

ZONING 102



DUTIES



NCU



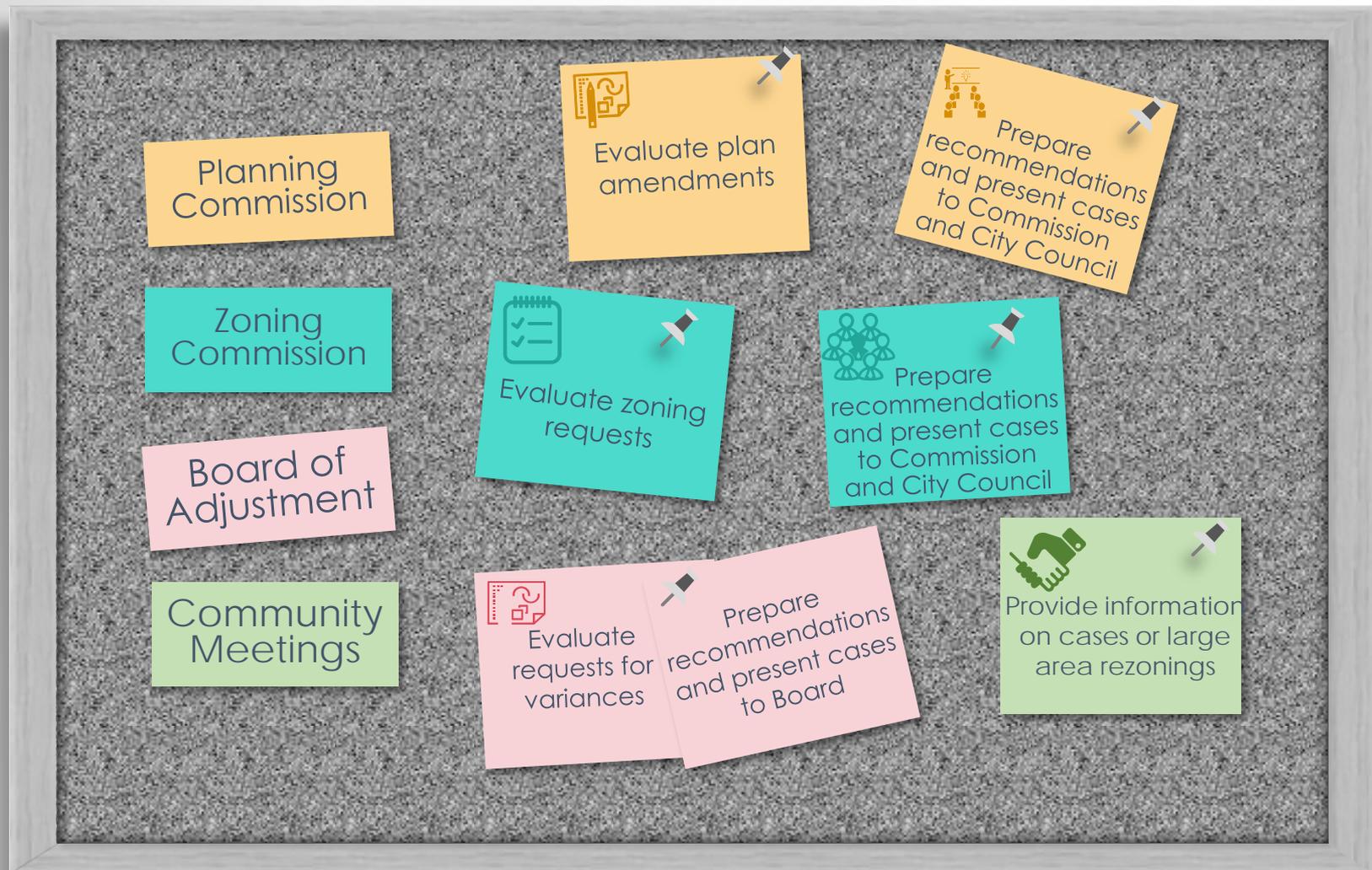
ZONING
HISTORY

BOA



PRESENTED BY:
CATHERINE HERNANDEZ, DSD ADMINISTRATOR

WHAT WE DO IN THE ZONING SECTION...



