

AN ORDINANCE 2006 - 01 - 12 - 49

AMENDING CHAPTER 35 OF THE CITY CODE TO INCLUDE VARIOUS VIA METROPOLITAN TRANSIT FACILITIES AND USES IN SECTION 35-311, USE REGULATIONS.

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WHEREAS, the San Antonio City Council adopted the revised Unified Development Code (UDC) on May 3, 2001 and reenacted the Unified Development Code, 2005 Edition on September 22, 2005; and

WHEREAS, as required by Section 35-111 the requests by VIA for amendments to the Unified Development Code for exemption from the City's zoning process were submitted to the Zoning Commission and the Planning Commission; and

WHEREAS, staff and VIA recommends approval of these amendments assigning appropriate zoning districts to VIA facilities; **NOW THEREFORE**,

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

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Article 1, Section 35-104 is amended as follows:

35-104 Applicability

(a) Generally

This Chapter shall apply to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, manufactured home parks, and also to streets and sidewalks insofar as these are involved in the foregoing enumeration of purpose and intent and the following enumeration of applicability.

This chapter shall apply to all public buildings and private land(s), and use(s) thereon over which the city has jurisdiction under the constitution(s) and law(s) of the State of Texas and of the United States, including any areas within the jurisdiction of the City pursuant to the authority recited in § 35-103, above. The department of development services (hereinafter known as the "department") of the city can be contacted for further information about the use of this code.

(b) Public Buildings, Structures and Uses

In the erection of buildings or other structures, city owned utilities are to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected. The provisions of this chapter ~~this chapter~~ shall not apply to buildings of county, state, or federal agencies, except for those cases in which the land is not owned by the county, state, or federal agency.

The provisions of this chapter shall apply to any buildings, structures, or uses of the city or its agencies or instrumentalities including, but not limited to, the department of public works, San Antonio Water System (SAWS), and City Public Service Energy (CPS Energy).

(C) Subdivision Regulations

Subdivision and platting regulations as set out herein shall apply to all of the area within the incorporated areas of the city and the extraterritorial jurisdiction of the city's provided in Vernon's Local Government Code, Chapter 212.

(d) Zoning

Article III of this chapter (zoning) shall not apply to any use or activity exempt from zoning pursuant to VTCA Local Government code § 211.013. Unless otherwise specifically provided for in Article III, Zoning, the zoning regulations shall not apply to property belonging to or used by the City of San Antonio, City Public Service Energy and the San Antonio Water System. The provisions of this chapter shall apply to the Via Metropolitan Transit System however VIA shall be exempt from zoning case fees.

Chapter 35, Article III, Section 35-311, Table 311-1, Table 311-1a and Table 311-2 are amended as follows:

35-311 Use Regulations

311-1 Residential Use Matrix

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Bus Shelter (Max size 6' x 13')	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Bus Stop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Transit Center													P	P	P	P	S	4133	
Transit Park & Ride													S	S	S	S	S	4133	
Transit Transfer Center (Max Size 14'X 33' and total foot print no larger than 30' x 40')	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4133	
Transit Station													S	S	S	S	S	4133	

**Table 311-1a
Residential use Matrix**

	Urban	Rural	Farm & Ranch	Mixed Industrial
PERMITTED USE				
Bus Shelter (Max size 6' x 13')	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Bus Stop	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Transit Center	<u>P</u>			<u>P</u>
Transit Park & Ride	<u>P</u>			<u>P</u>
Transit Transfer Center (Max Size 14' X 33' and total foot print no larger than 30' x 40')	<u>P</u>			<u>P</u>
Transit Station	<u>S</u>			<u>S</u>

35-311 Use Regulations (Non-Residential)

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TABLE 311-2 NON-RESIDENTIAL USE MATRIX		O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
	PERMITTED USE												
Transportation	Bus Shelter (Max size 6' x 13')	P	P	P	P	P	P	P	P	P	P	P	
Transportation	Bus Stop	P	P	P	P	P	P	P	P	P	P	P	
Transportation	Transit Center	P	P	P	P	P	P	P	P	P	P	S	4133
Transportation	Transit Park & Ride	S	S	P	P	P	P	P	P	P	P	S	4133
Transportation	Transit Transfer Center (Max Size 14'X 33' and total foot print no larger than 30' x 40')	P	P	P	P	P	P	P	P	P	P	S	4133
Transportation	Transit Station	S	S	S	S	S	S	S	S	S	S	S	4133

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SECTION 3. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

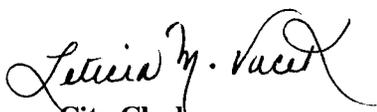
SECTION 5. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.

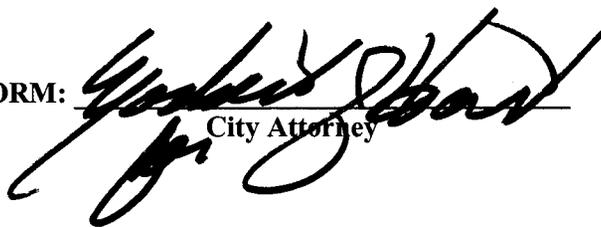
SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance shall be effective immediately if it receives eight affirmative votes. Otherwise, it shall be effective on the tenth day after its adoption.

PASSED AND APPROVED this the 12th day of January, 2006.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney