

December 5, 2018

Alamo City Assets, LLC
Mr. Michael High
P.O. Box 90533
San Antonio, TX 78208

RE: Opinion Letter for 2024 S. Flores St., San Antonio, TX 78204

Dear Mr. High:

Our office has completed our due diligence research for the property located at 2024 S. Flores St., San Antonio, TX 78204 (the "Property") and has made the following findings:

- a. The Property is currently located in the "I-1" General Industrial base zoning district. The I-1 zoning classification is governed by Section 35-310.13 of the City of San Antonio Code of Ordinances, which requires that all driveways, parking areas, and pedestrian driveways be surfaced with an all weather surface and that curbs and gutters be provided where required by street design standards. Additionally, any and all delivery and freight handing areas must be screened from the boundary of any property which is not zoned as Light Industrial ("L"), General Industrial ("I-1") or Heavy Industrial ("I-2"), and that the Property not be accessed from residential streets. Based on our previous conversations, the current zoning is compatible with your anticipated use of the Property.
- b. In addition to the base zoning district, the Property is located in the Military Airport Overlay Zones ("MOAZ") and the Airport Hazard Overlay District ("AHOD"). The MOAZ is governed by Section 35-334 of the City of San Antonio Code of Ordinances and restricts the permitted uses of the Property to include already existing residential uses and, among other things, beverage manufacturing and processing. Additionally, the MOAZ restricts use of the Property by implementing height regulations, prohibiting certain visual and electrical interference, as well as the storage of flammable solids and liquids. The restriction on flammable material may warrant further discussion based on your anticipated use of the Property. The AHOD is Governed by Section 35.331 of the City of San Antonio Code of Ordinances and contains similar height and use restrictions as the MOAZ,

including restrictions on the use of property that: creates electrical or visual interference with any electronic facility or instrumentation; makes it difficult for flyers to distinguish between airport lights and others; results in glare in the eyes of flyers using the airport; impairs visibility in the vicinity of the airport; causes physical objects of any nature to penetrate the air space above the imaginary surfaces established by the City Code; establishes or alters privately owned flying fiends, strips or helipads; creates bird strike hazards; or otherwise endangers the landing, take-off, or maneuvering of aircraft. There is no anticipated conflict between the existing and future use and the AHOD.

- c. There is currently no historic designation or restrictive covenant that would limit the use of the use or alteration of the Property.
- d. The Property is eligible to participate in the Texas Enterprise Zone Program (the "EZP"). The EZP allows eligible candidates to receive state sales and use tax refunds on qualified expenditures. If your company meets the eligibility criteria, you may be able to receive tax refunds on eligible expenditures. If you are interested in participating in the program, please reach out to our office so that we may prepare an application on your behalf.
- e. The Property falls within Reinvestment Zone Number 30, City of San Antonio, Texas, more commonly referred to as the Westside TIRZ. The Westside TIRZ reimburses infrastructure and other associated expenses for eligible projects within its area.

Please reach out to our office if you would like more information regarding any of the above listed variables that may affect the future development of your Property.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Earl', written over a horizontal line.

David L. Earl
Attorney at Law
Earl & Associates, P.C.
601 NW Loop 410, Suite 390
San Antonio, TX 78216

Sec. 35-310.13. - "I-1" General Industrial.

STATEMENT OF PURPOSE

This district accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. "I-1" must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. These districts are located for convenient access for existing and future arterial thoroughfares and railway lines. These districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The "I-1" district implements the following policies of the master plan:

- Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas (Growth Management, Policy 1b).*
- Support and encourage efforts to diversify the economic base of San Antonio (Economic Development, Policy 1e).*
- Natural Resources, Policy 1g: Promote the safe storage of hazardous materials in locations that do not endanger neighborhoods.*
- Natural Resources, Policy 1g: Identify and establish appropriate locations and standards for the storage of hazardous and toxic materials.*
- Natural Resources, Policy 1g: Consider during the zoning process and when issuing building permits and certificates of occupancy, the proximity of residential neighborhoods to the storage of hazardous materials.*

(a) General Provisions.

- A. All driveways, parking areas, and pedestrian ways shall be surfaced with an all weather surface. Curb and gutter shall be provided where required by the street design standards.
- B. All delivery and freight handling areas shall be screened from the boundary of any property not zoned "L," "I-1" or "I-2."
- C. Sites shall not be accessed from residential streets.

Sec. 35-331. - "AHOD" Airport Hazard Overlay District.