MORE OF WHAT WE DO

Review
Plans

To comply with:
Overlay & special
districts

Conditional uses,
Specific use
authorization,
others as needed

MDP &
PUD plans

Review for
zoning

With zoning
questions &
research

Help
Customers

Other

Zoning
Verification
letters

Requests to
register
nonconforming
uses

CHECKING YOUR ZONING

- How to do it:
 - Fill out application & pay fee
 - Staff will research
- Also done for zoning change requests
- Why do this?
 - Good when buying property, planning to build
 - To know if variances or non-conforming uses are registered to property

City of San Antonio
Development Services Department
Zoning Section

Cliff Morton Development and Business Services Center
1901 South Alamo Street
T.O. Box 839966
San Antonio, Texas 78283-3966
(210) 207-1111



Application for Zoning Verification

The Development Services Department provides three different types of zoning verification letters:

1. Zoning
2. Variance
3. Nonconforming Use

1. A “**Zoning**” letter type will verify the current zoning of a property and may also indicate if a specified use is allowed in the applicable zoning district.
2. A “**Variance**” letter type will verify if any Variances have been approved by the Board of Adjustment on the specified property.
3. A “**Nonconforming Use**” letter type will verify if a nonconforming use has been registered on the specified site or other nonconforming use related information.

To obtain a “**Zoning**” verification type letter, please **complete** this application, attach a map that clearly illustrates the property boundaries, and submit the \$371.00 fee (including surcharges). If the area of the request cannot be clearly defined by legal lot, block, and NCB, please furnish a survey or plat that delineates the property boundaries with a general location description (all submittals should be no larger than 11 inches by 17 inches). Please also provide the property’s current city-assigned address if one exists.

Zoning verification letters do not certify the conformance or non-conformance of existing structures. For this information, please contact our Plan Review Division at (210) 207-8394 to discuss or to schedule a more in-depth preliminary plan review. Zoning verification letters also do not detail certificates of occupancy or violations on the property. To obtain this information, please contact our Customer Services Section at (210) 207-1111.

The goal of the Development Services Department is a maximum 10 business day turnaround time for verification letters. However, we understand that circumstances arise where an applicant may need a faster turnaround time. To that end, we can provide an expedited verification requested (upon receipt of a complete application, correct location information, and all necessary fees). Please note that a **\$100.00 refund processing fee** will be assessed should the applicant request a refund after the application has been submitted.

Mail to: City of San Antonio, Development Services Department
Cliff Morton Development and Business Services Center
Attention: Zoning Verification
1901 South Alamo Street
San Antonio, TX 78204

Page 1 of 3 Updated: July 29, 2017

ZONING MAP - ONLINE

DEVELOPMENT SERVICES HOME

ABOUT >

BOARDS AND COMMISSIONS >

BUILDSA

BUSINESS OWNERS >

CONSTRUCTING IN SAN ANTONIO >

CONTRACTOR REGISTRATION & LICENSING

CODE ENFORCEMENT >

RESOURCES >

ONLINE SERVICES >



HOMEOWNER

Learn what you need to build your new residential single-family home, remodel or repair your existing home, convert a room, or build an addition to your home.



DEVELOPMENT SERVICES
DEPARTMENT



Take Our Survey

ONLINE SERVICES - QUICK LINKS



MICHAEL SHANNON, PE, CBO
DIRECTOR

Michael Shannon was appointed Director of the Development Services Dept. in May 2017... >

SA.GOV RELATED SITES

FIRE MARSHAL

OFFICE OF HISTORIC PRESERVATION

STORM WATER

MORE LINKS...

