

AN ORDINANCE **99250**

**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.**

\* \* \* \* \*

**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. Z2004075 C**

The rezoning and reclassification of property from C-2 ERZD Commercial Edwards Recharge Zone District to C-2 C ERZD Commercial Edwards Recharge Zone District with conditional use for a nightclub on the property listed as follows:

0.0918 Acres out of NCB 19214

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

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 Conditional Use Zoning so long as the following conditions are met:

- (1.) No outdoor events or entertainment shall be permitted
- (2.) The use shall be in compliance with the City Code, Chapter 21, Article III, Noise.
- (3.) Marquee, flashing and blinking signs shall be prohibited.
- (4.) All signage shall be in compliance with the City Code, Chapter 28, Signs and Billboards.
- (5.) Hours of operation shall be limited to the hours between midnight and 2 a.m. and between 7 a.m. and midnight on any day except Sunday. On Sunday the hours of operation shall be limited to the hours between 10 a.m. and midnight.

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.

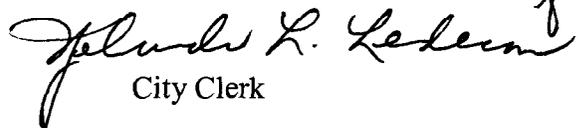
SECTION 5. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 6. This ordinance is not severable.

**PASSED AND APPROVED** this 27<sup>th</sup> day of May, 2004.



for M A Y O R

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
CITY ATTORNEY