STATEMENT OF PURPOSE

This division is adopted pursuant to the authority conferred by V.T.C.A. Local Government Code Ch. 241. It is hereby found that an airport hazard endangers the lives and property of the users of San Antonio International Airport, Stinson Municipal Airport, Kelly Air Force Base, Randolph Air Force Base and of the occupants of land in the vicinity thereof, and also, if of the obstruction type, such hazard reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of these airports and the public investment therein. Accordingly, it is declared:

- That the creation or establishment of an airport hazard is a public nuisance and an injury to the communities served by these airports;*
- That it is necessary, in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and*

- *That the prevention of these hazards should be accompanied, to the extent legally possible, by the exercise of the police power without compensation.*

(a) **Development Standards.**

- (1) **Future Uses.** Within any airport hazard area which is within, or extends into, the controlled area of these regulations, no material change in the use of land and no structure or tree shall be erected, altered, planted or otherwise established at a height greater than two hundred (200) feet above the ground or above a 100 to 1 (100:1) slope from the nearest point of the nearest runway of any airport unless a permit therefor shall have been applied for and granted. Applications for permits shall be made to the department of planning and development services upon a form supplied for this purpose, and by submitting a map of sufficient accuracy and detail to allow an accurate determination of compliance with this division. No permit for a use inconsistent with this division shall be granted unless a variance has been approved in accordance with subsection (a)(4) of this section. Nothing in the foregoing shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of the height limits established by this division.
- (2) **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher or become a greater hazard to air navigation than it was on the effective date of the ordinance from which this division is derived or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (3) **Nonconforming Structures, Natural Growths and Land Uses.** A permit shall be required before any nonconforming structure, natural growth or land use in the airport hazard area may be altered, repaired, rebuilt, replaced, replanted or relocated. No permit shall be granted that would allow a nonconforming structure, natural growth or land use to be made or become higher, or become a greater hazard to air navigation than it was. Whenever the department of planning and development services or administrative agency outside of the City of San Antonio determines that a nonconforming land use has been abandoned or more than eighty (80) percent torn down, damaged, physically deteriorated or decayed, no permit shall be granted that would allow same to be replaced, repaired or re-established unless in full compliance with the height and use restrictions of this division.
- (4) **Variances.** Any person desiring to erect or increase the height of any structure or permit any natural growth or use his property, not in accordance with the regulations prescribed in this division, shall apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this division. Applications for such action by the board of adjustment shall be made to the director of planning and development services if inside the City of San Antonio, or the director of planning and development services if in the city's extraterritorial jurisdiction.
- (5) **Federal Notification.** Within any airport hazard area, any person who proposes any construction, alteration or tree growth meeting the following criteria shall give notice to the regional office of the Federal Aviation Administration if and as required by Part 77 of the Federal Aviation Regulations, titled "Objects Affecting Navigable Airspace":
 - Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site.
 - Any construction or alteration of greater height than an imaginary surface extending upward and outward at any one (1) of the following slopes: (a) for International and Stinson, a slope of 100 to 1 (100:1) for a horizontal distance of twenty thousand (20,000)

feet from the nearest point of the nearest runway; and (b) for military airports, a slope of 50 to 1 (50:1) for a horizontal distance of ten thousand (10,000) feet from the nearest point of the nearest runway.

Also, any person who proposes to construct, alter, activate or deactivate a civil or joint use, civil/military, airport shall likewise give notice to the Federal Aviation Administration as required by Part 157 of the Federal Aviation Regulations titled "notice of construction, alteration, activation, and deactivation of airports." If a request for a permit or variance is made from any action falling under any of the stated federal notice requirements, final action on the requested permit or variance may, at the discretion of the administrative agency or of the board of adjustment, be deferred until a final determination has been issued by the Federal Aviation Administration. However, in no event shall the requirements of this division be subordinate to a determination of the Federal Aviation Administration.

- (6) **Marking and Lighting.** Any permit or variance granted may require the owner of the structure or natural growth in question to install, operate and maintain thereon, at his own expense, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Any lights required under this paragraph shall be engineered and designed for the intended purpose by a recognized manufacturer, and it shall be the responsibility of the owner or any subsequent owner to see that the lights are properly installed and maintained so as to be functioning during darkness and all periods of low visibility, independently of the functioning of other lighting in or on the structure or growth.
- (b) **Height-Limiting Imaginary Surfaces, International and Stinson.** The height restrictions for structures and growths in the airport hazard areas are specified by means of imaginary planes or surfaces in the airspace above the airport hazard areas. Within the controlled area of this section, such surfaces are hereby established in the airspace surrounding each airport protected by this division to define the limit above which any projection of a structure or tree would be considered an airport hazard and thus be prohibited except as otherwise provided by this division. The surfaces are illustrated on the airport hazard zoning maps, which are adopted and made a part of this division, by means of elevation contour lines in a manner similar to the use of topographic contour lines to illustrate the variations in the elevation of natural terrain. Their geometric description is as follows:
- (1) **Primary Surface.** The primary surface is centered longitudinally and laterally about the runway, the ends extending two hundred (200) feet beyond the runway ends. The elevation of any point on the primary surface is the same as the nearest point on the runway centerline between the runway ends. The width of the primary surface varies according to the existing or planned classification of usage of the most critical end of the individual runways as follows per Part 77 of the Federal Aviation Regulations:

A. San Antonio International Airport:

Runway 12"R-3"OL,	one thousand (1,000) feet
Runway 12L-30R,	one thousand (1,000) feet
Runway 3-21,	one thousand (1,000) feet

B. Stinson Municipal Airport:

Runway 9-27,	one thousand (1,000) feet
Runway 14-32,	five hundred (500) feet

- (2) **Approach Surface.** The approach surface is an inclined plane, longitudinally centered on the extended runway centerline, which begins at the end of the primary surface, at the same width and elevation, and extends outward and upward at a specific horizontal to vertical slope, at a specific uniform rate of increase in width and for a specific distance as follows:

A. San Antonio International Airport:

Runways 3, 12R, 12, 21, and 30L: 50 to 1 (50:1) slope for first ten thousand (10,000) feet, thence to a 40 to 1 (4:1) slope at an ultimate distance of fifty thousand (50,000) feet, at which the width is sixteen thousand (16,000) feet.

Runway 30R: 20 to 1 (20:1) slope for a distance of five thousand (5,000) feet, at which the width is one thousand five hundred (1,500) feet.

B. Stinson Municipal Airport:

Runway 27: 50 to 1 (50:1) slope for first ten thousand (10,000) feet, thence at a 40 to 1 (40:1) slope to an ultimate distance of fifty thousand (50,000) feet, at which the width is sixteen thousand (16,000) feet.

Runway 32: 20 to 1 (20:1) slope for a distance of five thousand (5,000) feet, at which the width is two thousand (2,000) feet.

Runways 9 and 14: 20 to 1 (20:1) slope for a distance of five thousand (5,000) feet, at which the width is one thousand two hundred fifty (1,250) feet.

- (3) **Transitional Surface.** These surfaces extend outward and upward to a slope of 7 to 1 (7:1) from the longitudinal edges of the primary surfaces and approach surfaces, measured at right angles to the runway centerline and centerline extended. These surfaces connect the primary and approach surfaces with the other surfaces described in this section, including other transitional surfaces. Beyond the outer periphery of the conical surfaces, the transitional surfaces extend a maximum horizontal distance of five thousand (5,000) feet from the longitudinal edges of the precision approach surfaces, measured at right angles to the extended runway centerline.
- (4) **Horizontal Surface.** The horizontal surface is a horizontal plane one hundred fifty (150) feet above the established airport elevation, nine hundred fifty-nine (959) feet above mean sea level for San Antonio International; seven hundred twenty-seven (727) feet above mean sea level for Stinson Airport. The perimeter of the horizontal surface is constructed by swinging arcs of ten thousand (10,000) feet radius from the center of each end of the primary surfaces of Runways 3-21, 12R-30L and 12L-30R at San Antonio International Airport and Runway 9-27 at Stinson Municipal Airport. The adjacent arcs are then connected by tangent lines.
- (5) **Conical Surface.** The conical surface extends outward and upward to a slope of 20 to 1 (20:1) from the periphery of and at the same elevation as the horizontal surface. It extends

for a horizontal distance of four thousand (4,000) feet, to a height of three hundred fifty (350) feet above established airport elevation.

- (6) **Kelly Air Force Base and Randolph Air Force Base.** In addition to the above described imaginary surfaces, the imaginary surfaces of Kelly Air Force Base and Randolph Air Force Base described by Section 77.28 of Part 77 of the Federal Aviation Regulations, and which extend into the corporate limits of the city, shall be enforceable under these regulations within the corporate limits.

(c) **Height Restrictions.**

- (1) Except as otherwise provided in this article, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area in excess of the height of the imaginary surface above the structure or natural growth.
- (2) Where more than one (1) imaginary surface or the imaginary surfaces of more than one (1) airport exist in the same area, the more restrictive limitation shall prevail.
- (3) In addition to the height restrictions imposed by the imaginary surfaces, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area at such height as would result in the alteration of any flight procedure established by federal aviation authorities.
- (4) If tall construction cranes or other equipment will be used which are higher than a structure or growth which is being erected under a permit granted pursuant to this article, the operator of the cranes or equipment may be required, at the discretion of the authorities in charge of the airport affected, to maintain coordination with air traffic control personnel to keep them informed of his work schedule, to keep the equipment in a lowered position to the maximum extent possible, and to install appropriate hazard marking and/or lighting on the top extremity of the equipment.
- (5) Nothing in this division shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to twenty (20) feet above the surface of the land.
- (6) If the imaginary surface boundaries established above are less restrictive for a specific instance than those specified in the Federal Aviation Regulation Part 77, "Objects Affecting Navigable Airspace" as amended, or any subsequent Federal Aviation Agency criteria, then the criteria shall, in effect, be a part of these regulations and shall be the applicable restriction hereunder.

