutoff.

Gasoline filling station: Shall have the definition as provided in Appendix A of the Unified Development Code.

Glare: A luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.

International Dark-Sky Association (IDA): A non-profit organization whose goals are to build awareness of the value of dark skies, and of the need for quality outdoor lighting.

"IESNA" (or "IES"): An acronym for the Illuminating Engineering Society of North America. The IESNA makes recommendations for outdoor lighting but does not set outdoor lighting community standards which are set through local regulations.

Illuminance: The quantity of light arriving at a surface measured in foot-candles.

Intermittent lighting: Luminaires that do not remain on for more than five (5) minutes.

Lumen: A unit of luminous flux. For purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Luminaire: A complete lighting fixture consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Luminous flux: A quantitative expression of the brilliance of a source of visible light which is electromagnetic energy within the wavelength range of approximately three hundred ninety (390) nanometers (nm) to seven hundred seventy (770) nm. This quantity is measured in terms of the power emitted per unit solid angle from

an isotropic radiator, a theoretical point source that radiates equally in all directions in three-dimensional space.

Mounting Height: The height of the photometric center of a luminaire above grade level.

Nadir: The direction pointing vertically down from the lowest light emitting part of the luminaire (see Figure 1 for an example).

Nit: A unit of illuminative brightness equal to one (1) candle per square meter, measured perpendicular to the rays of the source.

Outdoor lighting: Illumination of an outside area or object by any man-made device that is located outdoors and produces light.

Photometric Plan: A point-by-point plan illustrating the intensity and location of lighting on the property.

Sign, externally illuminated: A sign illuminated by light sources from the outside.

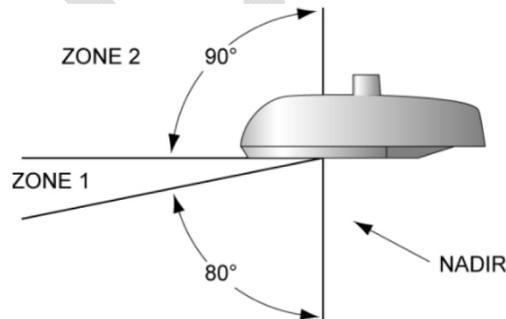
Spot lamp: A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Spot lamps are those lamps so designated by the manufacturers.

Street lighting: Lighting provided for major, collector, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Temporary outdoor lighting: Lighting allowed as specified in an approved temporary permit pursuant to the requirements of subsection 20.J below.

Trespass lighting: Light emitted by a luminaire that falls outside the boundaries of the property on which the luminaire is sited.

Figure 1



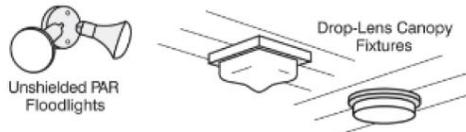
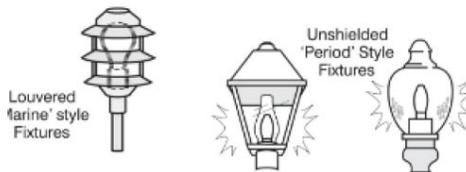
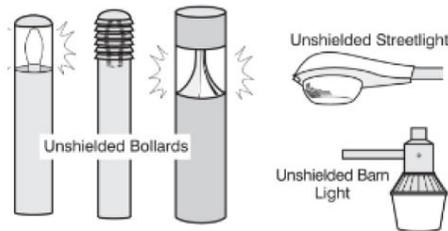
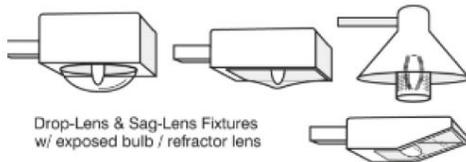
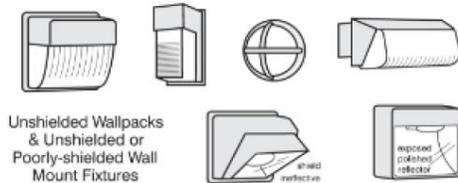
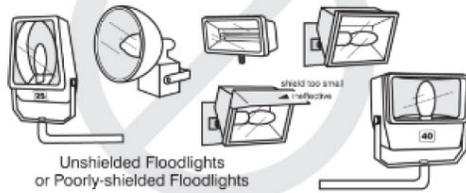
- (2) All public and private outdoor lighting installed after the effective date(s) of an MLOD area designation shall conform to the requirements established by this section.

- (3) Any luminaire in a new development that is aimed, directed, or focused so as to cause direct light from the luminaire to be directed toward an adjacent military base, camp or installation is prohibited. Such luminaire must be redirected or its light output controlled to eliminate such conditions.
- (4) For new development properties situated at or above one thousand two hundred (1,200) feet in elevation (above sea level), and which are situated within one (1) mile from the perimeter of the affected military installation, all lighting shall be fully screened from the affected military installation(s). Methods of screening can include, but are not limited to, fencing and landscaping.
- (5) Maximum CCT of 3000K for all outdoor light sources within MLR1.
- (6) Maximum CCT of 4100K for all outdoor light sources within MLR2.
- (7) **Residential Lighting.**
 - A. No trespass lighting within residential areas may exceed one and one-half (1½) foot-candles at the property line, with the exception of intermittent lighting which can be up to two (2) foot-candles.
 - B. All lighting within residential areas must comply with commercial lighting subsections (9)A—E below.
- (8) **Residential Lighting Exceptions.**
 - A. Low Ambient Landscape lighting.
- (9) **Commercial Lighting.**
 - A. All lighting fixtures installed on any commercial property and which include or exceed two (2) foot-candles shall be fitted to render them full cutoff (no light output emitted above ninety (90) degrees at any lateral angle around the fixture.) See "acceptable fixture" designation as shown in Figure 2. The manufacturer or firm handling the installation of outdoor lighting must provide documentation to prove full cutoff status of outdoor lighting to the planning and development services department during the plan review stage.

Figure 2 Acceptable vs. Unacceptable Fixture Examples

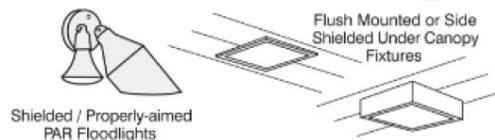
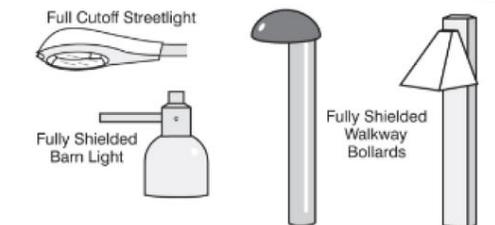
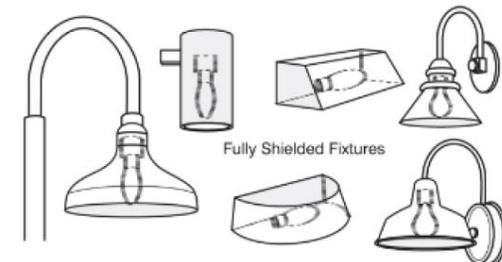
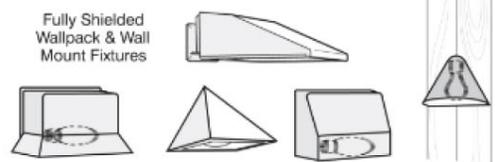
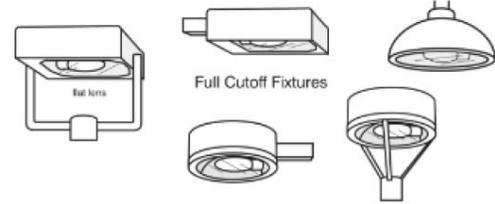
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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- B. For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures must meet "full cutoff" criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture).
- C. Intermittent lighting must be of the "motion sensor" type that stays on for a period of time not to exceed five (5) minutes and has a sensitivity setting that allows the luminaire to be activated only when motion is detected on the site.
- D. All trespass lighting shall not exceed two and one-half (2½) foot-candles measured at the property line, except that residential trespass lighting is regulated in subsection f(7)A above.

- E. Floodlight fixtures must be aimed so as to prevent direct radiation of light into the open sky at any angle above the horizontal plane as shown in Figure 3 and verified using a tool such as shown in Exhibit 8.

Figure 3

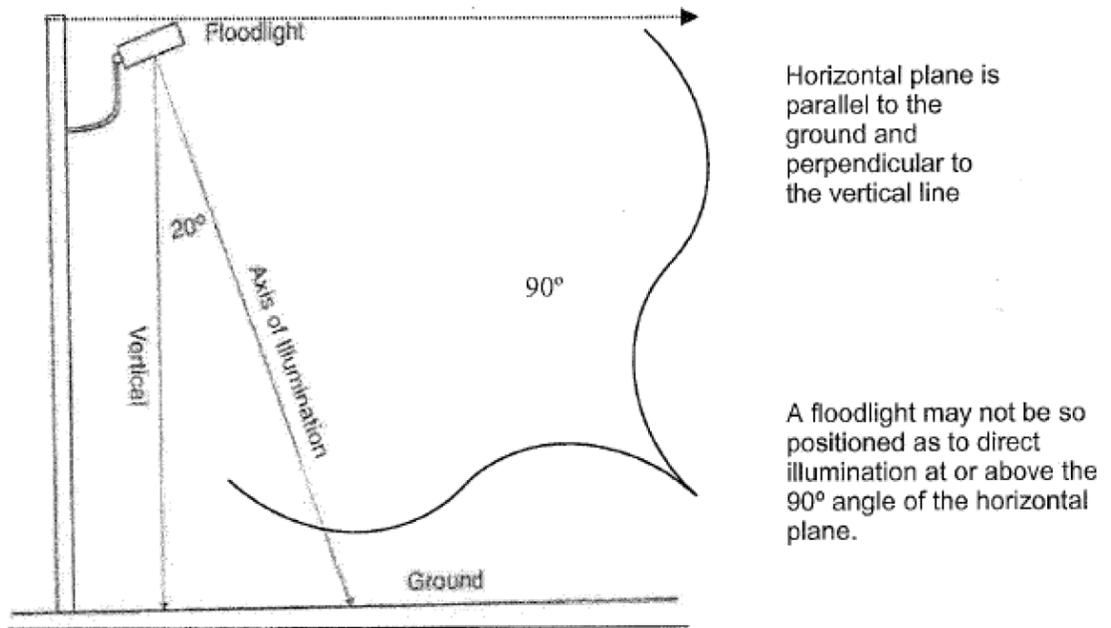


Figure 4

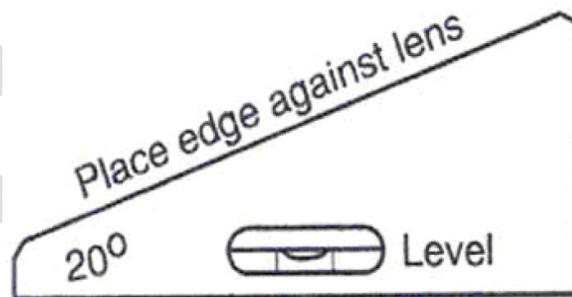


Figure 4: This is a tool for aiming lights such as the floodlight represented in Figure 3. This tool would verify the angle of 20° by placing the upper edge of the tool against the floodlight lens and adjusting the floodlight so that a level parallel to the bottom edge shows level.

- F. With the exception of lighting which is required for security and safety such as parking lot illumination, businesses must turn off outdoor lights emitting illumination levels exceeding two (2) foot-candles (fc) after 11:00 p.m. or one (1) hour after closing, the later of the two.
- G. Lighting installed to illuminate construction sites in order to secure or protect equipment at night shall meet the requirements of subsection f.(9)A. above.

(10) **Non-Residential.**

- A. Non-residential limits to off-site impacts are determined using Backlight, Uplight, and Glare (BUG) ratings.

