

## **Sec. 35-339.07 – “ICOD” Industrial Compatibility Overlay Districts (DRAFT)**

### **Statement of Purpose**

The purpose of this section is to establish regulations to limit the encroachment of residential and commercial uses into established heavy industrial areas. Heavy industrial uses are important to the diversity of the economic base of San Antonio and are more likely to include potentially hazardous components and to generate high volumes of freight traffic. A purposeful and orderly transition of uses surrounding heavy industrial areas offers multiple levels of protection:

- Protecting the economic viability of important industry by limiting uses that could interfere with the operation of existing or planned heavy industrial uses; and
- Creating safeguards for less-intense commercial and residential uses that are needed to support the city’s workforce, residents, and visitors by minimizing the potential negative impacts of the operations of heavy industrial uses.

#### **(a) Zoning Process and Classification.**

- (1) This section establishes an Industrial Compatibility Overlay District (“ICOD”) as an overlay to base zoning districts and specifies the general purpose of the overlay district. A separate ordinance is required to designate an overlay district via the official rezoning process under Article III (Zoning) of this code.
- (2) The Development Services Department and/or Planning Department shall coordinate with other appropriate departments or agencies to evaluate land use, transportation, and other development related issues in recommending the designation of an Industrial Compatibility Overlay District.
- (3) The zoning designation for Industrial Compatibility Overlay Districts shall consist of the “ICOD” symbol. Each district shall be numbered sequentially to distinguish among different districts, i.e., “ICOD-1”, “ICOD-2”, etc.
- (4) Each “ICOD” district shall establish standards such as definitions, boundaries, prohibited uses, and other requirements as determined by the type and scale of the industrial uses and other circumstances present in the area.
- (5) Authorized uses must be permitted in both the base zoning district and any overlay districts (including the “ICOD” district) and must comply with the development standards of the base zoning district.

#### **(b) “ICOD-1” District Standards.**

- (1) **Definitions and Boundaries.** “ICOD-1” encompasses the property identified as Bexar County Appraisal District Property ID 986344 / Geographic ID 04297-202-0010 (which is generally located on the south side of San Antonio between Leon Creek to the north, Pleasanton Road to the east, Medina River to the south, and Applewhite Road to the west and is further described as Lot 1, Block 2, CB 4297B of the TMMTX Subdivision recorded in Volume 9562 Pages 27-39 of the Deed and Plat Records of Bexar County, Texas, Save and Except those portions conveyed to the City of San Antonio under Special Warranty Deeds recorded in Volume 13276 Page 133 and Volume 13276 Page 156 of the Deed and Plat Records of Bexar County, Texas) and all properties within the two- mile area extending from the boundaries of BCAD Property ID 986344 / Geographic ID 04297-202-0010. “ICOD-1” is comprised of two separate zones:

- A. **Zone A** includes BCAD Property ID 986344 / Geographic ID 04297-202-0010 and extends for one mile from the boundaries of that property.
- B. **Zone B** begins at the outermost boundary of Zone A and extends for one mile, ending at two miles from the boundary of BCAD Property ID 986344 / Geographic ID 04297-202-0010.

(2) **Uses.**

- A. The following uses are prohibited in “ICOD-1” Zone A:

1. The following uses listed in Sec. 35-311 Tables 311-1 or 311-1a:
  - Assisted living, boarding home, and community home facilities
  - Bed and breakfasts
  - Childcare facilities
  - Dwellings
  - Foster family and foster group homes
  - Housing facilities for older persons
  - Human Services Campus
  - Nursing facilities
  - Permanent supportive housing
  - Recreation facilities, neighborhood
  - Public and private schools
  - Short term rentals
  - Supportive housing campus
  - Transitional homes
2. All uses listed in Sec. 35-311 Table 311-2 and Table 311-2a, categorized as:
  - Alcohol
  - Amusement
  - Auto
  - Dwelling
  - Farm and Ranch Retail – Crafts
  - Housing
  - Recreation
  - Retail
  - School
  - Service
  - Social
3. The following uses are permitted in “ICOD-1” Zone A notwithstanding the use prohibition in Subsections A.1. and A.2. (above):
  - Alcohol – Beverage Manufacture or Brewery, without accessory uses listed in Sec. 35-A101
  - Alcohol – Distillation, Storage
  - Alcohol – Winery With Bottling, without accessory uses listed in Sec. 35-A101 for Alcohol Beverage Manufacture or Brewery
  - Animal Racetrack And/Or Rodeo Arena

- Auto and Light Truck Repair (includes motorized vehicles such as motorcycles and all-terrain vehicles)
- Truck And Heavy Equipment – Auction
- Ambulance Service
- Auto – Manufacture
- Auto and Light Truck – Manufacture
- Auto and Light Truck – Oil, Lube And Tune Up
- Auto And Light Truck Auction
- Auto Paint And Body – Repair With Outside Storage Of Vehicles And Parts Permitted But Totally Screened From View Of Adjacent Property Owners And Public Roadways
- Auto State Vehicle Inspection Service
- Auto Upholstery – Sales and Installation Completely Enclosed
- Carwash
- Parking And Transient Vehicle Storage – Related To A Delivery (Auto, Truck, Trailer And Marine)
- Parking And/Or Storage – Long Term
- Parking Lot or Garage – Noncommercial
- Truck Repair and Maintenance
- Truck Stop or Laundry – Full Mechanical Service and Repair Permitted
- Truck Stop or Laundry – Tire Repair Permitted
- Wrecker Service
- Housing (Temporary or Permanent) For On-Premises Caretaker
- Archery Range – Outdoor Permitted
- Archery Range – Indoor Only
- Gun Range – Indoor Only
- Gun Range – Outdoor Permitted
- Park – Public Or Private
- Stable And Equestrian Center
- Farm Supplies
- Feed, Seed, Fertilizer Sales
- Landscaping Materials – Sales And Storage
- Nursery – Retail (Growing Plants On-Site Permitted)
- Pet or Pet Supply Store