(d) **Use Restrictions.** Notwithstanding any other provisions of this division no use may be made of land within the airport hazard area in such manner as to:

- (1) Create electrical or visual interference with any electronic facility or instrumentation, wherever located within the airport hazard area, including but not limited to, radio transmitters and receivers, radar installations, landing and navigational aids and weather instruments where such facilities are used in connection with the landing, taking-off and maneuvering of aircraft;
- (2) Make it difficult for flyers to distinguish between airport lights and others;
- (3) Result in glare in the eyes of flyers using the airport;
- (4) Impair visibility in the vicinity of the airport;
- (5) Cause physical objects of any nature to penetrate, however briefly, the air space above the imaginary surfaces established in this article, such objects including, but not limited to kites, balloons, projectiles, rockets, model aircraft, derricks and cranes, unless a special temporary permit be obtained from the authorities in charge of the affected airport;
- (6) Establish or alter privately owned flying fields, strips or heliports, unless found not to be objectionable after a special aeronautical study by federal aviation authorities;

- (7) Create bird strike hazards;
 - (8) Otherwise endanger the landing, taking-off, or maneuvering of aircraft.
- (e) **Nonconforming Uses.**
- (1) **Not Retroactive.** The regulations prescribed in this division shall not be construed to require changes in land use or the removal, lowering, or other change or alteration of any structure or natural growth in previous lawful existence, but not conforming to the effective date of the ordinance from which this division is derived, or otherwise interfere with the continuance of any previously lawful nonconforming use. Nothing contained in this division shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this division is derived, is diligently prosecuted, and would have otherwise been in legal existence upon completion.
 - (2) **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight hazards. Such markers and lights shall be installed, operated and maintained at the expense of the airport desiring such marking and lighting.
- (f) **Administrative Agency (Inside City Limits).** The department of planning and development services of the city is hereby designated as the administrative agency charged with the administration and enforcement of this division. As such, it shall establish administrative procedures for requiring, accepting and subsequently approving or denying applications for airport zoning permits, in accordance with subsection (a) of this section. In this regard, the department of planning and development services will withhold any other permits normally issued under its jurisdiction which would allow construction or erection to proceed on any structure which would be in violation of these regulations. The administrative agency shall not have, or exercise any of the powers or duties, which are delegated to the board of adjustment under V.T.C.A. Local Government Code Ch. 241.
- (g) **Board of Adjustment.** The board of adjustment of the city is hereby designated to be the board of adjustment for this division, to have and exercise the powers set forth in V.T.C.A. Local Government Code Ch. 241.
- (h) **Appeals.** Any person aggrieved or taxpayer affected by any decision of the administrative agency made in its administration of this division, or any governing body of a political subdivision, which is of the opinion that a decision of such an administrative agency is an improper application of airport hazard zoning regulations may appeal to the board of adjustment under the provisions of V.T.C.A. Local Government Code Ch. 241.
- (i) **Judicial Review (Inside City Limits).** Any person aggrieved or taxpayer affected by any decision of the board of adjustment which is of the opinion that a decision of the board of adjustment is illegal, may present to a court of record a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality as provided in V.T.C.A. Local Government Code Ch. 241. Such petition shall be presented to the court within ten (10) days after the decision is filed in the office of the board.
- (j) **Conflicting Regulations.** In the event of conflict between any airport zoning regulations adopted hereunder and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether such other regulations were adopted by the city or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.
- (k) **Imaginary Surfaces (Kelly and Randolph Air Force Bases).** The following airport imaginary surfaces are hereby created and establish the limit above which any projection of a structure, natural growth or object constitutes an airport hazard under these regulations:

- (1) **Primary Surface.** The primary surface is centered longitudinally and laterally about each runway. It extends two hundred (200) feet beyond each end of the runway in a horizontal plane at the same elevation as the associated runway end, except at military airports, where primary surface length is the same as the runway length. Between the ends of the runway it has a uniform gradient as established by the runway and elevations. The width varies as follows:
 - A. Instrument runways, municipally-owned airports, one thousand (1,000) feet.
 - B. Non-instrument runways, municipally owned airports, five hundred (500) feet.
 - C. Runway 15-22, Kelly Air Force Base: two thousand (2,000) feet.
 - D. Runway 14-32, Kelly Air Force Base, and all runways, Randolph Air Force Base: one thousand five hundred (1,500) feet.
- (2) **Approach-Departure Surface.**
 - A. The approach-departure surface begins at the end of the primary surface, except at military airports where it begins two hundred (200) feet beyond the primary surface, and is centered about the runway centerline extended. From a width equal to that of the primary surface it extends outward and upward and increases uniformly in width as follows:
 - B. For instrument runways at municipally owned airports, the approach-departure surface extends outward from the primary surface at a distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 (50:1) to a distance of ten thousand (10,000) feet from primary surface, thence at a slope of 40 to 1 (40:1) thereafter.
 - C. For non-instrument runways at municipally-owned airports, the approach departure surface extends outward from the primary surface a distance of ten thousand (10,000) feet, at which point it is two thousand five hundred (2,500) feet wide. It extends upward at a slope of 40 to 1 (40:1).
 - D. For military airports, the approach-departure surface begins two hundred (200) feet beyond the primary surface and thereafter extends outward a distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 (50:1) until it reaches an elevation five hundred (500) feet above the established airport elevation, then it continues horizontally to its outer end.
- (3) **Transitional Surface.** The transitional surface extends outward and upward at right angles to the runway centerline at a slope of 7 to 1 (7:1) until it intersects the horizontal or conical surface, except that transitional surfaces for those portions of ILS approach surfaces that project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edges of those portions of the approach surfaces and at right angles to the runway centerline. For military airports, the transitional surface does not apply for the horizontal portion of the approach-departure surface.
- (4) **Inner Horizontal Surface.** The inner horizontal surface is a horizontal plane at a height of one hundred fifty (150) feet above the established airport elevation. Its outer edge is determined by scribing an arc with a radius of seven thousand five hundred (7,500) feet above a point on the centerline at the end of all runways and interconnecting these arcs with tangents.
- (5) **Conical Surface.** The conical surface extends outward and upward from the outer edge of the inner horizontal surface at a slope of 20 to 1 (20:1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airport elevation.

- (6) **Outer Horizontal Surface.** The outer horizontal surface is a horizontal plane which extends from the outer edge of the conical surface a distance of thirty thousand (30,000) feet at a height five hundred (500) feet above the established airport elevation.
- (7) **Airport Zoning Maps.** The attached airport zoning maps are hereby adopted and supersede all prior airport zoning maps. The imaginary surface boundaries are shown on these maps by aerial contours.

(Ord. No. 98697 § 1, 5 and 6)

Sec. 35-334. - "MAOZ" Military Airport Overlay Zones.

STATEMENT OF PURPOSE

The City of San Antonio has designated the military airport overlay zones in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of military airport environs and to prevent the impairment of military airfields and the public investment therein. The land areas below military airport take off and final approach paths are exposed to significant danger of aircraft accidents. It is, therefore, necessary to limit the density of development and intensity of uses in such areas. The military airport overlay zones are intended to:

- *Guide, control, and regulate future growth and development.*
- *Promote orderly and appropriate use of land.*
- *Protect the character and stability of existing land uses.*
- *Enhance the quality of living in the areas affected.*
- *Protect the general economic welfare by restricting incompatible land uses.*
- *Prevent the establishment of any land use which would endanger aircraft operations and the continued use of military airports.*

(a) Definitions and Boundaries.

- (1) For the purpose of this subdivision, the following terms shall have the meaning given in this section:

Clear Zones: The area at the ends of the runways of military airports which measure three thousand (3,000) feet by three thousand (3,000) feet in length and width. Beyond the clear zones, the city has designated two (2) military overlay zones (see diagram):

Military Airport Overlay Zone 1 (MAOZ-1): The area that extends approximately five thousand (5,000) feet in length and three thousand (3,000) feet in width beyond the clear zone.

Military Airport Overlay Zone 2 (MAOZ-2). The area that extends approximately seven thousand (7,000) feet in length and three thousand (3,000) feet in width beyond district 1.

Official Map. The specific boundaries of the military airport overlay zones are shown on the official zoning map maintained by the City of San Antonio.

(b) Zoning Classification.

- (1) **Overlay District.** The "MAOZ" military airport overlay zones are designed as overlays to the regular zoning districts. Property located within these districts must also be designated as being within one of the regular zoning districts. Authorized uses must be permitted in

both the regular zoning district and the overlay district and must comply with height, yard, area, and parking requirements of the regular zoning district.

- (2) **Zoning Designation.** The zoning designation of property located within the military airport overlay zones shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned "C-1" and is also located within district 2, the zoning designation of the property would be "C-1" (MAOZ-2). In effect, the designation of property as being within a military airport overlay zone places such property in a new zoning district classification and all procedures and requirements for zoning/rezoning must be followed.