LATEST NEWS

Friday, April 21, 2017
US 281 North Services in Lieu of Annexation Agreement >

Wednesday, March 22, 2017
Dark Sky Policy Evaluation >

More News >

CUSTOMER WAIT TIMES

Business Area	Customers In Queue	Wait Times
Trade License	0	0
Trade Permits	0	0
Certificate of Occupancy	0	0

Get Next Wait Times

View More

UPCOMING ORDINANCES

[Tentative Zoning Cases](#)
[Street Name Change Applications](#)

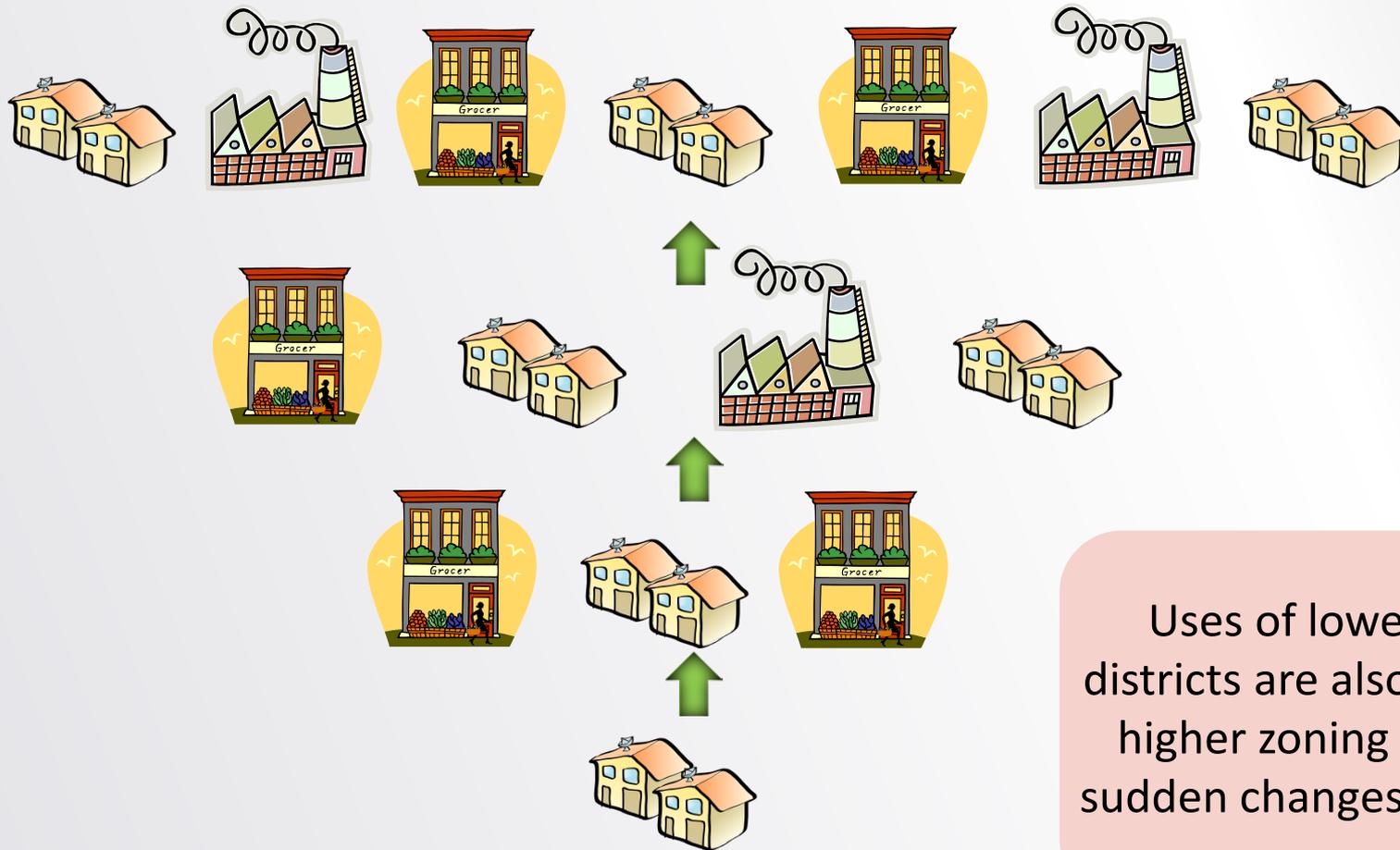


IT'S ALL ABOUT THE ZONING

- The legal use of the land
 - Can I build my home?
 - Can I open my business?
- Encourages orderly development
 - Using planning policy and principles
- Address incompatibility of adjacent land use
 - Intense industrial uses and single family residential

