

Exhibit “C”

REGULATORY PLAN

This section constitutes the regulatory plan, prepared in accordance with §43.123 (d) of the Local Government Code. The regulatory plan identifies:

- Land use and Development regulations
- Future Full Purpose Annexation

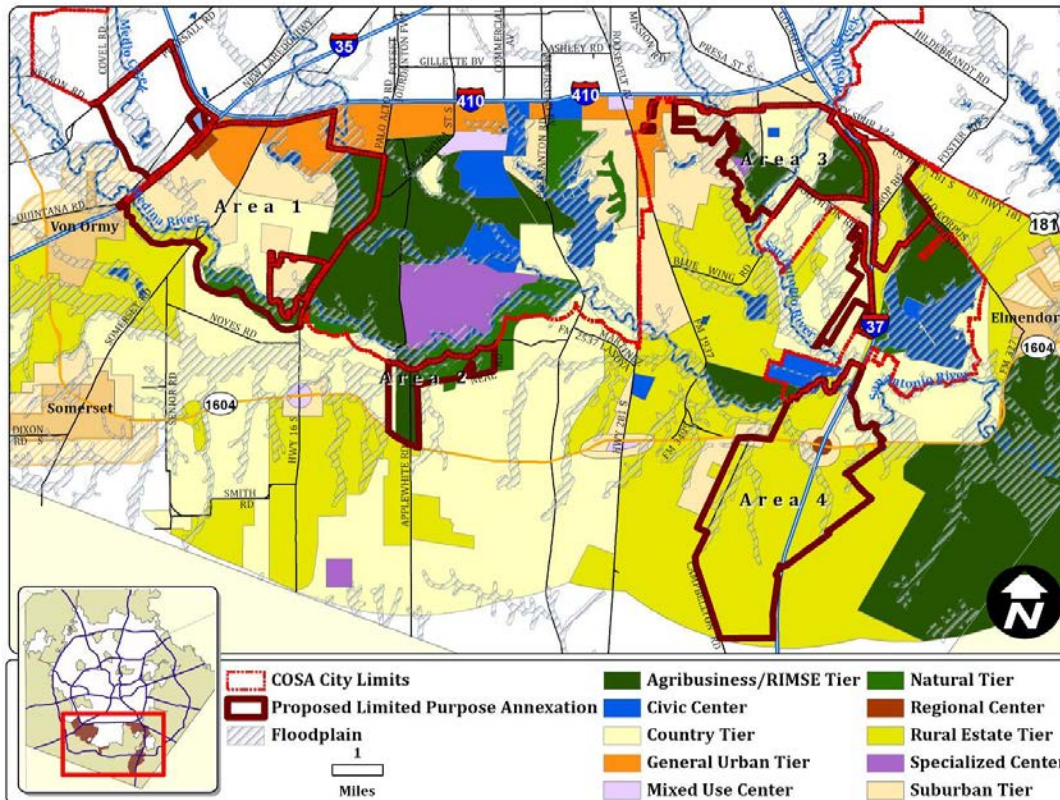
Land Use

Existing Land Use

The current land uses in the study areas are generally rural, farm, ranch, and agricultural with some limited industrial uses. There currently exists sporadic commercial uses along the major arterial roadways. A commercial use and strip center retail use has been erected along Southwest Loop 410 at the northern edge of Areas 1 and 2. An energy corridor is also developing along IH-37, which is a gateway to the Eagle/Ford shale formation to the south and southwest of Bexar County. Finally, along the Medina River at the southern end of City South there is a conservation and preservation area.

Current Sector Plan Land Use Classifications

The study areas are subject to the United Southwest Communities Plan, the Heritage South Sector and the West/Southwest Sector Plans. The Sector plans are long-range guides for the future growth, conservation and redevelopment of all the physical aspect of the City on a regional level. The Sector Plan currently provides the overall vision and policy guidance for regulations in this area, including zoning policy.



Map 1: Heritage South Sector Land Use Plan

Sector Plan Tiers & Centers

The Sector Plan future land use plans were prepared utilizing the concept of Centers and Tiers which allow for a range of compatible residential and non-residential uses within each Center and Tier. The land use classifications are referred to as “Tiers” or “Centers” to represent the Sector Plan’s goals. The Sector Plan establishes “Tiers” that range in density from “Urban” to “Natural Tiers”. “Centers” were established in order to locate preferred areas for coordinated investment. These included new Mixed-Use and Regional Centers as well as the incorporation of existing features. The “heavy industrial” land use classification is referred to in the Sector Plan as a “Specialized Center” area. The Civic Center land use classification was expanded to incorporate governmental and quasi-governmental uses, such as the new Texas A&M University - San Antonio campus.

The Major Thoroughfare Plan (MTP) provides policy guidance regarding the location and types of major roadways to be constructed in the future. Currently, the MTP is used to locate major and minor nodes for commercial development and regulate the location of densities in regards to the zoning.

Certain areas, located along IH-37 and Southton Road, have been designated in the Agribusiness Tier. The highest density residential and commercial uses including Regional Centers, Mixed Use Center and General Urban Tiers can be found along highways, major roadways and nodes located at several major intersections. Lower density residential uses are designated in the Country and Rural Estate Tiers near natural areas.

The Planning and Zoning Framework for Properties outside of the Jurisdiction of the CSMA

Pursuant to the spirit of the recommendations in Strategy #6 of the *Effectiveness Study and Economic Strategic Plan for the City South Management Authority*, the City has identified strategically situated economic development opportunity sites that should be studied and recommended for limited purpose annexation. The City has identified areas that enjoy similar potential for economic development and are adjacent to the “5 Most Marketable Nodes” and are logical extensions thereof. Thus, for these properties, the City is proposing annexation for limited purposes as well. These properties will be reviewed and analyzed using an economic development perspective, the effectiveness study and best planning practices in order to develop realistic and acceptable development scenarios. The City will initiate implementation of the potential scenarios via an update to the applicable future land use plan and will rezone affected properties to a zoning district that is in accordance with said plan in concert with the adoption of the Limited Purpose Annexation ordinance.

The Planning and Zoning Framework for Properties within the Jurisdiction of the CSMA

The City has identified representatives from key organizations and bodies to assist with the review of the existing zoning and future land use plan (Effectiveness Study Implementation Task Force). A representative from:

1. City South Management Authority Board / resident
2. City Planning Commission
3. City Zoning Commission
4. Texas A&M – San Antonio

5. Real Estate Council; and,
6. Policy Administrator of the City of San Antonio's Development Services Department

Those areas that are proposed to be annexed via limited purposes will be reviewed and analyzed using an economic development perspective, as recommended in the effectiveness study and best planning practices. The City is adopting zoning in the subject area in accordance with the comprehensive plan that was adopted by the City Council pursuant to ordinance number 2010-09-160811 (and as amended) and in accordance with the provisions of the Defense Adjustment Management Authority, Texas Local Government Code, Subchapter O. Zoning in the subject area shall be the same as previously adopted by the CSMA. Said zoning is depicted in the *Current Zoning* maps, located in the Planning Study section of this document, for limited purpose annexation Study Area #1 - #4.

The City will initiate the rezoning via an update to the future land use plan 90 days following the effective date of the limited purpose annexation and will rezone affected properties to a zoning district that is in accordance with said plan, as required in the Local Government Code. The land use plan updates and zoning changes will be informed by input from the aforementioned implementation task force. Further, the task force will review the development standards in the flex-zoning districts and make recommendations for Unified Development Code amendments in order to improve the effectiveness of these zoning districts.