(c) **Uses.**

- (1) **Permitted Uses.** The following uses are permitted within the military airport overlay zones, subject to the limitations indicated in the military airport overlay zone permitted use table and the conditions set forth for visual and electrical interference and storage of flammables [subsections 35-334(e) through 35-334(f)]:

MILITARY AIRPORT OVERLAY ZONE PERMITTED USE TABLE

MAOZ PERMITTED USE	MAOZ-1	MAOZ-2
Single-family Residence (minimum one dwelling unit per acre)		P
ALCOHOL - retail sales	P ⁴	P ⁷
RACING - auto or truck track		P ¹
ANIMAL - equestrian center and riding trails	P	P
ANIMAL - pound or shelter	P	P
BREEDER - small animal only	P	P
CEMETERY - pets (limited to small animals)	P	P
DOG TRAINING - indoor	P	P
DOG TRAINING - outdoor permitted	P	P
KENNEL - boarding and breeding (see health and environmental)	P	P
PET GROOMING - small animals only	P	P
SMALL ANIMAL CLINIC - no outside runs	P	P

SMALL ANIMAL HOSPITAL - outside runs are permitted	P	P
STOCKYARD	P	P
VETERINARY HOSPITAL - large and small animal (outside runs, pens and paddocks permitted)	P	P
VETERINARY HOSPITAL - large and small animal (no outside runs, pens and paddocks permitted)	P	P
VETERINARY HOSPITAL - small animal (outside runs, pens and paddocks permitted)	P	P
VETERINARY HOSPITAL - small animals (no outside runs, pens and paddocks permitted)	P	P
TRUCK and HEAVY EQUIPMENT - auction	P	P
AMBULANCE SERVICE	P	P
AUTO - glass tinting	P	P
AUTO - manufacture	P	P
AUTO and LIGHT TRUCK - oil, lube and tune up	P	P
AUTO and LIGHT TRUCK AUCTION	P	P
AUTO and VEHICLE SALES - new and used-small scale (no more than 15 vehicles currently licensed and in running condition on-site at any given time for storage and/or sale)	P	P
AUTO and VEHICLE SALES - new and used-large scale	P	P
AUTO ALARM and RADIO - retail (install. incidental to sales)	P ⁴	P ⁷
AUTO GLASS SALES - installation permitted	P ⁴	P ⁷
AUTO MUFFLER SALES - installation permitted	P ⁴	P ⁷
AUTO PAINT and BODY - repair with outside storage limited to 3 vehicles (all outside storage of parts to be totally screened)	P	P

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	P	P
AUTO PARTS RETAIL - no outside storage	P ⁴	P ⁷
AUTO PARTS RETAIL - w/installation and no outside storage	P ⁴	P ⁷
AUTO STATE VEHICLE INSPECTION STATION	P	P
AUTO UPHOLSTERY - sales and installation completely enclosed	P	P
CARWASH - automatic and attendant operated	P	P
CARWASH - automatic self service drive-thru	P	P
CARWASH - self service	P	P
LIMOUSINE SERVICE - dispatch and office use only no servicing of vehicles onsite	P	P
PARKING and TRANSIENT VEHICLE STORAGE - related to a delivery (auto, truck, trailer and marine)(each vehicle limited to 24 hours maximum parking time within any 48 hour period)	P	P
PARKING AND/OR STORAGE - long term	P ²	P
PARKING LOT - noncommercial	P ²	P
PARKING LOT or GARAGE - commercial	P ²	P
TAXI SERVICE - parking and dispatch (no washing or mechanical service permitted)	P	P
TAXI SERVICE - parking and dispatch (washing or mechanical service permitted)	P	P
TIRE REPAIR - auto and small truck	P	P
TRUCK REPAIR and MAINTENANCE	P	P
TRUCK STOP OR LAUNDRY - full mechanical service and repair permitted	P	P
TRUCK STOP OR LAUNDRY - tire repair permitted	P	P

VEHICLE STORAGE - see "AUTO PARKING AND/OR STORAGE LONG TERM"	P	P
WRECKER SERVICE	P	P
BEVERAGE MANUFACTURE - non-alcohol	P	P
DRY GOODS - wholesale	P	P
BATCHING PLANT	P ³	P ³
BATCHING PLANT - temporary in (6 months maximum)	P ³	P ³
BOOKBINDER	P ³	P ³
CABINET or CARPENTER SHOP	P ³	P ³
CAN RECYCLE COLLECTION STATION - no shredding	P ³	P ³
COFFEE ROASTING	P ³	P ³
CONTRACTOR FACILITY	P ³	P ³
CREAMERY	P ³	P ³
DRY CLEANING - plant	P ³	P ³
LAUNDRY - plant	P ³	P ³
LUMBER YARD and BUILDING MATERIALS	P ³	P ³
MACHINE SHOP	P ³	P ³
PECAN SHELLING	P ³	P ³
RUG CLEANING	P3	P3
WELDING SHOP - limited to 3 employees and screening of outside storage	P ³	P ³
ABRASIVE - manufacturing	P ³	P ³