(11) **Gasoline Filling Stations.**

- A. Outdoor sales and service station canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.
- B. The following average maintained illuminance levels for service stations must not be exceeded:

| Service Station Component | Lighting Level |
|---------------------------|----------------|
| Approach | 2.0 fc |
| Driveway | 2.0 fc |
| Pump Island | 10.0 fc |
| Building Facade | 3.0 fc |
| Service Areas | 3.0 fc |
| Landscape Highlights | 2.0 fc |

Note: fc = foot-candle

(12) **Parking Lot and Parking Structure Lighting.**

- A. Total pole and fixture height shall comply with section 35-392.b of this chapter.
- B. All lighting luminaires in surface parking lots and on the top decks of parking structures shall be fitted to render them full cutoff.
- C. Reflectivity. In order to allow for a variety of surface material options:
 - i. Surface parking lots shall be designed, coated or constructed so that illumination levels are no more than what is reflected from asphalt at an average of twenty (20) foot-candles.
 - ii. Top decks of parking structures shall be designed, coated or constructed so that illumination levels are no more than what is reflected from asphalt at an average of fifteen (15) foot-candles.
- D. One (1) hour after closing, businesses must reduce light output at least fifty (50) percent in surface parking lots and on top decks of parking structures;

however, those luminaires turned off may be set to function utilizing a motion detector system or dimmer.

(13) Outdoor Sign Lighting.

- A. All signs, except conventional non-digital off-premise signs, located within three-quarters ($\frac{3}{4}$) of a mile of a military installation with an associated MLOD designation shall be positioned in such a manner and contain "dark sky" approved shielding devices as to significantly reduce spillover light affecting the military installation and operations. In no instance shall signs be positioned facing parallel to the adjacent boundaries of the military installation.
- B. On-premises signs may remain illuminated during regular business hours, but may not be illuminated later than one-half ($\frac{1}{2}$) hour after the business is no longer open to the public, nor prior to the daily opening of the business to the public.
- C. On-premises signs utilizing neon tube lighting shall be exempt from the requirements of subsection B above.
- D. Single-tenant on-premises signs shall be illuminated at a level no greater than seven (7) foot-candles measured at five (5) feet from the light source. Multi-tenant on-premises signs shall be illuminated at a level no greater than twelve (12) foot-candles measured at five (5) feet from the light sources.
- E. Exterior means of illumination utilized for on-premises signs shall be positioned in a "top down" manner as depicted in Exhibit 7. Bottom-mounted fixtures shall not be used for on-premises signs.
- F. Conventional non-digital off-premises signs shall employ an upward illumination system utilizing no more than three (3) luminaires to illuminate each sign message area (face). Each luminaire shall employ a refractor and hood that focuses the light on to the sign face and each luminaire may not exceed two hundred (200) watts.
- G. All on-premises and off-premises digital signs shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices, such as louvers, to minimize light escaping above the horizontal plane. This subsection (13)G. is not exempt from the requirements of subsection (13)B. above.
- H. Other than the requirements contained in subsection (d)(1) and subsection (13), the installation, operation, alteration, repair or improvement of an illumination device used for an off-premises sign are not subject to the other provisions of sections 35-339.04 or 35-498, but are subject to provisions of chapter 28 and chapter 35 as appropriate.
- I. Nothing in this section shall be interpreted to authorize signs in areas of the city prohibiting signs.

(14) Externally Illuminated Sign Standards.

- A. External illumination for signs shall conform to the following lamp source, shielding restrictions and lumen caps as shown in Exhibit 9.
- B. Upward-directed sign lighting is prohibited.

**Table 339.04-5
Lamp Type and Shielding Standards**

| | Lighting Zone | |
|---|---------------|------|
| | LZ-2 | LZ-3 |
| Color Rendition | | |
| Initial output greater than or equal to 1800 lumens | F | F |
| Initial output below 1800 lumens | A(1) | A(1) |

Note: Lighting Zones (LZ) are defined in IDA model ordinance

Notes to Table 339.04-5.

A = all types of light fixtures are allowed except that any spot or floodlight shall be aimed not higher than twenty-five (25) degrees from the vertical line between the light fixture and the ground when light emitted from a light fixture is visible from any off-site residential property or public roadway.

F = only fully shielded light fixtures allowed.

1 = Flood or spot lamps shall be aimed no higher than twenty-five (25) degrees from the vertical line between the light fixture and the ground when the source is visible from any off-site residential property or public roadway.

(15) Street Lighting.

- A. This subsection regulates the illumination levels and CCT for the MLR's street lights that are installed on any street and must follow the American National Standard Practice for Roadway Lighting under the IESNA.
- B. Street light illumination must follow the guidelines in paragraph C, D, and E. of this subsection unless a licensed professional engineer, trained and experienced in the science of illumination engineering, deems other illumination levels based on IESNA standards more appropriate for existing conditions and staff concurs with this assessment.
- C. Street lights installed in residential areas on IESNA classified local roads shall have a max CCT of 3000K. Street lights installed on IESNA classified collector and major roads shall have a max CCT of 4000K.
- D. All standard streetlights must utilize full cutoff type luminaires that are installed level to the ground in two (2) intersecting perpendicular planes (see Figure 5), and should be horizontally level in all directions.

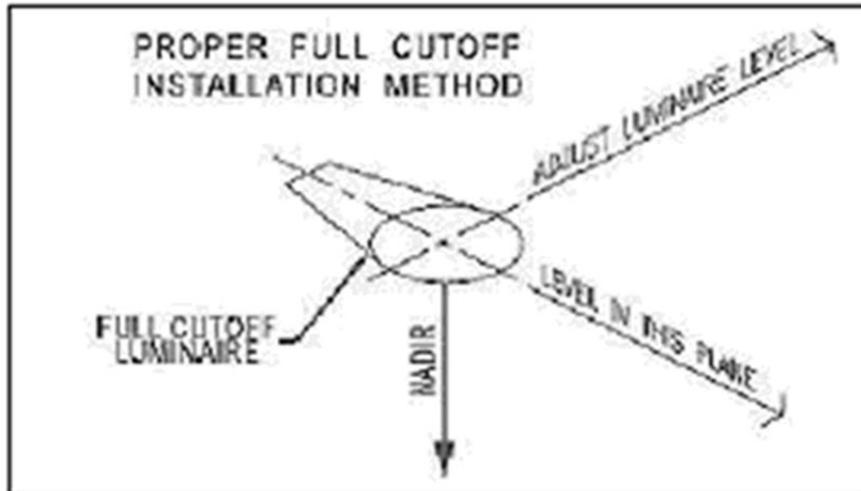


Figure 5

- E. New ornamental street lights must be classified as either IES "Full Cutoff" or IES "Cutoff" as determined by a valid photometric report. This report must be generated for the specified model by a qualified testing lab (testing to IES standards) and must include a full vertical evaluation through one hundred eighty (180) degrees, otherwise that fixture will be unacceptable.
- (16) **LEED Standards.** It is encouraged that, where possible, LEED (The Leadership in Energy and Environmental Design) certified lighting standards be substituted for the requirements of subsections (5) through (10) above, so long as the minimum standards of this section are met. If a project utilizes LEED certified lighting standards, the remainder of a project's design does not have to meet LEED standards.
- (17) **Tower and Structure Lighting.** See FCC or FAA regulations.
- (18) **Other Prohibited Lighting.** Unless authorized by the city council by specific ordinance for a special event:
 - A. The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited; and
 - B. The operation of searchlights for any purposes is prohibited.
- (19) **Unmanned Automated Teller Machine Lighting.** Unmanned automated teller machines (ATMs) shall comply with the requirements as listed in section 59.307, Texas Finance Code and this article by utilizing fully shielded or full cutoff luminaires as appropriate.
- (20) **Exemptions.** The following outdoor lighting instances are exempt from the lighting requirements of this section:
 - A. All legal outdoor lighting in place prior to the effective date of an MLOD area designation (see subsection (21) below).
 - B. Outdoor lighting for which light is produced directly by the combustion of fossil fuels.

- C. Outdoor lighting used during law enforcement, fire, and medical activities and for meteorological data gathering purposes.
- D. Outdoor lighting employed during emergency or night-time repairs of roads and utilities.
- E. Lighting required by law to be installed on motor vehicles.
- F. Lighting required for the safe operation of aircraft.
- G. Outdoor lighting installed on federal and state facilities; however, voluntary compliance is encouraged.
- H. Decorative holiday lighting from November 15 through the next January 15.
- I. Applicable Building Code required lighting for steps, stairs, walkways, and building entrances.
- J. Temporary exemptions: Any individual may submit a written request to the director for temporary lighting and obtain a temporary electrical permit. For a temporary use, the temporary electrical permit may grant temporary lighting for a period not to exceed thirty (30) days, with at least thirty (30) days passing before another temporary electrical permit may be issued. The request for temporary lighting must contain the following information in addition to information required to obtain a temporary electrical permit:
 - a. Proposed use and location of the outdoor light requested.
 - b. Type of lamp(s) to be used, including manufacturer's part number and initial lumens.
 - c. Type of light fixture used, including manufacturer's model number and specification (cut) sheets indicating photometric distribution data stated in iso foot-candle diagrams.
 - d. Starting and ending dates for temporary lighting use.
 - e. Contact information including name of requester, affiliation (if applicable), address and telephone number.
 - f. And such other information the director may require.

(21) Maintenance and Repair of Legal Nonconforming Luminaires.

- A. All luminaires lawfully in place prior to the effective date(s) of an MLOD area designation shall have legal nonconforming status.
- B. Minor repair and maintenance of legal nonconforming luminaires up to fifty (50) percent of the replacement value is allowed, however any alteration in excess of fifty (50) percent shall terminate the nonconforming status and at that time all standards of this section must be met.

(22) Administration. The director shall administer this section.

(23) Variances and Special Exceptions.

- A. The board of adjustment may grant a variance to the requirements of this section where a literal enforcement of the provisions will result in unnecessary hardship. A variance request must be submitted to the city in writing that sets out the basis for the request. No variance can be granted unless it meets the approval criteria outlined in subsection 35-482(e).

- B. A special exception to the requirements of this section may be granted by the board of adjustment where a plan's lighting design does not meet strict design standards but alternative methods may be used which meet the intent of the Code.

Sec. 35-906. – **Military Sound Attenuation Area Standards.** Military Sound Attenuation Area Standards shall be applicable in certain areas of designated ETJ Military Protection Areas. Areas where these standards are applicable shall be designated by the City Council.

STATEMENT OF PURPOSE

Noise generated from military training exercises and aircraft operations affects quality of life for various San Antonio neighborhoods and business areas. This section establishes standards intended to lessen the external noise audible within the interior of noise sensitive structures to a level which greatly mitigates the impact on the general welfare of the public.

(a) **Zoning Area Establishment and Designation Criteria.**

- (1) This section establishes a military sound attenuation overlay area as an overlay area. Separate ordinances are required to designate an overlay area via the official rezoning process.
- (2) To be designated as a military sound attenuation overlay area, the area must be identified by the United States military, joint land use study or adopted master plan as being situated within a noise military influence area.
- (3) The zoning designation for a military sound attenuation overlay area shall consist of a base zone symbol and the "MSAO" symbol as a suffix. Military sound attenuation overlay areas shall be numbered sequentially to distinguish among different areas, i.e., "MSAO-1," "MSAO-2," etc.

(b) **Noise Sensitive Land Uses.** The following is a list of noise sensitive land uses subject to this section:

- a. Residential structures including but not limited to single-family and multi-family dwellings.
- b. Assisted living facilities, nursing facilities, adult day cares and similar congregated living uses.
- c. Facilities for religious worship or study.
- d. In-patient medical facilities including but not limited to hospitals and residential treatment centers.
- e. Funeral homes.
- f. Child care facilities.
- g. Senior/community centers.
- h. Libraries.
- i. Schools including but not limited to primary and secondary schools, colleges and universities with the following exceptions:
 - i. Public school buildings built with standard masonry construction techniques.

- ii. Non-classroom portions of public or private school gymnasiums.
 - iii. Public school temporary portable buildings with standard exterior mounted HVAC units, and with construction materials for walls, ceilings, windows and doors having a minimum tested or listed sound transmission class (STC) rating of thirty-two (32), in accordance with ASTM E 90.
- (c) **Area Standards.** All habitable portions of structures occupied by noise sensitive land uses shall be designed and constructed to achieve either: an outside to inside noise level reduction (NLR) of at least twenty-five (25) a-weighted decibels (dBA), or be built to the standards set forth in subsection (c)(1)B. below.

These standards are required regardless of whether the noise sensitive land use is stand-alone as a single use or part of a larger development that may include more than one land use.