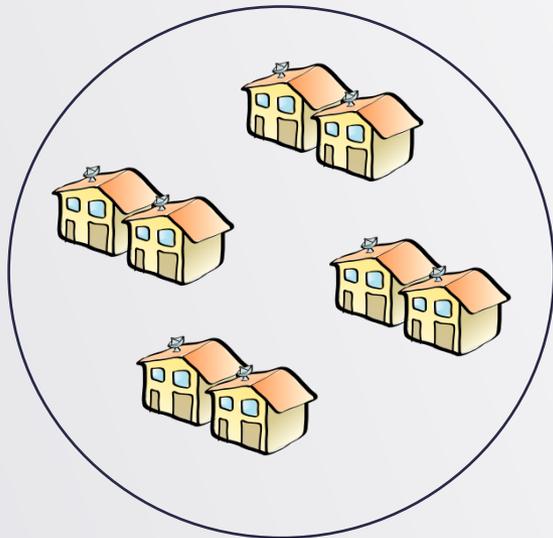


SA's ZONING in 1938



Uses of lower zoning districts are also allowed in higher zoning districts = sudden changes in land use

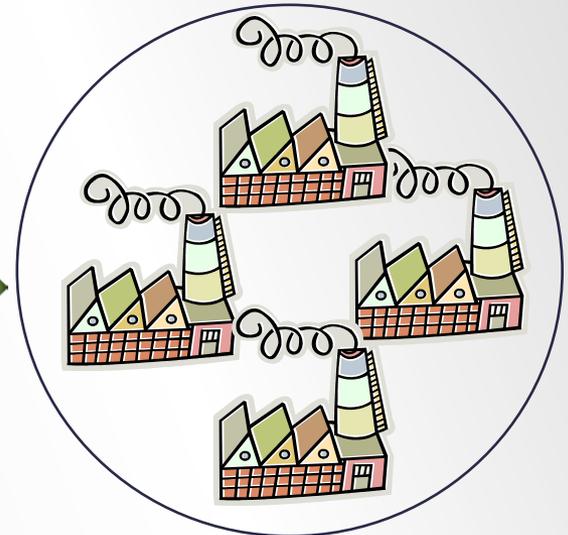
SA's ZONING in 1965



Residential Zone



Commercial Zone



Industrial Zone

Added to 1938 regulations

Range of compatible uses
transitioning from
residential to industrial zones

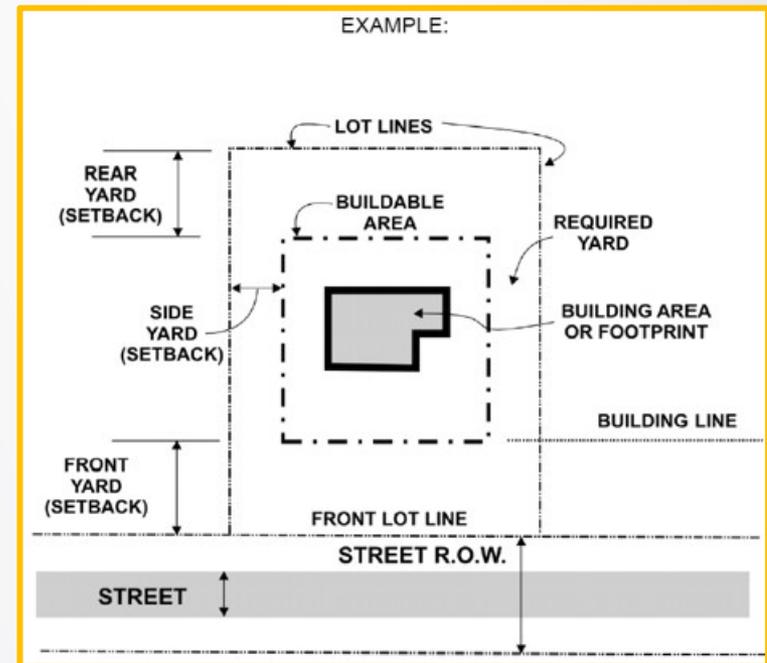


SA's ZONING IN 2001

- Unified Development Code (UDC)
- Expanded 1965 Code
 - Concept of transitioning between uses
 - Increasing opportunities for flexible mixed-use development
- Updated list of uses and definitions
- Converted 1938 & 1965 district to new ones
 - Created non-conforming uses in some

