



RULE INTERPRETATION DETERMINATION

Determination #: 2020-003

Title: Stand-alone Personal Hygiene Facilities

Drafted by: Tony Felts, AICP, Policy Administrator

Rule in Question: Section 35-311(b)(3) Interpretation – Materially Similar Uses
Section 35-391 – Temporary Uses
Table 311-2 – Nonresidential Use Matrix

Department Action: Determination of appropriate definition of Stand-alone Personal Hygiene Facilities, appropriate use categories for permanent Stand-alone Personal Hygiene Facilities, and appropriate supplemental regulations for temporary Stand-alone Personal Hygiene Facilities.



Michael Shannon, PE, CBO
Development Services Director



Date

Effective Date of Determination: Immediately

Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.

Staff Analysis:

This RID is a customer and staff clarification effort in order to classify and clarify Stand-alone Personal Hygiene Facilities such as mobile showers, permanent showers, or permanent public toilet facilities.

The Unified Development Code (UDC) does not include regulations for such facilities as mobile showers, permanent showers, or permanent public toilet facilities. It is recognized that these uses provide a valuable service not only to disadvantaged populations but also, in the case of public toilets, to tourist populations in Downtown San Antonio.

There is no use currently in the UDC which perfectly matches the land use for mobile showers, permanent showers, or permanent public toilet facilities.

Section 35-311(b)(3) of the UDC provides for the Director of Development Services to make a determination regarding materially similar uses and/or uses for which a materially similar use does not exist. In exercising this authority, the Director must consult the Land Based Classification System (LCBS) and the North American Industry Classification System (NAICS).

Neither the LCBS nor the NAICS includes uses, functions, or classifications related to shower or toilet facilities.

Staff Position and Interpretation:

Because the UDC does not currently consider Stand-alone Personal Hygiene Facilities, and because there is not a materially similar use already in the UDC for Stand-alone Personal Hygiene Facilities, it is staff's position that the UDC should be amended in order to clarify where and in what manner the Stand-alone Personal Hygiene Facilities use is allowed.

Staff recommends adding a definition of Stand-alone Personal Hygiene Facilities to the UDC which also specifies the difference between this use as a primary use and as an accessory use, adding an entry into the Nonresidential Use Matrix for Stand-alone Personal Hygiene Facilities as a Primary Use, adding limiting information in the Temporary Uses section of the UDC for Stand-alone Personal Hygiene Facilities.

Future UDC Amendments:

Sec. 35-A101. Definitions and Rules of Interpretation

Stand-alone Personal Hygiene Facilities (Permanent). Facilities for personal hygiene such as public showers or public restrooms which are independent of any other use and constitute the primary use of the property, and where the facilities are permanently affixed to potable water and sanitary sewer services, and other utilities. Generally, this use shall be designed to be located on a property for more than 30 days or a permanent basis. Where personal hygiene facilities are provided as an accessory to the overall use of the property, then the use category for the primary use shall determine the allowable use category.

TABLE 311-2 Non-Residential Use Matrix

TABLE 311-2 NONRESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD
Service	Stand-alone Personal Hygiene Facilities (Permanent)											
	*This entry is for primary use of the property only.						P	P	P	P	P	P
	100-foot separation from any single-family residential structure required.											

Sec. 35-391. - Temporary Uses.

(j) Stand-alone Personal Hygiene Facilities (Temporary). Temporary Stand-alone Personal Hygiene Facilities are Facilities for personal hygiene such as public showers or public restrooms which are independent of any other use and constitute the primary use of the property. These facilities are usually temporarily attached to utility services and are designed to be easily detached from utility services and relocated.

The director may permit temporary Stand-alone Personal Hygiene Facilities in any zoning district provided that these facilities have a 100-foot distance requirement from Single-Family Structures as measured from structure to structure.