- (1) **Options for Compliance.** Compliance may be demonstrated using one of the following methods:

- A. Use simultaneous noise readings of instantaneous outside and inside noise levels in accordance with ASTM E 966 to ensure the structure achieves an outside to inside NLR of at least twenty-five (25) dBA; or
- B. Utilize construction materials with a minimum tested or listed sound transmission class (STC) rating of forty (40), in accordance with ASTM E 90, for walls and ceilings, and with a minimum tested or listed STC rating for doors and windows as specified below, in accordance with the following construction methods:
 - 1. **Walls.** The specific exterior wall assemblies listed below shall include the interior finishes set forth therein. **Exception:** Exterior wall assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).
 - a. **Brick veneer.** When exterior walls are constructed using brick veneer, a minimum of one-half ($\frac{1}{2}$) inch gypsum drywall shall be applied as the interior finish, or a minimum of three and one-half ($3\frac{1}{2}$) inches of foam insulation shall be sprayed in as allowed by the building and fire code.
 - b. **Vinyl or cement sidings.** When exterior walls are constructed using vinyl or cement sidings, a minimum of five-eighths ($\frac{5}{8}$) inch gypsum drywall shall be applied as the interior finish, or a minimum of three and one-half ($3\frac{1}{2}$) inches of foam insulation shall be sprayed in as allowed by the building and fire code.
 - c. **Other assemblies and materials.** All other exterior wall assemblies or materials shall have a tested or listed minimum STC rating of forty (40).
 - 2. **Roof/Ceiling Assemblies.** Roof/ceiling assemblies shall be constructed in accordance with the requirements of subsections a or b below. **Exception:** Roof/ceiling assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).
 - a. Ceilings with unconditioned attic space shall be insulated with a minimum of one-half ($\frac{1}{2}$) inch gypsum drywall on the interior ceiling side covered with a

minimum of twelve (12) inches of blown in fiberglass insulation, or a minimum of three and one-half (3½) inches of spray foam insulation shall be applied to the underside of the roof deck as allowed by the building and fire code.

- b. Ceilings without attic space above shall be insulated with a minimum of five-eighths (5/8) inch gypsum drywall on the interior side filled with a minimum of nine (9) inches of fiberglass batt insulation with a one (1) inch air space between the roof sheathing and the fiberglass, or a minimum of three and one-half (3½) inches of spray foam insulation shall be applied to the underside of the roof deck as allowed by the building and fire code.
3. **Windows.** The cavity between the wood framing and the window frame shall be insulated with fiberglass insulation or foam insulation to the depth of the window frame.
 - a. If the exterior windows and doors together comprise no more than thirty (30) percent of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of thirty (30).
 - b. If the exterior windows and doors together comprise more than thirty (30) percent but no more than forty (40) percent of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of thirty-two (32).
 - c. If the exterior windows and doors together comprise more than forty (40) percent of the total exterior wall area, all windows shall have a minimum tested or listed STC rating of forty (40).
 4. **Doors.**
 - a. If the exterior windows and doors together comprise no more than thirty (30) percent of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of thirty (30).
 - b. If the exterior windows and doors together comprise more than thirty (30) percent but no more than forty (40) percent of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of thirty-two (32).
 - c. If the exterior windows and doors together comprise more than forty (40) percent of the total exterior wall area, all exterior doors shall have a minimum tested or listed STC rating of forty (40). **Exception:** An exterior door may have a tested or listed STC rating of less than forty (40) when installed with a storm door which when combined, achieve a minimum tested or listed STC rating of forty (40).
 5. **Mechanical Systems.** Mechanical ventilation systems (HVAC) shall provide minimum air circulation and fresh air requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.
 - a. In-window, through-wall, or through-floor air conditioning, ventilating, or heating units may be used if:

- i. the above insulation requirements for walls, ceilings, windows and doors are implemented, or
 - ii. walls, ceilings, windows and doors have a minimum tested or listed STC rating of forty (40).
 - b. Evaporative coolers may be installed if the following is implemented to reduce sound entering through the unit:
 - i. Insert a duct extension with at least two (2) ninety degree (90°) "elbows" between the structure and the unit.
 - ii. Add acoustically designed "upducts" in the ceiling of each room to allow proper circulation of air while windows are closed.
- (2) **Certification.**
 - A. Prior to approval of final inspection or issuance of a certificate of occupancy, all project applicants shall submit to the planning and development services department a signed statement certifying compliance with this section.
 - B. A single certification statement for multiple structures in the same development may be used as long as the structures implement the same floor plans and construction methods.

Sec. 35-907. – **Airport Hazard Overlay Area Standards.** Airport Hazard Overlay Area Standards shall be applicable in certain areas of the ETJ Military Protection Areas. Areas where these standards are applicable shall be designated by the City Council.

STATEMENT OF PURPOSE

Airport hazards endanger the lives and property of the users of military airports and of the occupants of land in the vicinity thereof, and also, if of the obstruction type, such hazard reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of these airports and the public investment therein. Accordingly, it is declared:

- *That the creation or establishment of an airport hazard is a public nuisance and an injury to the communities served by these airports;*
- *That it is necessary, in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and*
- *That the prevention of these hazards should be accompanied, to the extent legally possible, by the exercise of the police power without compensation.*

(a) **Development Standards.**

- (1) **Future Uses.** Within any airport hazard area which is within, or extends into, the controlled area of these regulations, no material change in the use of land and no structure or tree shall be erected, altered, planted or otherwise established at a height greater than two hundred (200) feet above the ground or above a 100 to 1 (100:1) slope from the nearest point of the nearest runway of any airport unless a

permit therefor shall have been applied for and granted. Applications for permits shall be made to the department of development services upon a form supplied for this purpose, and by submitting a map of sufficient accuracy and detail to allow an accurate determination of compliance with this division. No permit for a use inconsistent with this division shall be granted unless a variance has been approved in accordance with subsection (a)(4) of this section. Nothing in the foregoing shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of the height limits established by this division.

- (2) **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher or become a greater hazard to air navigation than it was on the effective date of the ordinance from which this division is derived or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (3) **Nonconforming Structures, Natural Growths and Land Uses.** A permit shall be required before any nonconforming structure, natural growth or land use in the airport hazard area may be altered, repaired, rebuilt, replaced, replanted or relocated. No permit shall be granted that would allow a nonconforming structure, natural growth or land use to be made or become higher, or become a greater hazard to air navigation than it was. Whenever the department of development services or administrative agency outside of the City of San Antonio determines that a nonconforming land use has been abandoned or more than eighty (80) percent torn down, damaged, physically deteriorated or decayed, no permit shall be granted that would allow same to be replaced, repaired or re-established unless in full compliance with the height and use restrictions of this division.
- (4) **Variances.** Any person desiring to erect or increase the height of any structure or permit any natural growth or use his property, not in accordance with the regulations prescribed in this division, shall apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this division. Applications for such action by the board of adjustment shall be made to the director of development services.
- (5) **Federal Notification.** Within any airport hazard area, any person who proposes any construction, alteration or tree growth meeting the following criteria shall give notice to the regional office of the Federal Aviation Administration if and as required by Part 77 of the Federal Aviation Regulations, titled "Objects Affecting Navigable Airspace":
 - Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site.
 - Any construction or alteration of greater height than an imaginary surface extending upward and outward at any one (1) of the following slopes: (a) for International and Stinson, a slope of 100 to 1 (100:1) for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway; and (b) for military airports, a slope of 50 to 1 (50:1) for a horizontal distance of ten thousand (10,000) feet from the nearest point of the nearest runway.

Also, any person who proposes to construct, alter, activate or deactivate a civil or joint use, civil/military, airport shall likewise give notice to the Federal Aviation Administration as required by Part 157 of the Federal Aviation Regulations titled "notice of construction, alteration, activation, and deactivation of airports." If a request for a permit or variance is made from any action falling under any of the stated federal notice requirements, final action on the requested permit or variance may, at the discretion of the administrative agency or of the board of adjustment, be deferred until a final determination has been issued by the Federal Aviation Administration. However, in no event shall the requirements of this division be subordinate to a determination of the Federal Aviation Administration.

- (6) **Marking and Lighting.** Any permit or variance granted may require the owner of the structure or natural growth in question to install, operate and maintain thereon, at his own expense, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Any lights required under this paragraph shall be engineered and designed for the intended purpose by a recognized manufacturer, and it shall be the responsibility of the owner or any subsequent owner to see that the lights are properly installed and maintained so as to be functioning during darkness and all periods of low visibility, independently of the functioning of other lighting in or on the structure or growth.
- (b) **Height-Limiting Imaginary Surfaces, International and Stinson.** The height restrictions for structures and growths in the airport hazard areas are specified by means of imaginary planes or surfaces in the airspace above the airport hazard areas. Within the controlled area of this section, such surfaces are hereby established in the airspace surrounding each airport protected by this division to define the limit above which any projection of a structure or tree would be considered an airport hazard and thus be prohibited except as otherwise provided by this division. The surfaces are illustrated on the airport hazard zoning maps, which are adopted and made a part of this division, by means of elevation contour lines in a manner similar to the use of topographic contour lines to illustrate the variations in the elevation of natural terrain. Their geometric description is as follows:
 - Kelly Air Force Base.** In addition to the above described imaginary surfaces, the imaginary surfaces of Kelly Air Force Base described by Section 77.28 of Part 77 of the Federal Aviation Regulations, shall be enforceable under these regulations.
- (c) **Height Restrictions.**
 - (1) Except as otherwise provided in this article, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area in excess of the height of the imaginary surface above the structure or natural growth.
 - (2) Where more than one (1) imaginary surface or the imaginary surfaces of more than one (1) airport exist in the same area, the more restrictive limitation shall prevail.
 - (3) In addition to the height restrictions imposed by the imaginary surfaces, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area at such height as would result in the alteration of any flight procedure established by federal aviation authorities.
 - (4) If tall construction cranes or other equipment will be used which are higher than a structure or growth which is being erected under a permit granted pursuant to this

article, the operator of the cranes or equipment may be required, at the discretion of the authorities in charge of the airport affected, to maintain coordination with air traffic control personnel to keep them informed of his work schedule, to keep the equipment in a lowered position to the maximum extent possible, and to install appropriate hazard marking and/or lighting on the top extremity of the equipment.

- (5) Nothing in this division shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to twenty (20) feet above the surface of the land.
 - (6) If the imaginary surface boundaries established above are less restrictive for a specific instance than those specified in the Federal Aviation Regulation Part 77, "Objects Affecting Navigable Airspace" as amended, or any subsequent Federal Aviation Agency criteria, then the criteria shall, in effect, be a part of these regulations and shall be the applicable restriction hereunder.
- (d) **Use Restrictions.** Notwithstanding any other provisions of this division no use may be made of land within the airport hazard area in such manner as to:
- (1) Create electrical or visual interference with any electronic facility or instrumentation, wherever located within the airport hazard area, including but not limited to, radio transmitters and receivers, radar installations, landing and navigational aids and weather instruments where such facilities are used in connection with the landing, taking-off and maneuvering of aircraft;
 - (2) Make it difficult for flyers to distinguish between airport lights and others;
 - (3) Result in glare in the eyes of flyers using the airport;
 - (4) Impair visibility in the vicinity of the airport;
 - (5) Cause physical objects of any nature to penetrate, however briefly, the air space above the imaginary surfaces established in this article, such objects including, but not limited to kites, balloons, projectiles, rockets, model aircraft, derricks and cranes, unless a special temporary permit be obtained from the authorities in charge of the affected airport;
 - (6) Establish or alter privately owned flying fields, strips or heliports, unless found not to be objectionable after a special aeronautical study by federal aviation authorities;
 - (7) Create bird strike hazards;
 - (8) Otherwise endanger the landing, taking-off, or maneuvering of aircraft.
- (e) **Nonconforming Uses.**
- (1) **Not Retroactive.** The regulations prescribed in this division shall not be construed to require changes in land use or the removal, lowering, or other change or alteration of any structure or natural growth in previous lawful existence, but not conforming to the effective date of the ordinance from which this division is derived, or otherwise interfere with the continuance of any previously lawful nonconforming use. Nothing contained in this division shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this division is derived, is diligently prosecuted, and would have otherwise been in legal existence upon completion.