ZONING - UDC ARTICLE III

- Identifies zoning districts
 - Defines
 - Explains rules that apply in each
 - Heights, setbacks, density
 - Allowed uses
 - Additional guidelines for some uses and districts





ZONING DISTRICTS

Base Districts

- Allows a specified range of uses
 - Residential Single-Family and Mixed
 - R-6, R-5, RM-4, RM-6
 - Multi-Family
 - MF-18, MF-33, MF-65
 - Office
 - O-1, O-2
 - Commercial
 - C-1, C-2, C-3
 - Industrial
 - I-1, I-2
 - Flex
 - FR, M-1

Overlay Districts

- Additional development guidelines
 - Address compatibility
 - Most do **not** regulate use
 - “*HD*” Historic
 - “*NCD*” Neighborhood Conservation
 - “*MLOD*”/“*MSAO*” Military lighting and sound
 - “*RIO*” River Improvement
 - “*ERZD*” Edwards Recharge Zone

ZONING DISTRICTS

Special Districts

- Address unique situations
 - replace standards and requirements of the base zoning districts
 - “MPCD” and “MXD” - large, mixed-use developments
 - “QD” and “G” limited use districts
 - “IDZ” Infill Development
 - “PUD” Planned Unit Development



ZONING DISTRICTS

Conditional Use – “CD”

- Allows a land use not permitted by right in a **base** district
 - Can be compatible with surrounding zoning and land uses
- Allows a single, more intense use into a more restrictive district
- UDC specifies uses allowed by right and those allowed with a “CD”
 - [Table 422-1](#)



ZONING DISTRICTS

Conditional Use – “CD”

- Requires a site plan
- Zoning Commission can recommend “conditions” that must be met for a “CD”
 - Conditions = additional landscape buffers, building setbacks, lighting, etc.
 - Only City Council may approve
- A “CD” runs with the land until zoning is changed to remove it - doesn’t expire



ZONING DISTRICTS

Specific Use Authorization – “S”

- Allows certain uses not generally permitted by right that are acceptable in specific location
 - Have unique characteristics, circumstances and conditions
- Allows only uses specified in the Permitted Use Matrix ([Sec. 35.311](#))
- Requires site plan
 - Conditions may be added to ensure compatibility
- An “S” runs with the land until zoning is changed to remove it - doesn’t expire

DEED RESTRICTIONS

- Are private agreements
 - Limit use or activities in property
- Appear in county's property records
- Not enforced by governments or local planning authorities
- “Run with the title of the land”
 - Part of owners' right and obligation





NON-CONFORMING USES

- Existing uses not allowed with current zoning
- Legal non-conforming uses:
 - Established legally with past zoning regulations or if outside of city limits
 - Should be registered with the City
 - Limitations:
 - No additions to structure
 - New uses must follow existing zoning code
 - If non-conforming use discontinued for a year, use cannot be re-established



NON-CONFORMING USES

- Registration:
 - Prove legal establishment **and** continuous use from when it was allowed
 - Newly annexed properties must register within **1 year**
- Damage or destruction:
 - 50% or more of replacement cost = termination of non-conforming use
 - If single-family home, it may be rebuilt within 1 year



THE BOARD OF ADJUSTMENT (BOA)

Defined

- Quasi-judicial board
- Texas Local Government Code – Ch. 211
- Appointed by City Council

Duties

- Zoning regulation variances
- Special exceptions per UDC
- Alleged administrative official errors in determination
- Variances and appeals to Sign Ordinance
- Appeals from HDRC
- Appeals on screening and fencing for salvage yards

WHAT'S IN A VARIANCE?

- Hardship is because of “nature of land”
- Doesn't expire – “runs with the land”
- Due to construction or a violation
- Special exceptions:
 - 1 operator beauty or barber shop in residential area
 - Non-commercial parking lots
 - Ornamental iron fences in front yard



INSTRUCTIONS FOR COMPLETING THE REQUEST FOR ZONING VARIANCE TO THE SAN ANTONIO BOARD OF ADJUSTMENT

This coversheet is designed to provide you with general information about completing the requested application and should not be considered legal advice. If you have any questions, or do not understand these instructions, you are advised to seek help from a qualified attorney or land use planning expert.