- School - Vocational Trade (Outside Storage And Training Area Permitted)
- Air Conditioning/Refrigeration – Service And Repair
- Altering/Repairing Of Apparel
- Ammunition – Manufacturing, Loading And Storage
- Appliance – Repair Major
- Appliance – Repair Small
- Bicycle – Repair
- Boat And Marine – Storage (Outside Permitted)
- Caterers and Catering Shop (No On-Premises Food Services)
- Cemetery, Columbarium Or Mausoleum
- Construction Trades Contractors-screening required for outdoor storage from public ROWs and adjacent property except in “I-2”
- Electric Repair – Heavy Equipment
- Electric Repair – Light Equipment
- Electric Equipment – Repair
- Elevator Maintenance – Service
- Exterminators
- Food, Mobile Vending (Base Operations Only)
- Furniture Repair/Upholstering
- Gasoline Filling Station (With Repair And/Or Carwash Permitted)
- Gasoline Filling Station – Fleet
- Gunsmith
- Janitorial/Cleaning Service
- Lawnmower Repair And Service
- Manufactured Home/Oversize Vehicle Sales, Service Or Storage
- Mortuary – Preparation Only
- Rental – Event Specialties (no outside storage and or display allowed)
- Rental – Tool, Equipment and Event Specialties (fenced and screened outside storage and display permitted)
- Shoe Repair
- Taxidermist
- Tree Cut and Trim Service
- Watch Repair

B. The following uses are prohibited in “ICOD-1” Zone B:

1. All uses listed in Subsection A.1. (above).

**(3) Use Exceptions.**

- A. **Existing Residences.** Regardless of any other code provisions that are contrary, residential uses located within the “ICOD-1” that were lawfully in compliance with the provisions of this section on the effective date of the “ICOD-1” overlay district designation being placed on the property may be repaired and enlarged provided (1) the number of dwelling units is not increased, (2) the lot is not subdivided, and (3) all other applicable requirements of this district are met.
- B. **Undeveloped Platted Lots.** Vacant platted lots located within the “ICOD-1” that were lawfully in compliance with the provisions of this section on the effective date of the “ICOD-1” overlay district designation being placed on the property which are zoned for residential uses may be used for residential purposes providing they conform to all other applicable requirements of this district. Such lots may not be subdivided for additional residential uses.
- C. **Undeveloped Unplatted Property.**
  1. Undeveloped unplatted properties zoned for single-family residential use that were lawfully in compliance with the provisions of this section on the effective date of the “ICOD-1” overlay district designation being placed on the property may be platted and used for single-family residences in the “ICOD-1” provided they conform to all other applicable requirements of the district. Such lots may not exceed a density of one (1) single-family residence per acre.
  2. Continued Use of Zoning Permitting Residential Uses.
    - a. Use of Residentially Zoned Properties. Notwithstanding the adoption of the “ICOD-1” and the language of Subsection C.1. (above), the reservation and preservation of the right to establish residential uses as were authorized in the base zoning district of the property as of the effective date of the “ICOD-1” overlay district designation, is hereby recognized provided that such property is registered with the City of San Antonio’s Development Services Department.
    - b. Registration Process. Registration shall require completing and submitting a registration application to the Development Services Department with payment of the application/registration fee as required for registration of recognition of nonconforming right in Sec. 35-C101. The application shall include the legal description of the subject property and the subject property’s zoning designation as of the effective date of the “ICOD-1”. Upon approve, the registration of reserved uses shall have the effect of preserving the right to establish residential uses as were authorized in the base zoning district of the property as of the effective date of the “ICOD-1”.
    - c. Time to Register a Preserved Residential Use. A use registered in the manner prescribed by this subsection shall be referred to as a “Preserved Residential Use”. The right of a property owner to register to establish a Preserved Residential Use as prescribed herein shall expire and be a nullity on December 31, 2024. Applications turned in to the City by or on December 31, 2024, may be considered for approval but no applications shall be accepted after this date. Any property that is not approved for a Preserved Residential Use shall be

subject to the restriction(s) of Subsection C.1. (above) to not exceed a density of one (1) single-family residence per acre.

- d. Expiration of a Preserved Residential Use. The registration of a Preserved Residential Use shall expire under the following conditions:
  - i. Should a rezoning case be initiated on a registered property, which is ultimately approved by the city council, any rights derived pursuant to the registration procedures of this section shall expire and be a nullity.
  - ii. If no Master Development Plan or plat application is submitted for residential development of the registered property within two (2) years of the effective date of the “ICOD-1”, any rights derived pursuant to the registration procedures of this section shall expire and be a nullity.
  - iii. The sooner of five years after the effective date of the “ICOD-1” overlay district or completion of a project on the property as evidenced by the issuance of a certificate of occupancy.

- D. **Nonconforming Uses.** Any use prohibited by this section which is designated through the appropriate process as non-conforming shall be subject to the same rules and conditions found in Article VII, Division 1 (Nonconforming Uses) of this code. In the event of a conflict between this section and another, this section shall control.