Development Regulations Following Limited Purpose Annexation

The following planning, zoning, health and safety ordinances will be enforced in the areas upon completion of annexation for limited purposes:

- Building Code (Chapter 6 of the Municipal Code)
- Electricity Code (Chapter 10 of the Municipal Code)
- Fire Prevention Code (Articles III and IV of Chapter 11 of the Municipal Code)
- Solid Waste Code, specifically pertaining to Lot Clearance (Article V of Chapter 14 of the Municipal Code)
- Licenses and Business Regulations specifically pertaining to Salvage Yards and Auto Dismantlers (Article VII of Chapter 16 of the Municipal Code)
- Plumbing Code (Chapter 24 of the Municipal Code)
- Signs and Billboards (Chapter 28 of the Municipal Code)
- Water and Sewers (Chapter 34 of the Municipal Code)
- Unified Development Code (Chapter 35 of the Municipal Code), including, but not limited to, zoning regulations and all subsequent amendments, replacement ordinances, and related technical and illustrative manuals to these ordinances.

Notwithstanding the Municipal Code references above, the following exceptions shall be established if this area is annexed for limited purposes:

- Property owners will be allowed to erect, maintain, and repair traditional barbed wire or electric fences used in conjunction with agricultural, farming or ranching operations.
- Limited sales and possession of fireworks is permitted in areas annexed for limited purposes in accordance with Ordinance No. 97683.
- Fees will be waived for property owners seeking to register existing uses as non-conforming rights.

Future Full Purpose Annexation

The areas subject to this Limited Purpose Annexation will be included within the City's full purpose jurisdiction within three (3) years of the effective date of the limited purpose annexation ordinance unless the date for full purpose annexation is postponed by written agreement between the City and a majority of the affected landowners.

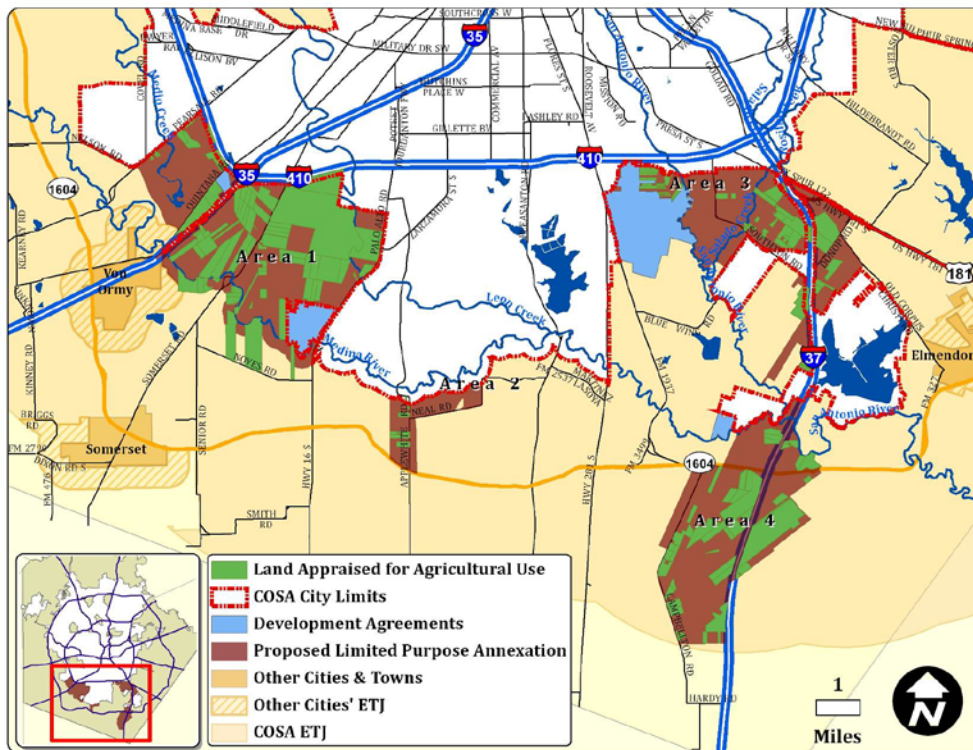
Planning Milestones

State law requires specific steps be completed by the City for each of the three years after an area is annexed for limited purposes leading toward the full-purpose annexation of the areas.