AIR PRODUCTS - manufacturing	p ³	p ³
ARTIFICIAL LIMB ASSEMBLY	p ³	p ³
ASBESTOS PRODUCTS - manufacturing	p ³	p ³
ASPHALT PRODUCTS - manufacturing	p ³	p ³
BAG CLEANING	p ³	p ³
BATTERY - manufacturing	p ³	p ³
BEVERAGE - manufacturing or processing	p ³	p ³
BIOMEDICAL PRODUCTS - manufacturing	p ³	p ³
BOAT and MARINE - manufacturing	p ³	p ³
BOILER and TANK WORKS	p ³	p ³
BROOM, BRUSH - manufacturing	p ³	p ³
BUILDING SPECIALTIES - wholesale outside storage permitted	p ³	p ³
BULK PLANT or TERMINAL	p ³	p ³
CANDLE - manufacturing	p ³	p ³
CANDY - manufacturing	p ³	p ³
CANVAS PRODUCTS - manufacturing	p ³	p ³
CLOTHING MANUFACTURE - non-chemical process		p ³
CONCRETE PRODUCTS - manufacturing	p ³	p ³
COTTON COMPRESS, GINNING and BAILING	p ³	p ³
DRUG - manufacturing	p ³	p ³

ELECTRONIC COMPONENT - manufacturing	p ³	p ³
FELT PRODUCTS - manufacturing		p ³
GLASS MANUFACTURE	p ³	p ³
GRAIN - drying	p ³	p ³
GRAIN - milling	p ³	p ³
FISH HATCHERY	p ³	p ³
HOSIERY - manufacturing		p ³
ICE CREAM - manufacturing	p ³	p ³
ICE PLANT - manufacturing and processing	p ³	p ³
INSULATION PRODUCTS - manufacturing and processing	p ³	p ³
USED AUTOMOTIVE PARTS RECYCLER	p ³	p ³
MATTRESS - manufacturing and rebuilding		p ³
METAL FORGING or ROLLING MILL	p ³	p ³
METAL PRODUCTS - fabrication	p ³	p ³
MILLINERY - manufacturing		p ³
MILLWORK and WOOD PRODUCTS - manufacturing	p ³	p ³
MOVING and TRANSFER COMPANY - with trucks attached to trailers for a total exceeding 24 feet in length	p ³	p ³
NOVELTY and SOUVENIR - manufacture	p ³	p ³
OFFICE EQUIPMENT, FURNITURE - manufacture	p ³	p ³
OIL WELL SUPPLIES and MACHINERY - manufacturing.	p ³	p ³

PACKING and GASKET - manufacturing	p ³	p ³
PACKING PLANT - no rendering	p ³	p ³
PAPER PRODUCTS - manufacturing	p ³	p ³
PIPE STORAGE	p ³	p ³
PLANING MILL	p ³	p ³
PLASTIC / VINYL - manufacturing or processing	p ³	p ³
PLAYGROUND EQUIPMENT - manufacturing	p ³	p ³
POULTRY PROCESSING - caged hen operation	p ³	p ³
POULTRY PROCESSING and LIVE POULTRY STORAGE - completely enclosed	p ³	p ³
PROCESSING - other than food	p ³	p ³
REFRIGERATION EQUIPMENT - manufacturing	p ³	p ³
RENDERING PLANT	p ³	p ³
SAND or GRAVEL - storage and sales	p ³	p ³
SHOE - manufacturing		p ³
SHOE - wholesale (manufacturing permitted)		p ³
SHOE POLISH - manufacturing	p ³	p ³
SIGN MANUFACTURE	p ³	p ³
STONE CURING, MONUMENT - manufacturing	p ³	p ³
STORAGE - outside (open with no screening required)	p ³	p ³
STORAGE - outside (screening from public ROWs and adjacent property required)	p ³	p ³

TEXTILE - manufacturing	p ³	p ³
TILE - manufacturing	p ³	p ³
TILE, ROOFING and WATERPROOFING PRODUCTS - manufacturing	p ³	p ³
TOBACCO - processing	p ³	p ³
TOOL - manufacturing	p ³	p ³
TOY - manufacturing	p ³	p ³
TRAILER - manufacturing	p ³	p ³
VENETIAN BLIND - cleaning and fabrication	p ³	p ³
VULCANIZING, RECAPPING	p ³	p ³
WATER DISTILLATION	p ³	p ³
WELL DRILLING CONTRACTOR	p ³	p ³
WIRE PRODUCTS - manufacturing	p ³	p ³
WOOD PROCESSING by CREOSOTING or OTHER PRESERVING TREATMENT	p ³	p ³
WOOL PULLING and SCOURING	p ³	p ³
MEDICAL - surgical supplies wholesale	P	P
AERIAL SURVEY - Administrative offices no on-site flight services	P	P
OFFICE	p ⁴	p ⁷
FLORIST - wholesale	P	P
LANDSCAPING MATERIALS - sales and storage	P	P
NURSERY - plant wholesale onsite growing permitted	P	P

