**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

## AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

\* \* \* \* \*

**WHEREAS**, a public hearing was held after notice and publication regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

**WHEREAS**, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

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

**SECTION 1.**  Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 63.302 acres out of NCB 17700 and CB 4782 from "C-2 UC-1 ERZD" Commercial IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District "R-6 UC-1 ERZD" Residential Single-Family IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District and "R-6 UC-1" Residential Single-Family IH-10/FM 1604 Urban Corridor District to "C-3 S UC-1 ERZD" General Commercial  IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District and "C-3 S ERZD" General Commercial Edwards Recharge Zone District with a Specific Use Authorization for a Noncommercial Parking Lot on 34.298 acres out of NCB 17700 and CB 4782 and "C-3 CD S ERZD" General Commercial Edwards Recharge Zone District and "C-3 CD S UC-1 ERZD" General Commercial  IH-10/FM 1604 Urban Corridor Edward Recharge Zone District and "C-3 CD S UC-1" General Commercial  IH-10/FM 1604 Urban Corridor Edwards Recharge Zone District with a Conditional Use and Specific Use Authorization for Warehousing on 29.004 acres out of NCB 17700 and CB 4782 (all "MLOD-1 MLR-1 AHOD" Camp Bullis Military Lighting Overlay Military Lighting Region-1 Airport Hazard Overlay District overlays to remain unchanged).

**SECTION 2.**  A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

**SECTION 3.**  The City Council finds as follows:

   **A.** The conditional use will not be contrary to the public interest.
   **B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
   **C.** The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth

in Section 35-422, Conditional Zoning, of the Unified Development Code.

**D.** The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.

**SECTION 4.**  The City council approves this Specific Use Authorization so long as the attached site plan is adhered to.  A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

**SECTION 5.**  The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted.  Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval.  The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

**SECTION 6.**  All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris.  A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS.  If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan.  A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

**SECTION 7.**  Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for 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 the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

**SECTION 8.**  All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

**SECTION 9.**  The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 10.**  If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

**SECTION 11.**  This ordinance shall become effective [month day, year].

**PASSED AND APPROVED** this [date] day of [month year].

**M   A   Y   O   R**
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

_____          _____
Tina J. Flores, City Clerk          Andrew Segovia, City Attorney