- (2) **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight hazards. Such markers and lights shall be installed, operated and maintained at the expense of the airport desiring such marking and lighting.
- (f) **Conflicting Regulations.** In the event of conflict between any airport zoning regulations adopted hereunder and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether such other regulations were adopted by the city or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.
- (k) **Imaginary Surfaces (Kelly Air Force Bases).** The following airport imaginary surfaces are hereby created and establish the limit above which any projection of a structure, natural growth or object constitutes an airport hazard under these regulations:
- (1) **Primary Surface.** The primary surface is centered longitudinally and laterally about each runway. It extends two hundred (200) feet beyond each end of the runway in a horizontal plane at the same elevation as the associated runway end, except at military airports, where primary surface length is the same as the runway length. Between the ends of the runway it has a uniform gradient as established by the runway and elevations. The width varies as follows:
- A. Instrument runways, municipally-owned airports, one thousand (1,000) feet.
 - B. Non-instrument runways, municipally owned airports, five hundred (500) feet.
 - C. Runway 16-34, Kelly Air Force Base: two thousand (2,000) feet.
- (2) **Approach-Departure Surface.**
- A. The approach-departure surface begins at the end of the primary surface, except at military airports where it begins two hundred (200) feet beyond the primary surface, and is centered about the runway centerline extended. From a width equal to that of the primary surface it extends outward and upward and increases uniformly in width as follows:
 - B. For instrument runways at municipally owned airports, the approach-departure surface extends outward from the primary surface at a distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 (50:1) to a distance of ten thousand (10,000) feet from primary surface, thence at a slope of 40 to 1 (40:1) thereafter.
 - C. For non-instrument runways at municipally-owned airports, the approach departure surface extends outward from the primary surface a distance of ten thousand (10,000) feet, at which point it is two thousand five hundred (2,500) feet wide. It extends upward at a slope of 40 to 1 (40:1).
 - D. For military airports, the approach-departure surface begins two hundred (200) feet beyond the primary surface and thereafter extends outward a

distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 (50:1) until it reaches an elevation five hundred (500) feet above the established airport elevation, then it continues horizontally to its outer end.

- (3) **Transitional Surface.** The transitional surface extends outward and upward at right angles to the runway centerline at a slope of 7 to 1 (7:1) until it intersects the horizontal or conical surface, except that transitional surfaces for those portions of ILS approach surfaces that project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edges of those portions of the approach surfaces and at right angles to the runway centerline. For military airports, the transitional surface does not apply for the horizontal portion of the approach-departure surface.
- (4) **Inner Horizontal Surface.** The inner horizontal surface is a horizontal plane at a height of one hundred fifty (150) feet above the established airport elevation. Its outer edge is determined by scribing an arc with a radius of seven thousand five hundred (7,500) feet above a point on the centerline at the end of all runways and interconnecting these arcs with tangents.
- (5) **Conical Surface.** The conical surface extends outward and upward from the outer edge of the inner horizontal surface at a slope of 20 to 1 (20:1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airport elevation.
- (6) **Outer Horizontal Surface.** The outer horizontal surface is a horizontal plane which extends from the outer edge of the conical surface a distance of thirty thousand (30,000) feet at a height five hundred (500) feet above the established airport elevation.

Sec. 35-908. – **Tree Preservation Standards.** Tree Preservation Standards shall be applicable in all areas of designated ETJ Military Protection Areas. Where imposed, and notwithstanding any applicable rights determination, the Tree Preservation standards and administrative remedies thereof shall be identical to Section 35-523. of this Chapter.

Sec. 35-909. – **Edwards Aquifer Recharge Protection Standards.** Edwards Aquifer Recharge Protection Standards shall be applicable in certain areas of ETJ Military Protection Areas designated by the City Council.

- (a) **Abrogation and Greater Restrictions.** This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the language of this division conflicts with language used elsewhere in this chapter, that which imposes the more stringent restrictions shall prevail.
- (b) **Purpose.** The Edwards Recharge Zone overlay area (ERZD) has been established for locations where the Edwards and associated limestone formations come to the surface to provide a recharge area for the underground water supply contained to provide a recharge area for the underground water supply contained within these formations. The recharge area also can provide an entrance to the underground water supply for contaminated water run-off from uses on the recharge zone as well as from the related sensitive area. Thus this recharge zone area is designed to not allow land uses that

would produce toxic, corrosive, polluted, poisonous, radioactive, unpalatable, or otherwise dangerous substances injurious to the public health or which could otherwise adversely affect the water supply, and thereby minimizing the risk of potential occurrences wherein such substances could enter the water reservoir. Land uses permitted are those not having operations, production, or storage of hazardous materials that could contribute contaminants to the water supply. Additional land uses are permitted with appropriate restrictions, which will protect against the spread of contaminants due to the operations.

- (c) **Boundaries.** The limits of the Edwards Recharge Zone are described on United States Geological Survey Quadrangle Maps, being copies of the official maps in the offices of the Texas Natural Resource Conservation Commission (TNRCC), and are defined in the Texas Administrative Code, 31 TAC 213. If the limits of the ERZD cannot be accurately determined, then the zoning board of adjustments shall interpret the area boundaries after obtaining such geologic information as is necessary from the San Antonio Water System, the TEQC, the United States Geological Survey (USGS) or other properly designated agency.
- (d) **Derivation of Allowable Uses in the Edwards Recharge Zone (ERZD).** The allowable land uses in areas within the ERZD shall be derived by determining the Comprehensive Land Use category associated with the property according to the Comprehensive Plan.
 - (1) The Comprehensive Plan includes permitted zoning area designations corresponding to zoning areas codified in Article III of this Chapter.
 - (2) The allowable ERZD land use for a property shall correspond to the permitted zoning area as determined by the Comprehensive Plan Comprehensive Land Use Category with a further limitation that if a use which is otherwise permitted is not permitted by virtue of the ERZD regulations, then that use shall not be allowable in the ERZD
 - (3) The use categories listed in the first column of Tables 909-1 and 909-2 are defined in this chapter, the LBCS, NAICS, or in other resources cross-referenced in this chapter.

| | | |
|---|---|--|
| P | = | <p>Permitted Uses . A "P" indicates that the listed use is permitted by right within the ERZD. Permitted uses are subject to all other applicable standards of this chapter.</p> |
| S | = | <p>Specific Uses. An "S" indicates that the listed use is permitted within the ERZD only after review and approval of a specific use permit, in accordance with the review procedures of section 35-423 of this chapter. Specific use permits are subject to all other applicable standards of this chapter and those requirements that may reasonably be imposed by the city consistent with the criteria set forth in subsection 35-423(e) of this chapter as well as the Site Investigation Report and Water Pollution Abatement Plan.</p> |

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| | = | Prohibited Uses. A blank cell (" ") indicates that the listed use type is not allowed within the ERZD, unless it is otherwise expressly allowed by other regulations of this chapter. |
| NA | = | Not Allowed Uses. "NA" within the Use Matrix of Table 311 or 312, indicates a use that the city council, in consultation with the San Antonio Water System, has deemed inappropriate in the ERZD. |

(4) Allowable ERZD Residential Uses

Table 909-1 Allowable Residential Uses in the ERZD

| USE | ERZD | LBCS FUNCTION | LCBS STRUCTURE |
|---|------|------------------|-------------------|
| Assisted Living Facility, Boarding Home Facility or Community Home with six (6) or fewer residents | P | 1230 | |
| Assisted Living Facility, Boarding Home Facility or Community Home with seven (7) or more residents | P | | |
| Athletic Fields (Noncommercial And Supplemental To The Residential Use) | P | 5370 | |

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|---|----|------|--|
| Automobile Non- Commercial Parking | NA | 2110 | |
| Automobile Commercial Parking | NA | | |
| Bed and Breakfast, see § 35-374 | P | 1310 | |
| Bus Shelter (Max Size 6'×13') | P | | |
| Bus Stop | P | | |
| Cemetery, Columbarium Or Mausoleum | S | 6700 | |
| Childcare Daycare Center | P | 6562 | |
| Child Care, Licensed Child Care | P | 6562 | |
| Child Care - Registered Child Care Home | P | 6562 | |
| Child-Care Institution (Basic) | P | 6561 | |
| Church, Temple, Mosque (facilities that | P | 6600 | |

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| are for worship or study of religion) | | | |
| Dwelling - 1 Family (Attached or Townhouse) | P | 1000 | 1120 |
| Dwelling - 1 Family (Detached) | P | 1000 | 1110 |
| Dwelling - 2 Family | P | 1000 | 1121 |
| Dwelling - 3 Family | P | 1000 | 1203 |
| Dwelling - 4 Family | P | 1000 | 1204 |
| Dwelling - College Fraternity or Sorority (Off Campus) | P | 1000 | P |
| Dwelling - School Dormitories or Housing (Off Campus) | P | 1000 | P |
| Dwelling - HUD-Code Manufactured Homes | P | 1000 | 1150 |
| Dwelling (loft | P | | |

| | | | |
|--|----|------|------|
| and/or ARH) | | | |
| Dwelling - Multi-Family (18 Units/Acre Maximum) | P | 1000 | 1210 |
| Dwelling - Multi-Family (25 Units/Acre Maximum) | P | 1000 | 1220 |
| Dwelling - Multi-Family (33 Units/Acre Maximum) | P | 1000 | 1230 |
| Dwelling - Multi-Family (40 Units/Acre Maximum) | S* | 1000 | 1240 |
| Dwelling - Multi-Family (50 Units/Acre Maximum in MF-50; 65 Units/Acre Maximum in MF-65) | S* | 1000 | 1250 |
| Dwelling, Zero Lot Line | P | 1000 | 1122 |
| Foster Family Home | P | 6560 | |
| Foster Group Home | P | 6562 | |

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|---|---|------|--|
| Golf Course (see § 35-346 "G" area) | S | 5370 | |
| Housing Facilities for Older Persons (see § 35-373(e)) | P | | |
| Nursing Facility | P | 1250 | |
| Park - Public or Private | P | 5500 | |
| Public Safety Facilities | P | 6400 | |
| Radio/Television Station With Transmitter Tower | P | 4231 | |
| Recreation Facility, Neighborhood | P | 6340 | |
| Residential Greenhouse (incidental to a primary residential use) | P | 9140 | |
| Residential Market Garden (incidental to a primary residential use) | P | 9100 | |
| School - Private (Includes | P | 6100 | |

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|---|---|------|--|
| Church Schools, Private Schools K-12, College or University) | | | |
| School - Public Includes All ISD Schools K-12, Open Enrollment Charter Schools, Public College or University | P | 6100 | |
| Storage (moving pods) (see 35- A101) | P | | |
| Transit Center | P | 4133 | |
| Transitional Home | P | | |
| Transit Park & Ride | S | 4133 | |
| Transit Transfer Center (Max Size 14'x33' and total footprint no larger than 30'x40') | P | 4133 | |
| Transit Station | S | 4133 | |
| Urban Farm | P | 8100 | |
| Wireless Communication System | S | 4233 | |

(5) Allowable ERZD Nonresidential Uses

Table 909-2 Allowable Nonresidential Uses in the ERZD

| | PERMITTED USE | ERZD | (LBCS Function) |
|-------------|--|------|-----------------|
| Agriculture | Greenhouse | P | 9140 |
| Agriculture | Indoor Growing | P | 9140 |
| Agriculture | Urban Farm | P | 8100 |
| Alcohol | Alcohol - Bar And/Or Tavern Without Cover Charge 3 or More Days Per Week | P | 2540 |
| Alcohol | Alcohol - Bar And/Or Tavern With Cover Charge 3 or More Days Per Week | P | 2540 |
| Alcohol | Alcohol - Nightclub Without Cover Charge 3 or More Days Per Week | | 2540 |
| Alcohol | Alcohol - Nightclub With Cover Charge 3 or More Days Per Week | | 2540 |
| Alcohol | Alcohol - Beverage Manufacture Or Brewery - Alcohol | NA | 3110 |
| Alcohol | Alcohol - Distillation, Storage | NA | 3110 |
| Alcohol | Alcohol - Microbrewery | S | 3110 |
| Alcohol | Alcohol - Beverage Retail Sales (Liquor Store) | P | 2150 |
| Alcohol | Alcohol - Wine Boutique | P | |