- By the end of the first year, the City must prepare a land use and intensity plan to be a basis for services and capital improvement project (CIP) planning.
- By the end of the second year, the City must include the area in the long-range financial forecast and in the City's program to identify future CIP projects.
- By the end of the third year, the City must include CIP projects intended to serve the area in the adopted CIP program and identify potential sources of funding.

Requirement to Offer a Development Agreement

Pursuant to § 43.035 of the Local Government Code, the City of San Antonio is obligated to offer a Development Agreement to properties appraised for ad valorem tax purposes as agricultural, wildlife management, or timber management. The properties that will be offered a Development Agreement are depicted below.



Map 24: Land Appraised for Agriculture Use

Disclaimers

The City has made a good-faith effort to provide accurate references to the Municipal Code sections in which the ordinances described above are codified. In the event that a portion of the Municipal Code listed above contains a reference to a portion of the Municipal Code or another City Ordinance that is not listed above then, to the extent necessary to either provide meaning to or to carry out the meaning of the listed portions, the referenced portions of the Local Government Code, Municipal Code or other City Ordinances shall also apply. Any failure to list all relevant Municipal Code references is inadvertent and will not affect enforcement of the ordinances by the City. Further, any and all exhibits contained herein are intended for reference purposes only and shall not be construed to be final. All exhibits shall be deemed “final” upon adoption of this draft Limited Purpose Annexation proposal.

The adopted regulatory plan must be the same as the proposed regulatory plan unless the San Antonio City Council finds and states in the ordinance the reasons for adoption of a different regulatory plan. The City of San Antonio City Council, by ordinance, may change an adopted regulatory plan if, in the ordinance making the change, the City Council finds and states the reasons for the adoption of the change.

Excerpts from the Unified Development Code

35-703 Newly Annexed Territory.

Nonconforming rights may be granted to newly annexed areas in accordance with the following provisions and upon payment of the fees specified in Appendix "C". All applications for nonconforming rights must be filed within sixty (60) days of the effective date of annexation.

- (a) **Incomplete construction.** Construction may be completed on any structure legally under construction upon annexation provided:
 - (1) The owner or his designated representative applies to the director of in Appendix "C for a permit to authorize further work on the structure stating the proposed use of the structure and attaching thereto the plans and specifications relating to the construction; and
 - (2) The construction is completed within two (2) years of the effective date of annexation. Action on the permits shall be taken by the director of development services within fifteen (15) days from the date of application. The director shall deny the permit if he finds that the construction will not meet the requirements of the building, fire protection, or minimum housing codes and other applicable ordinances and codes of the city. If the permit is refused, the construction work shall cease until necessary corrections are made.
- (b) **Proposed construction.** Proposed construction may be completed upon a finding by the zoning commission that sufficient evidence exists that planning for the proposed use was in progress prior to annexation, as prescribed by Appendix “B” to this chapter. Within fifteen (15) days from the date of such filing, the director shall present the evidence to the zoning commission for their determination, unless the applicant agrees to a longer period. The applicant shall have twelve (12) months from the date of the zoning commission's favorable determination to secure all building permits. After that time, the nonconforming rights shall expire.
- (c) **Master Development plans.** Newly annexed areas may be entitled to nonconforming rights for a master development plan upon favorable consideration by the zoning commission. The property owner must submit an application as prescribed by Appendix "B" of this chapter. The zoning commission shall conduct a public hearing on the nonconforming rights master development plan after giving notice to the owners of property within two hundred (200) feet in the manner provided in section 35-403 for a rezoning. The purpose of the public hearing

shall be to ascertain (1) the extent to which development of the master development plan had progressed prior to annexation and (2) the extent to which the master plan complies with the policies and objectives of the city's Land Use Plan. If the zoning commission approves the master development plan, construction in conformance with the plan must begin within one (1) year, with all portions of the plan either completed or under construction within five (5) years from the date of annexation. After that time, the nonconforming rights shall expire.

(Ord. No. 98697 §§ 4 and 6)(Ord. No. 100126)