Section 32-482(e) of the Unified Development Code of the City of San Antonio outlines the approval criteria that **must** be met for a variance request to be granted:

variance shall be granted unless:
The variance is not contrary to the public interest.

- "Condition 1" requires that in order for the variance to be granted, it may not be against the public interest. "Public Interest" for zoning variances is defined as the specific attention to those members of the Board of Adjustment that the proposed variance would result in the repeal or amendment of the ordinance would result in the repeal or amendment of a zoning regulation causes an applicant to be **not caused by the property itself**, for example, topography or other physical conditions of the property that cannot be caused by the applicant, cannot be caused by the applicant, and must relate to the very property for which the variance is requested. A unique condition, oppressive, and not necessary hardship is present only where, in the absence of the variance, the ordinance will be observed and substantial injury to the property would be caused.

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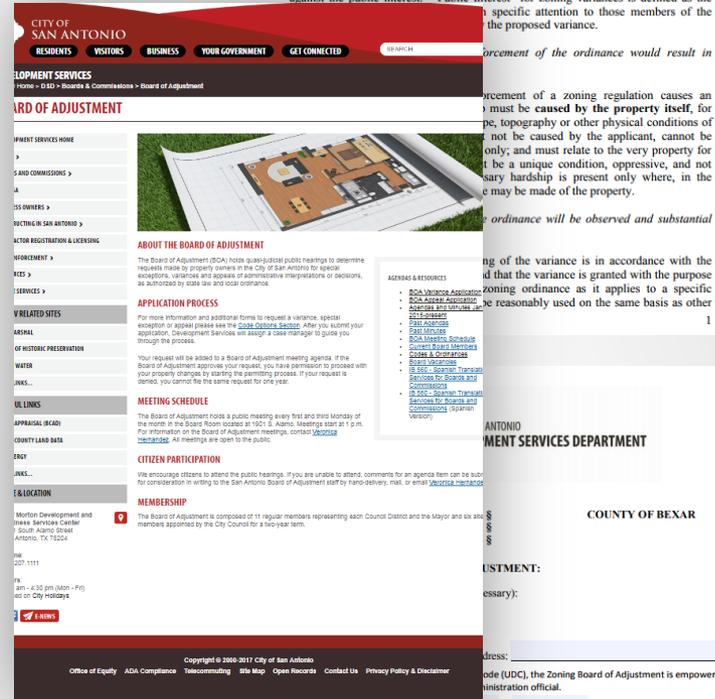
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HOW TO FILE A CASE

- For variance:
 - Indicate hardship
- For appeal:
 - Indicate alleged error in decision by administrative official
- Filing fee
- Plans, site plans
- Staff will assist through process



The Applicant, _____ of _____ County, alleges that the following administrative official _____ (Name of Official) _____, in his/her capacity as _____ (Title of Official) _____, made an incorrect decision, or interpretation regarding Section 35-____ of the UDC. This incorrect decision or interpretation was (was the section(s) of the UDC that was applied incorrectly. Provide details why the decision was incorrect or misinterpreted): _____

The correct decision or interpretation should be as follows (list the section(s) of the UDC that should be applied in this decision. Provide details how the decision should be made.): _____

WE WILL HELP YOU

- Review application
- Photograph property
- Survey land use
- Prepare maps
- Notify owners within 200 ft. or property
- Publish date of hearing in paper
- Prepare recommendation
- Present to BOA
- Follow up



WHAT IS NEXT?



- If approved:
 - Permit is issued for project
- If denied:
 - Plans must be amended to show compliance
 - Have to wait 1 year to file another request for same property

APPEALING A BOA DECISION

- Appeals must be:
 - Filed in State District Court
 - Within 10 days of approval of meeting minutes
- For sign variances:
 - Appealed to City Council
 - Within 5 days



ZONING 102



DUTIES



NCU



ZONING
HISTORY

BOA



PRESENTED BY:
CATHERINE HERNANDEZ, DSD ADMINISTRATOR