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|-----------|---|---|------|
| Alcohol | Alcohol - Winery With Bottling | | |
| Amusement | Amusement And/Or Theme Park - Outdoor Rides | P | 5310 |
| Amusement | Animal Racetrack And/Or Rodeo Arena | S | 5130 |
| Amusement | Billiard Or Pool Hall - No Alcohol In "C-2" | P | 5380 |
| Amusement | Bingo Parlor | P | 5300 |
| Amusement | Carnival And/Or Circus - Circus (more than 2 weeks, time limit set by city council on individual case consideration) | S | 5300 |
| Amusement | Dance Hall | P | 5110 |
| Amusement | Entertainment Venue (Indoor) | P | 5110 |
| Amusement | Entertainment Venue (Outdoor) | P | 5110 |
| Amusement | Fairground And/Or Stadium | S | 5300 |
| Amusement | Go-Cart Track | S | 5300 |
| Amusement | Museum - public or private | P | 5200 |
| Amusement | Racing - Motor Vehicle | S | |
| Amusement | Live Entertainment Without Cover Charge 3 or More Days Per Week (Not Including Food Service Establishments) | P | 5300 |
| Amusement | Live Entertainment With Cover Charge 3 or More Days Per Week (Not Including Food Service | P | 5300 |

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|-----------|--|----|------|
| | Establishments) | | |
| Amusement | Racing - Motor Vehicle | S | |
| Amusement | Theater - Indoor Permitting Over 2 Screens And/Or Stages | P | 5110 |
| Amusement | Theater - Indoor With 2 Or Less Screens And/Or Stages | P | |
| Amusement | Theater - Outdoor Including Drive-In And Amphitheaters | P | 5110 |
| Amusement | Video Games - Coin Or Token Operated | P | 5320 |
| Animal | Animal Clinic | S | 2418 |
| Animal | Animal and pet services (no outdoor training, boarding, runs, pens or paddocks) | P | 2720 |
| Animal | Animal and pet services (outdoor training, boarding, runs, pens or paddocks permitted) | S | 2720 |
| Animal | Animal - Equestrian Center and Riding Trails (see also 35-348) | S | |
| Animal | Animal - Pound Or Shelter | S | |
| Animal | Breeder - Small Animal Only | NA | |
| Animal | Cemetery - Pets (Limited To Small Animals) | S | 6730 |
| Animal | Stockyard | NA | 9300 |
| Animal | Veterinary Hospital - Large And Small Animal | S | 2418 |

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|--------|---|----|------|
| Animal | Veterinary Hospital - Small Animal | S | 2418 |
| Auto | Auto and Light Truck Repair (includes motorized vehicles such as motorcycles and all-terrain vehicles) | NA | 2110 |
| Auto | Truck And Heavy Equipment - Auction | S | |
| Auto | Ambulance Service | P | 4150 |
| Auto | Auto - Glass Tinting | P | 2115 |
| Auto | Auto - Manufacture | NA | 3770 |
| Auto | Auto And Light Truck - Oil, Lube And Tune Up | NA | 2110 |
| Auto | Auto And Light Truck Auction | P | 2110 |
| Auto | Auto And Light Truck Repair | NA | |
| Auto | Motor Vehicle Sales (full service) | NA | |
| Auto | Motor Vehicle Sales | S | 2110 |
| Auto | Auto - Rental | NA | |
| Auto | Auto - Rental (Pick Up And Drop Off Only in "C-2," "D" and "ERZD") | P | |
| Auto | Auto Alarm And Radio - Retail (Install. Incidental To Sales In "C-2") | P | 2115 |
| Auto | Auto Alarm And Radio - Retail (Sales And Installation As A Primary Use) | P | |
| Auto | Auto Glass Sales - Installation | P | 2110 |

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|------|---|----|------|
| | Permitted | | |
| Auto | Auto Muffler - Installation And Sales Only | S | 2115 |
| Auto | Auto Paint And Body - Repair With Outside Storage Of Vehicles And Parts Permitted But Totally Screened From View Of Adjacent Property Owners And Public Roadways | NA | |
| Auto | Auto Parts Retail - No Outside Storage In "C-2" | P | 2115 |
| Auto | Auto State Vehicle Inspection Station | P | 2100 |
| Auto | Auto Upholstery - Sales And Installation Completely Enclosed | P | 2100 |
| Auto | Carwash - see supplemental use regulations | S | 2110 |
| Auto | Limousine Service - Dispatch And Office Use Only No Servicing Of Vehicles Onsite | S | 4155 |
| Auto | Parking And Transient Vehicle Storage - Related To A Delivery (Auto, Truck, Trailer And Marine)(Each Vehicle Limited To 24 Hours Maximum Parking Time Within Any 48 Hour Period In "C3," "D" And "L") | S | 9900 |
| Auto | Parking And/Or Storage - Long Term | NA | |
| Auto | Parking Lot - Commercial, Subject to 35-384(b) (Parking Lots Requiring | NA | 2110 |

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|------|---|----|------|
| | Demolition of Dwelling Units) and (d) (Surface Parking Design Standards) | | |
| Auto | Parking Lot - Noncommercial, Subject to 35-384(b) (Parking Lots Requiring Demolition of Dwelling Units) | S | 2100 |
| Auto | Parking Garage - Commercial or Noncommercial, Subject to 35-384(c) (Parking Structure Design Standards) | S | |
| Auto | Taxi Service - Parking And Dispatch (No Washing Or Mechanical Service Permitted) | S | 4155 |
| Auto | Taxi Service - Parking And Dispatch (Washing Or Mechanical Service Permitted) | S | |
| Auto | Tire Repair - Auto And Small Truck (Sale And Installation Only, No Mechanical Service Permitted) | S | 2100 |
| Auto | Truck Repair And Maintenance | NA | 2000 |
| Auto | Truck Stop Or Laundry - Full Mechanical Service And Repair Permitted | NA | |
| Auto | Truck Stop Or Laundry - Tire Repair Permitted | S | 2000 |
| Auto | Vehicle Storage - See "Auto Parking And/Or Storage Long Term" | - | 2110 |
| Auto | Wrecker Service | NA | 2100 |

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|-----------------------|--|---|------|
| Beverage | Beverage Manufacture - Non-Alcohol | S | |
| Church Temple, Mosque | Church Temple, Mosque (facilities that are for worship or study of religion) | P | 6600 |
| Dry Goods - Wholesale | Dry Goods - Wholesale | P | 3510 |
| Dwelling | Dwelling - 1 Family (Single-family) | P | 1100 |
| Dwelling | Dwelling - 1 Family Attached (townhome), see 35-373 | P | 1100 |
| Dwelling | Dwelling - Attached Apartments/Condominiums With Maximum Density Of 6 Dwellings Per Gross Acre, see also 35-381 | P | |
| Dwelling | Dwelling - Attached Apartments/Condominiums With Maximum Density Of 10 Dwellings Per Gross Acre, see also 35-381 | P | |
| Dwelling | Dwelling - Attached Apartments/Condominiums With Maximum Density Of 20 Dwellings Per Gross Acre, see also 35-381 | P | |
| Dwelling | Dwelling - Attached Apartments/Condominiums | | |
| Dwelling | Live-Work Units, subject to 35-381 | P | |
| Dwelling | Loft (see definition of Dwelling, Loft 35-A101) | | |
| Dwelling | Housing (Temporary Or Permanent) For On-Premises Caretaker | P | |

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|------------|---|----|------|
| Government | Armory | S | 6300 |
| Government | Correction Institution | P | 6222 |
| Government | Public Safety Facilities | P | 6400 |
| Housing | Bed and Breakfast, Boarding Home, Hotel (see Service Category) | | |
| Industrial | Batching Plant | S | |
| Industrial | Batching Plant - Temporary In "C-3" And "L" (6 Months Maximum) | S | 3330 |
| Industrial | Bookbinder | P | 2135 |
| Industrial | Cabinet Or Carpenter Shop | S | 3210 |
| Industrial | Can Recycle Collection Station - No Shredding | P | 3600 |
| Industrial | Coffee Roasting | P | 3110 |
| Industrial | Construction Contractor Facility - screening required for outdoor storage from public ROWs and adjacent property except in "I-2" (see also Service category, construction trades contractors) | S | 7100 |
| Industrial | Creamery | S | 3110 |
| Industrial | Dry Cleaning - Plant | NA | 2600 |
| Industrial | Electronic Component - Fabrication | S | 3360 |
| Industrial | Laundry - Plant | S | 2600 |
| Industrial | Lumber Yard And Building Materials | S | 2126 |

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|---------------|---|----|------|
| Industrial | Machine Shop | S | 7200 |
| Industrial | Pecan Shelling | P | 3110 |
| Industrial | Printer - Large Scale | S | 2400 |
| Industrial | Rock Crusher | S | 2120 |
| Industrial | Rug Cleaning | S | 2120 |
| Industrial | Water Well Drilling Contractor | S | 7230 |
| Industrial | Welding Shop - Limited To Three Employees And Screening Of Outside Storage In "C-3" | P | 2100 |
| Manufacturing | Abrasive - Manufacturing | NA | 2610 |
| Manufacturing | Acetylene Gas - Manufacturing And Storage | S | 2613 |
| Manufacturing | Air Products - Manufacturing | S | 3400 |
| Manufacturing | Artificial Limb Assembly | P | 3400 |
| Manufacturing | Asbestos Products - Manufacturing | NA | 3330 |
| Manufacturing | Asphalt Products - Manufacturing | NA | 3330 |
| Manufacturing | Bag Cleaning | S | 2100 |
| Manufacturing | Battery - Manufacturing | NA | 3360 |
| Manufacturing | Beverage - Manufacturing Or Processing | S | 3110 |
| Manufacturing | Biomedical Products - Manufacturing | NA | 3000 |
| Manufacturing | Boat And Marine - Manufacturing | S | 2600 |

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|---------------|--|----|------|
| Manufacturing | Boiler And Tank Works | S | 3350 |
| Manufacturing | Broom, Brush - Manufacturing | S | 3400 |
| Manufacturing | Building Specialties - Wholesale Outside Storage Permitted | S | 3510 |
| Manufacturing | Bulk Plant Or Terminal (Includes Bulk Storage of Petro Chemicals) | | |
| Manufacturing | Can Manufacture | NA | |
| Manufacturing | Candle - Manufacturing | S | 3400 |
| Manufacturing | Candy - Manufacturing | S | 3110 |
| Manufacturing | Canvas Products - Manufacturing | S | 3400 |
| Manufacturing | Chemical - Manufacturing Or Processing | NA | 3320 |
| Manufacturing | Chemical/Drug - Wholesale And Storage | NA | 3600 |
| Manufacturing | Clothing Manufacture - Chemical Process | NA | 3130 |
| Manufacturing | Clothing Manufacture - Non- Chemical Process | S | 3130 |
| Manufacturing | Concrete Products - Manufacturing | S | 3330 |
| Manufacturing | Cotton Compress, Ginning And Bailing | NA | 9510 |
| Manufacturing | Drug - Manufacturing | S | 3000 |
| Manufacturing | Electronic Component - Manufacturing | NA | 3360 |

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|---------------|--|----|------|
| Manufacturing | Electroplating | S | 3400 |
| Manufacturing | Felt Products - Manufacturing | S | 3400 |
| Manufacturing | Glass Manufacture | S | 3330 |
| Manufacturing | Grain - Drying | S | 3600 |
| Manufacturing | Grain - Milling | S | 3100 |
| Manufacturing | Hatchery | S | 9240 |
| Manufacturing | Hazardous Materials Storage | NA | 4000 |
| Manufacturing | Hosiery - Manufacturing | S | 3320 |
| Manufacturing | Ice Cream - Manufacturing | P | 3110 |
| Manufacturing | Ice Plant - Manufacturing And Processing | P | 3100 |
| Manufacturing | Insulation Products - Manufacturing And Processing | NA | 3330 |
| Manufacturing | Mattress - Manufacturing And Rebuilding | S | 3340 |
| Manufacturing | Metal Forging Or Rolling Mill | NA | 3340 |
| Manufacturing | Metal Products - Fabrication | S | 2140 |
| Manufacturing | Millinery - Manufacturing | P | 3400 |
| Manufacturing | Millwork And Wood Products - Manufacturing | S | 3210 |
| Manufacturing | Moving And Transfer Company - With Trucks Attached To Trailers For A Total Exceeding 24 Feet In Length | S | 4141 |

