



DEVELOPMENT SERVICES

RULE INTERPRETATION DETERMINATION

Determination #: 2025-003

Title: *Expansion of Nonconforming Used Auto Parts Recyclers*

Drafted by: *Land Development Division, Policy Administration Section*

Rule in Question: *35-702(d) Applicability to metal recycling entities.*

Department Action: *This RID is for clarification purposes and includes suggested UDC amendments.*

A blue ink signature of Michael Shannon, PE, CBO.

Michael Shannon, PE, CBO
Development Services Director

05/28/25

Date

Effective Date of Determination: *May 25, 2025*

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 RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.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: On May 15, 2025, the San Antonio City Council approved updates to the Chapter 16 regulations for Metal Recycling Entities and Used Auto Parts Recyclers (COSA Ordinance 2025-05-15-0352). One of the updates affects nonconforming use limitations for Used Auto Parts Recyclers. The ordinance takes effect ten (10) days after City Council approval, being May 25, 2025.

Staff Position and Interpretation: Up until May 25, 2025, the only business operating as a legal, nonconforming use that was allowed to expand said use were Metal Recycling Entities (MREs). New updates to Chapter 16 extend that allowance to Used Auto Parts Recyclers (UAPRs).

The ability to expand is limited only to the parcel that the legal, nonconforming use already occupies. No expansion is allowed onto adjacent tracts, lots, or parcels, even if under contiguous ownership.

Future UDC Amendments: DSD proposed the following amendment to the Unified Development Code (UDC), to be considered during the 2027 UDC Amendment process:

(d) **Applicability to metal recycling entities and used auto parts recyclers.** Once registered with the development services department, licensed metal recycling entities legally existing on the effective date of this subsection shall have nonconforming rights and shall be eligible to obtain building permits for rebuilding and expansion within the property boundaries such as they existed on the effective date of this subsection. Once registered with the development services department, licensed used auto parts recyclers legally existing as of May 25, 2025 shall have nonconforming rights and shall be eligible to obtain building permits for rebuilding and expansion within the property boundaries such as they existed on the effective date of this subsection. If the metal recycling or used auto parts recycling use has been discontinued for twelve (12) consecutive months following the effective date of this subsection the owner of said property may:

(1) Apply for a certificate of occupancy and/or building permit as required by this chapter for one of the permitted uses granted by the zoning districts established by this chapter (see article III, section 35-311); or

(2) Submit a request for reinstatement of nonconforming rights to the director where the enforcement of this chapter would result in unnecessary hardship, and where the spirit of this chapter is observed and substantial justice is done; or

(3) Submit an application for rezoning to another zoning district.

Commentary: Only reinstatement of nonconforming rights as they existed under Subsection 35-702(d) is possible.

See also chapter 16, article VII of the City Code related to metal recycling entities.