

AN ORDINANCE      **97017**

**AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES  
THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF  
SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND  
REZONING CERTAIN PROPERTY DESCRIBED HEREIN.**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1. Section 35-304 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:**

**CASE NO. Z2002243**

The rezoning and reclassification of property from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial, Nonalcoholic Sales Edwards Recharge Zone District on the property listed as follows:

2.26 acres out of NCB 16334

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

Provided that the following recommendations of the Aquifer Protection and Evaluation Division of the San Antonio Water System are adhered to:

1. The following shall be submitted to the Resource Protection Division of the San Antonio Water System prior to the release of any building permits:

A. A WPAP shall be submitted for each particular development/use within the area being considered for re-zoning,

B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,

C. A letter from the TCEQ approving each WPAP,

D. A copy of the approved WPAP,

E. An Aquifer Protection Plan, if required.

2. All stormwater run-off from the commercial development shall be directed to a water pollution abatement structure that shall be reviewed by the Resource Protection Division of the San Antonio Water System prior to the release of any building permits.

3. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection & Compliance Department at

(210) 704-7305 to schedule a site inspection.

4. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7305.

5. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.

6. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b)(5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.

7. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.

8. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

9. The owner/applicant of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.

10. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.

11. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.

12. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Aquifer Protection & Evaluation Section of the San Antonio Water System at (210) 704-7305.

13. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

SECTION 2. The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the

spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3. The City Council approves this zoning so long as the following condition is met:

1. The subject property is exempt from the Residential protection fencing requirement as defined by Section 35-514 (e)(1) of the Unified Development Code . This exemption is permitted by Section 35-514 (e)(3) of the Unified Development Code.

SECTION 4. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 -491.

SECTION 5. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 6. This ordinance is not severable.

PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF January 20 03

MAYOR: Donna Plonka PRO TEM

ATTEST: Helene L. Lederman  
City Clerk

APPROVED AS TO FORM: [Signature]  
CITY ATTORNEY