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|---------------|--|----|------|
| Manufacturing | Novelty And Souvenir - Manufacture | S | 3400 |
| Manufacturing | Nuclear Or Radioactive Instrumentation - Manufacturing | NA | 3360 |
| Manufacturing | Office Equipment, Furniture - Manufacture | S | 2120 |
| Manufacturing | Oil Well Supplies And Machinery - Manufacturing. | NA | 3350 |
| Manufacturing | Packing And Gasket - Manufacturing | NA | 3000 |
| Manufacturing | Packing Plant - No Rendering | NA | 9200 |
| Manufacturing | Paints, Etc. - Manufacturing And Processing | NA | 3320 |
| Manufacturing | Paper Products - Manufacturing | NA | 3200 |
| Manufacturing | Petroleum - Manufacturing Or Processing | NA | 3310 |
| Manufacturing | Planing Mill | S | 2120 |
| Manufacturing | Plastic / Vinyl - Manufacturing Or Processing | NA | 3220 |
| Manufacturing | Playground Equipment - Manufacturing | S | 3400 |
| Manufacturing | Poultry Processing - Caged Hen Operation | NA | 9240 |
| Manufacturing | Poultry Processing And Live Poultry Storage - Completely Enclosed | NA | 9240 |
| Manufacturing | Processing - Other Than Food | S | 3000 |

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|---------------|--|----|------|
| Manufacturing | Refrigeration Equipment - Manufacturing | NA | 3360 |
| Manufacturing | Rendering Plant | NA | 9200 |
| Manufacturing | Sand Or Gravel - Storage And Sales | P | 8000 |
| Manufacturing | Shoe - Manufacturing | S | 3140 |
| Manufacturing | Shoe - Wholesale (Manufacturing Permitted) | S | |
| Manufacturing | Shoe Polish - Manufacturing | NA | 3320 |
| Manufacturing | Sign Manufacture | S | 3440 |
| Manufacturing | Stone Curing, Monument - Manufacturing | P | 3330 |
| Manufacturing | Textile - Manufacturing | S | 3130 |
| Manufacturing | Tile - Manufacturing | NA | 3330 |
| Manufacturing | Tile, Roofing And Waterproofing Products - Manufacturing | NA | 3330 |
| Manufacturing | Tobacco - Processing | S | 3120 |
| Manufacturing | Tool - Manufacturing | S | 3400 |
| Manufacturing | Toy - Manufacturing | S | 3420 |
| Manufacturing | Trailer - Manufacturing | S | 3400 |
| Manufacturing | Venetian Blind - Cleaning And Fabrication | S | 2100 |
| Manufacturing | Vulcanizing, Recapping | NA | 3320 |
| Manufacturing | Water Distillation | S | 3110 |

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|---------------|---|----|------|
| Manufacturing | Wire Products - Manufacturing | S | 3400 |
| Manufacturing | Wood Processing By Creosoting Or Other Preserving Treatment | NA | 3210 |
| Manufacturing | Wool Pulling And Scouring | NA | 3000 |
| Medical | Medical - Surgical Supplies Wholesale | P | 3510 |
| Processing | Cosmetics - Manufacturing Or Processing | S | 2600 |
| Processing | Food And Food Products - Processing | S | 3110 |
| Processing | Punch Concentrate - Processing And Mixing | P | 3110 |
| Processing | Punch Concentrate Products - Mixing Only | P | 3110 |
| Processing | Used Automotive Parts Recycler | NA | |
| Processing | Recycling Facility Without Outside Storage And/Or Processing (Excluding Metal Recycling Entity) | S | |
| Processing | Recycling Facility With Outside Storage And/Or Processing (Excluding Metal Recycling Entity) | NA | |
| Processing | Metal Recycling Entity Without Outside Storage and/or Processing | S | |
| Processing | Metal Recycling Entity With Outside Storage and/or Processing | NA | |
| Recreation | Archery Range - Outdoor Permitted | P | 5300 |

| | | | |
|------------|---|---|------|
| Recreation | Archery Range - Indoor Only | P | 5300 |
| Recreation | Athletic Fields - Indoor Only | P | 5370 |
| Recreation | Athletic Fields - Outdoor Permitted | P | 5370 |
| Recreation | Bowling Alley | P | 5380 |
| Recreation | Fitness Center/Health Club, Gymnasium, Natatorium, Sport Court - Indoor Only | P | 5370 |
| Recreation | Fitness Center/Health Club, Gymnasium, Natatorium, Sport Court - Outdoor Uses Permitted | P | 5370 |
| Recreation | Golf Course (See § 35-346 "G" Area) | S | 5370 |
| Recreation | Golf Driving Range | S | 5370 |
| Recreation | Gun Range - Indoor Only | P | 5300 |
| Recreation | Gun Range - Outdoor Permitted | S | 5300 |
| Recreation | Park - Public Or Private | P | 5500 |
| Recreation | Performing Art Center - Digital Display Monitor | | |
| Recreation | Recreational Facility - Neighborhood (see Definition in Appendix A) | P | 5370 |
| Recreation | Stable And Equestrian Center | S | 5300 |
| Recreation | Recreational Vehicle Park | P | |
| Retail | Air Conditioners - Retail (Incidental To Other Onsite Retail Items In "D") | P | 2120 |

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|--------|---|----|------|
| Retail | Antique Store - Retail | P | 2145 |
| Retail | Apothecary - See (Drugstore - Apothecary) | | |
| Retail | Apparel And Accessory Store - Retail | P | 2133 |
| Retail | Appliance and Electronics - Retail (Appliance Sales Incidental To Other Onsite Retail Items in "C-1" and "D") | P | 2125 |
| Retail | Art Gallery | P | 2142 |
| Retail | Bakery - Retail | P | 2151 |
| Retail | Bookstore | P | 2135 |
| Retail | Business Machines - Retail | P | 2130 |
| Retail | Camera, Photographic Equipment And Supplies - Retail | P | 2132 |
| Retail | Candy, Nut And Confectionery - Retail | P | 2153 |
| Retail | Computer and Software- Retail | P | 2131 |
| Retail | Convenience Store - Limited to Maximum 3,000 Square Foot Total Floor Area in "I-1" | P | 2152 |
| Retail | Convenience Store (With Carwash) | S | 2152 |
| Retail | Convenience Store (With Gasoline) | NA | 2152 |
| Retail | Convenience Store (With Gasoline And Carwash) | NA | 2152 |

| | | | |
|--------|--|---|------|
| Retail | Dairy Products - Retail | P | 2150 |
| Retail | Drugstore - Apothecary | P | 2161 |
| Retail | Dry Goods - Retail | P | 2133 |
| Retail | Farm Supplies | P | 2140 |
| Retail | Feed, Seed, Fertilizer Sales - No Outside Storage In "C-3" | P | 2140 |
| Retail | Fish Market - Retail | P | 2153 |
| Retail | Flea Market - Indoor | P | 2100 |
| Retail | Flea Market - Outdoor | P | 2100 |
| Retail | Floor Covering - Retail (Incidental To Other Onsite Retail Items In "D") | P | 2120 |
| Retail | Florist - Retail | P | 2141 |
| Retail | Food Locker Plant - Retail | S | 2120 |
| Retail | Fruit And Produce - Retail | P | 2154 |
| Retail | Furniture Sales - Retail | P | 2121 |
| Retail | Gift Shop - Retail | P | 2140 |
| Retail | Glass - Retail | P | 2120 |
| Retail | Grocery Store - Limited to Maximum 3,000 Square Foot Total Floor Area in "NC" | P | 2151 |
| Retail | Hardware Sales - Retail (Limited to Maximum 3,000 Square Foot Total Floor Area in "NC") | P | 2122 |

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|--------|--|---|------|
| Retail | Headshop, see also Section 35-377 | P | 2143 |
| Retail | Hobby Store - Retail (Limited to Maximum 3,000 Square Foot Total Floor Area in "NC") | P | 2134 |
| Retail | Home Improvement Center | P | |
| Retail | Jewelry Store - Retail | P | 2140 |
| Retail | Landscaping Materials - Sales And Storage | S | 2123 |
| Retail | Leather Goods Or Luggage Store - Retail | P | 2130 |
| Retail | Medical - Surgical Supplies Retail | P | 2130 |
| Retail | Milliner - Custom | P | 3400 |
| Retail | Music Store | P | 2135 |
| Retail | Newsstand | P | 2140 |
| Retail | Nursery - Retail (Growing Plants On-Site Permitted) | S | |
| Retail | Nursery - Retail (No Growing Plants On-site Permitted) | S | 2100 |
| Retail | Office Equipment And Supply - Retail | P | 2120 |
| Retail | Paint And Wallpaper Store - Retail And Wholesale | P | 2120 |
| Retail | Pet or pet supply store | P | 2710 |
| Retail | Plumbing Fixtures - Retail (Incidental To Other Onsite Retail | P | 2120 |

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|--------|---|---|------|
| | Items In "D") | | |
| Retail | Rug Or Carpet - Retail | P | 2120 |
| Retail | Secondhand Merchandise - Retail No Outside Storage Or Display Of Inventory Permitted) | P | 2145 |
| Retail | Shoe - Retail | P | 2140 |
| Retail | Silk Screening - Retail | P | 2140 |
| Retail | Sporting Goods - Retail | P | 2134 |
| Retail | Stamps And Coin Sales - Retail | P | 2140 |
| Retail | Stationary Products - Retail | P | 2140 |
| Retail | Tamale - Preparation Retail (Less Than 2,000 Square Feet In "C-1" And "C-2") | P | 2153 |
| Retail | Thrift Store - Retail See (Secondhand Merchandise) | | 2145 |
| Retail | Tobacco Store - Retail | P | 2143 |
| Retail | Toy Store - Retail | P | 2130 |
| Retail | Trophy Sales, Engraving And Assembly | P | 2140 |
| Retail | Variety Store - Retail | P | 2130 |
| Sales | Boat - Sales And Service | S | |
| Sales | Machinery, Tools And Construction Equipment Sales And Service | S | 2120 |
| Sales | Farm Equipment Sales, Service Or | S | 2120 |

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| | Storage | | |
| Sales | Oil Well Supplies And Machinery Sales - Used | NA | 2120 |
| Sales | Portable Building Sales | P | 2120 |
| School | School - Business or Commercial Trade | P | 6142 |
| School | School - Public University Or College | P | 6130 |
| School | School - Montessori | P | 6100 |
| School | School - Nursery (Public And Private) | P | 6110 |
| School | School - Private Pre-Kindergarten Through 12th Grade and College or University | P | 9900 |
| School | School - Public Pre-Kindergarten Through 12th Grade | P | 9900 |
| School | Vocational Trade (No Outside Storage & Training Area Permitted) | S | 6140 |
| School | Vocational Trade (Outside Storage & Training Area Permitted) | S | 6140 |
| Service | Air Conditioning/Refrigeration - Service And Repair | P | 2120 |
| Service | Altering/Repairing Of Apparel | P | 2600 |
| Service | Ammunition - Manufacturing, Loading And Storage | S | 2100 |
| Service | Appliance - Repair Major | P | |

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| Service | Appliance - Repair Small | P | 2125 |
| Service | Assisted Living Facility, Boarding Home Facility, or Community Home with no more than sixteen (16) residents | P | 1230 |
| Service | Auditorium | P | 5110 |
| Service | Bail Bond Agency | P | 2220 |
| Service | Bank, Credit Union | P | 2210 |
| Service | Barber or Beauty Shop | P | 2600 |
| Service | Bed And Breakfast, see § 35-374 | P | 1310 |
| Service | Bicycle - Repair | P | 2113 |
| Service | Boat And Marine - Storage (Outside Permitted) | S | |
| Service | Body Piercing | P | 2600 |
| Service | Caterers and Catering Shop (No On-Premises Food Services) | | |
| Service | Cemetery Or Mausoleum | NA | 6700 |
| Service | Charitable - food and/or clothing bank | P | |
| Service | Charitable - food service establishment (no charge for meals) | P | |
| Service | Construction Trades Contractors-screening required for outdoor storage from public ROWs and adjacent property except in "I-2" (see also Industrial category, | S | 7300 |

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|---------|--|---|------|
| | contractor facility use) | | |
| Service | Copy Service - Blueprinting And Photocopying | S | 2414 |
| Service | Cosmetics - Permanent | P | 2600 |
| Service | Day Care Center - Child And/Or Adult Care | P | 6562 |
| Service | Dry Cleaning - Limited To Five Employees | S | 2600 |
| Service | Dry Cleaning - Pickup Station Only | P | 2600 |
| Service | Electric Repair - Heavy Equipment | P | 7330 |
| Service | Electric Repair - Light Equipment | P | 7330 |
| Service | Electronic Equipment - Repair | S | 2125 |
| Service | Elevator Maintenance - Service | S | 2450 |
| Service | Employment Agency | P | 2423 |
| Service | Extended Stay Hotel /Motel, Timeshares, Or Corporate Apartment | P | |
| Service | Exterminators | S | 2451 |
| Service | Food Service Establishment Without Cover Charge 3 or More Days Per Week (With or Without Accessory Live Entertainment) | P | 2150 |
| Service | Food Service Establishment With Cover Charge 3 or More Days Per Week (With or Without Accessory Live Entertainment) | P | 2150 |

