

ORDINANCE

2023-02-02-0059

**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 Lot 9 and Lot 18, Block B, NCB 632, located at 230 Cactus Street, from "RM-4 HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District to "RM-4 CD HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District with a Conditional Use for a Performing Arts Studio.

**SECTION 2.** 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.
- E. The conditional use will not affect adversely the public health, safety and welfare.

**SECTION 3.** The City council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.


**SECTION 4.** 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 5.** 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 6.** This ordinance shall become effective February 12, 2023.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of February, 2023.



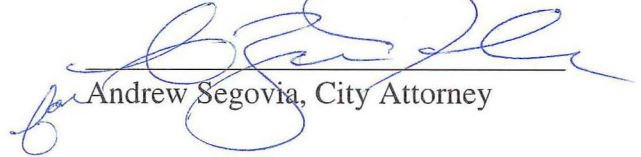
M A Y O R  
Ron Nirenberg

**ATTEST:**



Debbie Racca-Sittre, City Clerk

**APPROVED AS TO FORM:**



Andrew Segovia, City Attorney



## City of San Antonio

### City Council Meeting February 2, 2023

5.

**2023-02-02-0059**

ZONING CASE Z-2022-10700305 CD (Council District 2): Ordinance amending the Zoning District Boundary from "RM-4 HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District to "RM-4 CD HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District with a Conditional Use for a Performing Arts Studio on Lot 9 and Lot 18, Block B, NCB 632 located at 230 Cactus Street. Staff and Zoning Commission recommend Approval.

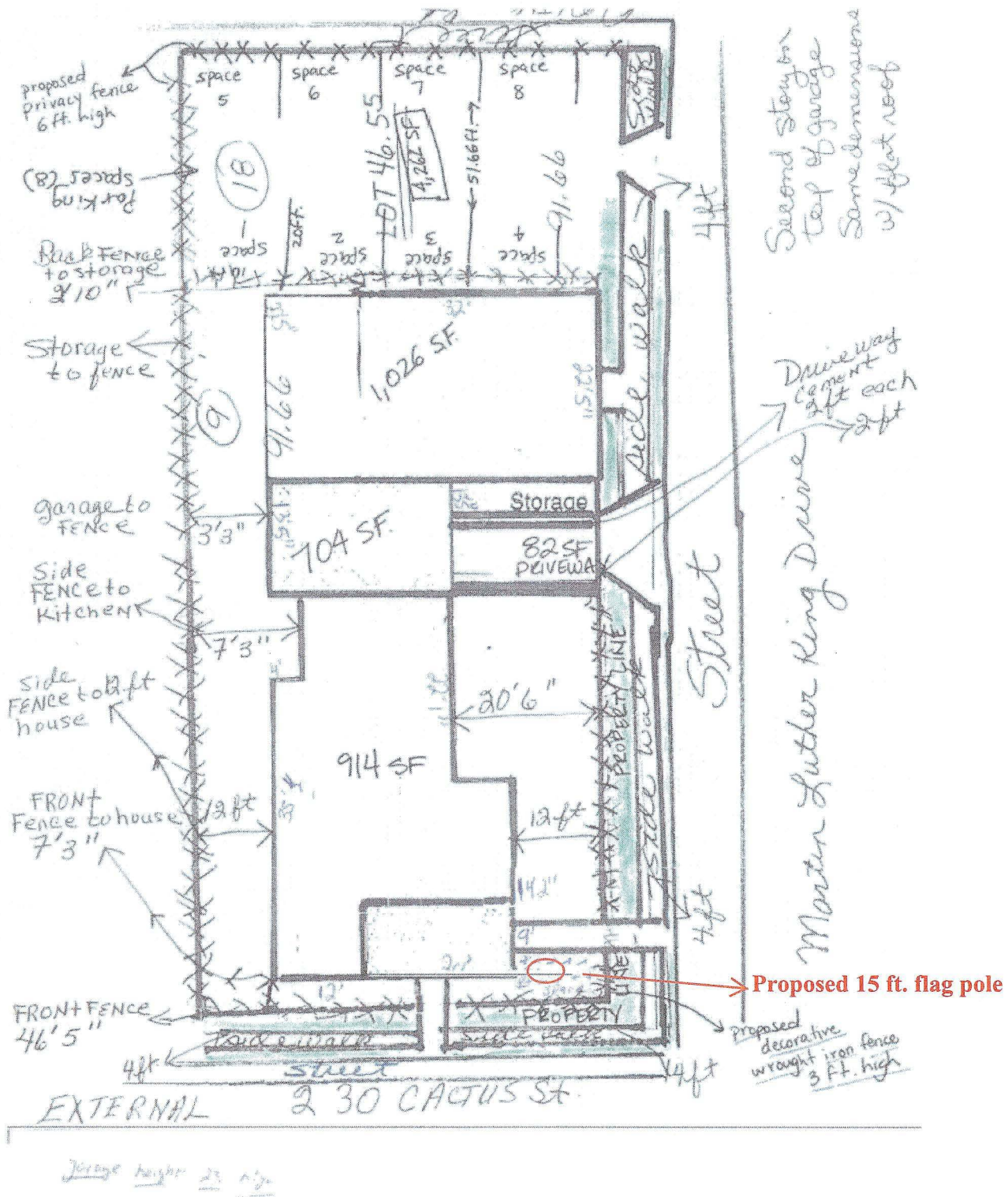
Councilmember Courage moved to Approve on the Zoning Consent Agenda. Councilmember Cabello Havrda seconded the motion. The motion carried by the following vote:

**Aye:** Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Pelaez, Courage, Perry

**Absent:** DISTRICT 7

# EXHIBIT “A”





From: "RM-4" Residential Mixed District

To: "RM-4 CD" Residential Mixed District with a Conditional Use for a Performing Arts Studio

I, Eugenio & Alma Chavarria, the property owners, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.

Exhibit "A"