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| Service | Food, Mobile Food Court (subject to 35-399) | S | 2550 |
| Service | Food, Mobile Vending (Base Operations) | S | |
| Service | Funeral Home Or Undertaking Parlor | S | 6710 |
| Service | Furniture Repair/Upholstering | S | 2121 |
| Service | Gasoline Filling Station (Without Repair Or Carwash) | NA | 2116 |
| Service | Gasoline Filling Station (With Repair) | NA | |
| Service | Gasoline Filling Station (With Repair And/Or Carwash) | NA | |
| Service | Gasoline Filling Station - Fleet | NA | |
| Service | Group Day Care Limited To 12 Individuals | P | 6562 |
| Service | Gunsmith | S | 2134 |
| Service | Hotel | P | |
| Service | Hotel taller than 35 feet when unable to achieve additional height pursuant to § 35-517(d) Setbacks for Height Increases | P | 6500 |
| Service | Human Services Campus | P | 6500 |
| Service | Ice Machine (over 120 square feet) | P | |
| Service | Janitorial/Cleaning Service | S | 2452 |

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|---------|--|---|----------------------|
| Service | Laboratory - Research Or Testing | S | 2416 |
| Service | Laundry And Dry Cleaning - Self Service | S | 2600 |
| Service | Laundry- Limited To Max Of Five Employees | S | 2600 |
| Service | Laundry Or Dry Cleaning - Pickup Station Only | P | 2600 |
| Service | Lawnmower Repair And Service - No Outside Storage In "C-2" | S | 2100 |
| Service | Library | P | 4242 |
| Service | Linen Or Uniform Supply, Diaper Service (Pickup And Supply Only) | S | 2100 |
| Service | Loan Office | P | |
| Service | Locksmith | P | 2100 |
| Service | Manufactured Home / Oversize Vehicle Sales, Service Or Storage | S | 2100 |
| Service | Massage - Parlor | P | 6520 |
| Service | Massage - Therapeutic | P | 3400 |
| Service | Medical - Chiropractor Office | P | 6511 |
| Service | Medical - Clinic (Physician And/Or Dentist) | P | 6511 6512 6514 |
| Service | Medical - Clinic Physical Therapist | P | 6520 |
| Service | Medical - Hospital Or Sanitarium | S | 6530 |

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| Service | Medical - Hospital taller than 35 feet when unable to achieve additional height pursuant to § 35-517(d) Setbacks for Height Increases | S | 6530 |
| Service | Medical - Laboratory Dental Or Medical | S | 6513 |
| Service | Medical - Optical Goods Retail | P | 2163 |
| Service | Medical - Optical Goods Wholesale | P | 3510 |
| Service | Medical - Optometry Office | P | 2410 |
| Service | Mortuary - Preparation Only | S | 6700 |
| Service | Movie and/or Game Rentals | P | 2336 |
| Service | Nursing Facility | P | 1250 |
| Service | Office Call Center | P | |
| Service | Office Data Processing & Management | P | |
| Service | Office Professional | P | 2400 |
| Service | Palm Reading | P | 2600 |
| Service | Party House, Reception Hall, Meeting Facilities | P | |
| Service | Pawn Shop | P | 2140 |
| Service | Picture Framing | P | 2140 |
| Service | Post Office | P | 6310 |
| Service | Radio or Television Station Studio | P | |

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| Service | Reading Room | P | 5300 |
| Service | Record Storage Facility (electronic and/or paper) | P | |
| Service | Reducing Salon | P | 6511 |
| Service | Rental - Event Specialties (no outside storage and or display allowed) | S | |
| Service | Rental - Tool, Equipment and Event Specialties (fenced & screened outside storage and display permitted) | S | 2140 |
| Service | Rooming House | P | |
| Service | Self-Defense Instruction | P | 6140 |
| Service | Shoe - Repair | P | 2600 |
| Service | Sign Shop - No Outside Storage | P | 3440 |
| Service | Specified Financial Institution (see § 35-394) | P | |
| Service | Studio - Fine Or Performing Arts | P | 6145 |
| Service | Studio - Interior Decorating | P | 2413 |
| Service | Studio - Photographic | P | |
| Service | Studio - Sound And Recording | P | |
| Service | Tailor Shop | P | 2600 |
| Service | Tattoo Parlor/Studio | P | 2600 |
| Service | Taxidermist | S | 2140 |

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| Service | Temporary Common Worker Employer | P | |
| Service | Transitional Home | P | |
| Service | Tree Cut And Trim Service | S | 2000 |
| Service | Watch Repair | P | 2140 |
| Social | Club - Private (see definition "Club" in 35-A101) | P | 6830 |
| Social | Clubhouse - Civic And Fraternal Organizations. Including Lodges And Meeting Halls | P | 6830 |
| Storage | Carting, Crating, Hauling, Storage | S | 3600 |
| Storage | Cold Storage | S | 3600 |
| Storage | Fur Dyeing, Finishing And Storing | S | 3600 |
| Storage | Moving Company | S | 4140 |
| Storage | Pipe Storage | P | |
| Storage | Self Service Storage | P | 2321 |
| Storage | Storage, Moving Pod (see definition in Appendix A) | S | |
| Storage | Storage - Outside (Screening From Public ROWs And Adjacent Property Required) | S | |
| Storage | Storage - Outside (Open With No Screening Required) | S | |
| Storage | Storage - Outside (Under Roof and Screened) | S | 9900 |

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| Storage | Storage Shipping Container (see definition in Appendix A. Requires registration affidavit with Development Services Dept.) | S | |
| Transportation | Airport - Non-Governmental | S | 4113 |
| Transportation | Bus Shelter (Max size 6'x13') | P | |
| Transportation | Bus Stop | P | |
| Transportation | Freight Depot | S | 4140 |
| Transportation | Heliport (see also Chapter 3 City Code) | S | 4110 |
| Transportation | Helistop (see also Chapter 3 City Code) | P | 4110 |
| Transportation | Horse-Drawn Carriage (Base Operations) - Indoor Carriage Storage and/or Animal Boarding only (see also Chapters 5 and 33 of the City Code) | P | 9372 |
| Transportation | Horse-Drawn Carriage (Base Operations) - Outdoor Carriage Storage and/or Animal Boarding allowed (see also Chapters 5 and 33 of the City Code) | S | 9372 |
| Transportation | Passenger Depot | P | 4120 |
| Transportation | Transit Bus Maintenance Facility | NA | |
| Transportation | Transit Bus Storage Facility | NA | |
| Transportation | Transit Center | S | 4133 |

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| Transportation | Transit Park & Ride | S | 4133 |
| Transportation | Transit Station | S | 4133 |
| Transportation | Transit Transfer Center (Max Size 14'x33' and total footprint no larger than 30'x40') | S | 4133 |
| Utilities | Radio/Television Antenna, subject to § 35-385(b) | S | |
| Utilities | Radio/Television Antenna, unable to comply with § 35-385(b) | S | |
| Utilities | Small Wind Energy Systems, subject to § 35-398(a) | S | |
| Utilities | Solar Farm, Photovoltaic, subject to § 35-398(b) | S | |
| Utilities | Telephone Equipment Infrastructure | P | 4234 |
| Utilities | Wireless Communication System, subject to § 35-385(e) | S | 4233 |
| Utilities | Wireless Communication System, subject to § 35-385(d) | S | 4233 |
| Utility | Sanitary Landfill, Solid Waste Facility | NA | 4345 |
| Warehouse | Office Warehouse (Flex Space) - Outside Storage Not Permitted except in the I-2 area | S | 3600 |
| Warehousing | Warehousing | S | 3600 |
| Wholesale | Bakery - Wholesale | P | 3520 |

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| Wholesale | Barber And Beauty Equipment - Wholesale | P | 3510 |
| Wholesale | Camera, Photographic Equipment And Supplies - Wholesale | S | 3510 |
| Wholesale | Dairy Equipment Sales - Wholesale | P | 3510 |
| Wholesale | Dairy Products - Wholesale | P | 3520 |
| Wholesale | Drug Sales - Wholesale | P | 3520 |
| Wholesale | Fish Market - Wholesale | P | 3520 |
| Wholesale | Florist - Wholesale | P | 3520 |
| Wholesale | Food Products - Wholesale And Storage | P | 3520 |
| Wholesale | Fruit And Produce - Wholesale | P | 3520 |
| Wholesale | Furniture Sales - Wholesale | P | 3510 |
| Wholesale | Glass - Wholesale | P | 2120 |
| Wholesale | Grocery - Wholesale | P | 3520 |
| Wholesale | Hardware Sales - Wholesale | P | 3510 |
| Wholesale | Office Equipment And Supply - Wholesale (Incidental To Other Onsite Retail Items In "D") | P | 3520 |
| Wholesale | Paper Supplies - Wholesale (Incidental To Onsite Retail Items In "C-3" And "D") | P | 3520 |
| Wholesale | Nursery - Plant Wholesale Onsite Growing Permitted | S | 9140 |

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| Wholesale | Plumbing Fixtures - Wholesale | P | 3510 |
| Wholesale | Shoe - Wholesale No Manufacturing | P | 3520 |
| Wholesale | Sporting Goods - Wholesale (Incidental To Onsite Retail Items In "D") | P | 3510 |
| Wholesale | Stone Monument - Retail And Wholesale | P | 2130 |
| Wholesale | Tamale - Preparation Wholesale (Less Than 2,000 Square Foot In "C-1" And C-2) | P | 3520 |

(6) Where a use in the ERZD is allowed by a specific use authorization as designated in Table 909-1 or Table 909-2 of this Chapter, the procedures in Section 35-423 of this Chapter shall be followed. In addition to the requirement in Section 35-423, a Site Investigation Report and Water Pollution Abatement Plan.

A. **Site Investigation Report.** The staff recommendation on all Extraterritorial Jurisdiction Military Protection Area ERZD specific use authorization cases shall include a report from the San Antonio Water System Resource Protection and Compliance Department. The report shall contain a background description to include a discussion of the development, surrounding uses, geologic factors, on-site point and non-point pollution sources, sewer lines, proposed pollution abatement structures, and whether a water pollution abatement plan has been submitted. The report shall also contain a summation of facts and implications on the recharge zone; recommendation on use, pollution abatement plan needs, and monitoring requirements; and maps of the development and surrounding developments.

1. **Exceptions.** A site investigation report shall not be required for Extraterritorial Jurisdiction Military Protection Area Plan Amendment cases initiated by the City of San Antonio, however the San Antonio Water System may prepare an optional report at no cost to the city.

B. **Water Pollution Abatement Plan.** As a condition of all Extraterritorial Jurisdiction Military Protection Area ERZD specific use authorization cases, a water pollution abatement plan approved by the TCEQ shall be required for all regulated development as established and defined by Texas Administrative Code, 31 TAC 213, prior to the issuance of a building permit and/or certificate of occupancy.

(f) **Amendments to Comprehensive Land Use Category Designations in the ERZD.** Amendments to the Comprehensive Land Use Category Designations in the ERZD shall utilize the process codified in Section 35-420(f) of this chapter except that a Site Investigation Report and Water Pollution Abatement Plan shall be required for all Comprehensive Plan Amendments for properties located over the ERZD as specified below:

(1) **Site Investigation Report.** The staff recommendation on all Extraterritorial Jurisdiction Military Protection Area Plan Amendment cases within the ERZD shall include a report from the San Antonio Water System Resource Protection and Compliance Department. The report shall contain a background description to include a discussion of the development, surrounding uses, geologic factors, on-site point and non-point pollution sources, sewer lines, proposed pollution abatement structures, and whether a water pollution abatement plan has been submitted. The report shall also contain a summation of facts and implications on the recharge zone; recommendation on intensity, pollution abatement plan needs, and monitoring requirements; and maps of the development and surrounding developments.

A. **Exceptions.** A site investigation report shall not be required for Extraterritorial Jurisdiction Military Protection Area Plan Amendment cases initiated by the City of San Antonio, however the San Antonio Water System may prepare an optional report at no cost to the city.

(2) **Water Pollution Abatement Plan.** As a condition of all Extraterritorial Jurisdiction Military Protection Area Plan Amendment cases within the ERZ, a water pollution abatement plan approved by the TCEQ shall be required for all regulated development as established and defined by Texas Administrative Code, 31 TAC 213, prior to the issuance of a building permit and/or certificate of occupancy.

(g) **Underground Storage Tanks.**

(1) All new and replacement underground storage tank systems within the ERZD shall comply with this section and the most current regulations in 31 TAC

Chapter 334, Underground and Aboveground Storage Tanks, which is incorporated by reference as part of this chapter.

- (2) New and replacement underground storage tanks installed within the ERZD shall require tertiary containment. The tertiary barrier shall consist of an artificially constructed material that is sufficiently thick and impermeable (at least 10-6 cm/sec or allow permeation at a rate of no more than 0.25 ounces per square foot per twenty-four (24) hours for the regulated substance stored) and be able to direct a release to the monitoring point and permit its detection. The barrier material shall be compatible with the regulated substance stored so that a release from the underground storage tank system will not cause a deterioration of the barrier allowing a release to pass through undetected.
- (3) All new and replacement underground storage tank systems shall include a monitoring and detection system able to detect a release between the underground storage tank and the tertiary barrier. The monitoring and release detection system must be capable of detecting a two-tenths (0.2) gallon per hour leak rate or a release of one hundred fifty (150) gallons within thirty (30) days such that the probability of detection shall be at least ninety-five (95) percent and the probability of false alarm shall be no greater than five (5) percent.
- (4) **Generally.** The installation of any new underground storage tank systems within the Edwards Recharge Zone area is prohibited. Any existing underground storage tanks that require additional upgrades, including replacement of existing underground storage tanks, must meet the current Unified Development Code standards.
- (5) **State Regulations.** All replacement underground storage tank systems within the ERZD shall comply with this section and the most current regulations in 31 TAC Chapter 334, Underground and Aboveground Storage Tanks, which are incorporated by reference as part of this chapter. All new and replacement underground storage tank systems within the Edwards Aquifer Transition Zone shall comply with this section and the most current regulations in 31 TAC Chapter 334, Underground and Aboveground Storage Tanks, and 31 TAC 213, Edwards Aquifer, which is incorporated by reference in this chapter.
- (6) **Tertiary Containment.** Replacement underground storage tanks installed within the ERZD shall require tertiary containment. New and replacement underground storage tank systems installed within the Edwards Aquifer Transition Zone shall require tertiary protection. The tertiary barrier shall consist of an artificially constructed material that is sufficiently thick and

impermeable (at least 10⁻⁶ cm/sec or allow permeation at a rate of no more than 0.25 ounces per square foot per twenty-four (24) hours for the regulated substance stored) and be able to direct a release to the monitoring substance stored so that a release from the underground storage tank system will not cause a deterioration of the barrier allowing a release to pass through undetected.

- (7) **Monitoring System.** Replacement underground storage tank systems shall include a monitoring and detection system able to detect a release between the underground storage tank and the tertiary barrier. The monitoring and release detection system must be capable of detecting a two-tenths (0.2) gallon per hour leak rate or a release of one hundred fifty (150) gallons within thirty (30) days such that the probability of detection shall be at least ninety-five (95) percent and the probability of false alarm shall be no greater than five (5) percent.
- (8) **Single Wall Underground Storage Tank Systems Within ERZD.** Single wall underground storage tank systems within the Edwards Recharge Zone area are prohibited. All existing single wall underground storage tank systems within the Edwards Transition Zone, installed prior July 2, 1986 and in conformance with all the USEPA December 22, 1998 update requirements shall be removed and upgraded to current Unified Development Code standards by the date of December 22, 2003.
- (9) **Fee.** A fee specified in Appendix "C" shall be required by the San Antonio Water System for Underground Storage Tanks (UST) located on the Edwards Recharge Zone area and the Edwards Transition Zone to ensure compliance with Ordinance No. 81147 and all requirements of Chapter 34 of the City Code regulating underground storage tanks over the Edwards Recharge Zone and Transition Zone. The fees include an initial permit fee (per site), an annual inspection fee (per site), and beginning in 1998, a renewal fee every three (3) years (per tank).

Sec. 35-910. – **Administrative Remedies.**

- (a) **Applicability.** This section shall apply to any request to the board of adjustment for permission to vary or depart from a requirement of Article IX of this chapter where, due to special conditions, a literal enforcement of the requirements will result in an unnecessary hardship.
- (b) **Board of Adjustment Procedures.** Procedures for Variances and Appeals of Article IX to the Board of Adjustment shall be consistent with Article IV, Division 10 of this Chapter.

Sec. 35-911. – **Notice Provisions.**

- (a) **Generally.** The notice requirements for each type of application for development approval are prescribed in the individual subsections of this article applicable thereto and/or the Texas statutes. The notice requirements for certain types of public hearings

are established in Table 912-1 below provided, however, that to the extent of any inconsistency between the provisions of this section and any state statute, the state statute shall govern.

- (b) **Content of Notice.** The notice shall state the time, date and place of hearing and a description of the property subject to the application. The notice shall include, at a minimum, the following:
- (1) The street address, if the street address is unavailable, the legal description by NCB/CB, block, and lot metes and bounds or a general description of the location of the property, either using block numbers, nearby street intersections or approximate distances from intersections.
 - (2) The current future land use classification identified in the City’s Comprehensive Plan, and
 - (3) The category of permit requested and a brief description of the proposed development including density or building intensity, revised land use classification (if any), and uses requested.

**Table 911-1
Notice Requirements**

| Type of Notice | Amendments to Comprehensive Plan | Variances or Authorized Special Exceptions |
|---|--|--|
| Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing. | Required | Required |
| Mail : Written notice of the public hearing shall be sent. | <p style="text-align: center;">Required</p> <p>Notice shall be sent to each owner, as indicated by the most recently approved county tax roll, of real property, within two hundred (200) feet of the property.</p> <p>Notice shall be sent prior to the tenth day before the date of the public hearing at the Planning Commission.</p> | <p style="text-align: center;">Required</p> <p>Notice shall be sent to each owner, as indicated by the most recently approved county tax roll, of real property, within two hundred (200) feet of the property.</p> <p>Notice shall be sent prior to the tenth day before the date of the public hearing at the Planning Commission.</p> |
| Internet: Post notice on the city's Internet website until the process has been completed. | Required | Required |

- (c) **Action to be Consistent With Notice.** The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable) of the application, or denial of the application, provided, however, that if an applicant amends their application for a change in future land use classification to a future land use classification of lesser intensity shall not require renote.

Section 35-912. – **Certificate of Compatibility**

(a) **Applicability.** Applications proposing work or changes in the ETJ Military Protection Area shall require an MPA Certificate of Compatibility which shall certify that the work to be done complies with the provisions of this article. Such applications may include, but are not limited to:

- (1) New Construction of any structure with the exception of the structures exempted from permitting as listed in Section 10-6(e) of the City Code of San Antonio
- (2) Enlargement or additions of any structure
- (3) Relocation of any structure
- (4) Restoration, Rehabilitation, or Remodeling of any structure where the cost of such restoration, rehabilitation, or remodeling exceeds 50% of the replacement value of the structure.

(b) **Procedure.**

(1) **Commercial and Multifamily Uses.** Commercial and Multifamily Uses, as defined by the Office of Fire Marshal of Bexar County, Texas, or his designee, in the ETJ Military Protection Area, shall require an MPA Certificate of Compatibility to be issued by the Development Services Department which shall indicate that the proposed activity complies with all applicable requirements of this Article.

- i. Upon receipt of an applicable application by the Office of Fire Marshal of Bexar County, Texas, the Fire Marshal, or his designee, shall refer the application to the Development Services Department for review.
- ii. The Development Services Department shall review the application and all associated plans for compliance with all applicable provisions of this Article. The Department shall issue the MPA Certificate of Compatibility to the applicant and provide a copy of such certificate to the Office of the Fire Marshal upon a finding that the application complies with all applicable provision of this Article.
- iii. A copy of an approved MPA Certificate of Compatibility shall be maintained and displayed by the applicant on the premises where the work is being conducted.
- iv. The Development Services Department may, upon a finding of incompatibility, refer an application to the appropriate review board or commission for additional review prior to the issuance of an MPA Certificate of Compatibility.

(2) **Single Family Uses.** Single Family Uses in the ETJ Military Protection Area shall require an MPA Certificate of Compatibility to be issued by the

Development Services Department which shall indicate that the proposed activity complies with all applicable requirements of this Article.

- i. The Development Services Department shall be the primary point of contact for single family uses.
- ii. The Development Services Department shall review the application and all associated plans for compliance with all applicable provisions of this Article. The Department shall issue the MPA Certificate of Compatibility to the applicant and provide a copy of such certificate to CPS Energy upon a finding that the application complies with all applicable provision of this Article.
- iii. A copy of an approved MPA Certificate of Compatibility shall be maintained and displayed by the applicant on the premises where the work is being conducted.
- iv. The Development Services Department may, upon a finding of incompatibility, refer an application to the appropriate review board or commission for additional review prior to the issuance of an MPA Certificate of Compatibility.

(c) **Scope of Approval.** An MPA Certificate of Compatibility shall authorize only the work requested in the application. An MPA Certificate of Compatibility may be amended in the same manner as the approval of the original application.

(d) **Appeal.** An applicant for an MPA Certificate of Compatibility may appeal the decision of the Director to the board of adjustment within thirty (30) days after receipt of notification of the Director's action. The applicant shall be advised by the Director or designee of the time and place of the hearing at which the appeal will be considered and shall have the right to attend and be heard as to the reasons for filing the appeal.

In determining whether or not to grant the appeal, the board of adjustment shall consider all of the relevant facts, rules, and regulations germane to the decision. If the board of adjustment approves the appeal, it shall direct the Director or designee to issue an MPA Certificate of Compatibility for all or part of the work described in the application.

If the board of adjustment disapproved the application, it shall direct the Director or designee to not issue such MPA Certificate of Compatibility. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the Director, or designee, shall immediately advise the applicant in writing.

(e) **Subsequent Applications.** In the case of disapproval by the board of adjustment a new application for the same work shall not be resubmitted for consideration until one (1) year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet conditions or requirements for approval have been incorporated into the new application.

Section 35-913. – **Vested Rights, Continuation of Land Use Rights, and Non-conforming Uses**

- (a) **Generally.** Vested rights and Non-conforming Uses in the ETJ Military Protection Areas shall be consistent with Article VII of this Chapter.
- (b) **Continuation of Land Use Rights.** The following continuation of land use rights are recognized in the ETJ Military Protection Areas:
 - (1) Any plat application in the ETJ Military Protection Area which has been assigned a plat identification number before plat identification number XXXXXX.
 - i. Continuation of Land Use Rights under this subsection shall be limited to the density of units per acre as depicted on the plat.
 - (2) Legal land uses in existence on or before June 1, 2019 may continue to be used in the same manner in which the land was being used prior to the establishment of the ETJ Military Protection Area.
 - (3) Legal land uses that were planned for the land before the 90th day before June 1, 2019, if:
 - i. One or more licenses, certificates, permits, approvals, or other forms or authorization by a governmental entity were required by law for the planned and use; and
 - ii. The initial authorization for one or more licenses, certificates, permits, approvals, or other forms or authorization by a governmental entity was granted or approved by a governmental entity.
 - (4) Legally constructed structures in which legal land uses were occurring pursuant to subsection 1 or 2 above may continue to be operated or expanded provided that any applicable permits are granted.
 - (5) This subsection shall not apply to followings land uses or regulations:
 - i. A regulation relating to the location of a sexually oriented business;
 - ii. A regulation relating to preventing imminent destruction of property or injury to persons;
 - iii. A regulation relating to public nuisances;
 - iv. A regulation relating to flood control;
 - v. A regulation relating to the storage and use of hazardous substances; or
 - vi. A regulation relating to the sale and use of fireworks.

Section 35-914. - **Enforcement**

- (a) **Criminal Enforcement.** Criminal enforcement shall in accordance with Article IV, Division 11 of this Chapter. The proper venue for criminal enforcement shall be City of San Antonio Municipal Court.
- (b) **Civil Enforcement.** Civil enforcement shall in accordance with Article IV, Division 11 of this Chapter. The proper venue for civil enforcement shall be City of San Antonio Municipal Court.