PRINTER - large scale other than quick print	P	P
COSMETICS - manufacturing or processing	P	P
FOOD and FOOD PRODUCTS - processing	P	P
PUNCH CONCENTRATE - processing and mixing	P	P
PUNCH CONCENTRATE PRODUCTS - mixing only	P	P
ARCHERY RANGE - outdoor	P	P
ARCHERY RANGE - indoor	P	P
ATHLETIC FIELDS	P	P
GOLF COURSE - private (see residential use table)	P ⁹	P
GOLF COURSE - public	P ⁹	P
GOLF DRIVING RANGE	P ⁹	P
RIFLE and PISTOL RANGE - indoor	P	P
STABLE and EQUESTRIAN CENTER	P	P
TENNIS, RACQUETBALL or HANDBALL - private (outside courts permitted)	P ⁹	P
TENNIS, RACQUETBALL or HANDBALL - public (outside courts not permitted)	P ⁹	P
TENNIS, RACQUETBALL or HANDBALL - public (outside courts permitted)	P ⁹	P
TENNIS, RACQUETBALL or HANDBALL -private (outside courts not permitted)	P ⁹	P
AIR CONDITIONERS - retail	P ⁴	P ⁷
ANTIQUE STORE - retail	P ⁴	P ⁷
APOTHECARY - see (DRUGSTORE - apothecary)	P ⁴	P ⁷

APPAREL and ACCESSORY STORE - retail	p ⁴	p ⁷
APPLIANCE - retail	p ⁴	p ⁷
ART GALLERY	p ⁴	p ⁷
BAKERY - retail	p ⁴	p ⁷
BOOKSTORE	p ⁴	p ⁷
BUILDING SPECIALTIES - retail outside storage permitted	p ⁴	p ⁷
BUSINESS MACHINES - retail	p ⁴	p ⁷
CAMERA, PHOTOGRAPHIC EQUIPMENT and SUPPLIES - retail	p ⁴	p ⁷
CANDY, NUT and CONFECTIONERY - retail	p ⁴	p ⁷
CATERING SHOP	p ⁴	p ⁷
CONVENIENCE ICE HOUSE - retail convenience store	p ⁴	p ⁷
CONVENIENCE STORE - w/ gas sales	p ⁴	p ⁷
DAIRY PRODUCTS - retail	p ⁴	p ⁷
DRUGSTORE - apothecary	p ⁴	p ⁷
DRY GOODS - retail	p ⁴	p ⁷
FARM SUPPLIES	p ⁴	p ⁷
FEED, SEED, FERTILIZER SALES - no outside storage	p ⁴	p ⁷
FISH MARKET - retail	p ⁴	p ⁷
FLOOR COVERING - retail	p ⁴	p ⁷
FLORIST - retail	p ⁴	p ⁷

FOOD LOCKER PLANT - retail	p ⁴	p ⁷
FOOD STORE	p ⁴	p ⁷
FRUIT and PRODUCE - retail	p ⁴	p ⁷
FURNITURE SALES - retail	p ⁴	p ⁷
GIFT SHOP - retail	p ⁴	p ⁷
GLASS - retail	p ⁴	p ⁷
GROCERY STORE - retail	p ⁴	p ⁷
HARDWARE SALES - retail	p ⁴	p ⁷
HEAD SHOP	p ⁴	p ⁷
HOBBY STORE - retail	p ⁴	p ⁷
HOME IMPROVEMENT CENTER	p ⁴	p ⁷
JEWELRY STORE - retail	p ⁴	p ⁷
LEATHER GOODS or LUGGAGE STORE - retail	p ⁴	p ⁷
MEDICAL - surgical supplies retail	p ⁴	p ⁷
MILLINER - custom	p ⁴	p ⁷
NEWSSTAND	p ⁴	p ⁷
NURSERY - retail (growing plants on-site permitted)	p ⁴	p ⁷
NURSERY - retail (no growing plants on-site permitted)	p ⁴	p ⁷
OFFICE EQUIPMENT and SUPPLY - retail	p ⁴	p ⁷
PAINT and WALLPAPER STORE - retail and wholesale	p ⁴	p ⁷

PET SHOP - retail	P ⁴	P ⁷
PLUMBING FIXTURES - retail	P ⁴	P ⁷
RUG or CARPET - retail	P ⁴	P ⁷
SECONDHAND MERCHANDISE - retail no outside storage or display of inventory permitted)	P ⁴	P ⁷
SHOE - retail	P ⁴	P ⁷
SILK SCREENING - retail	P ⁴	P ⁷
SPORTING GOODS - retail	P ⁴	P ⁷
STAMPS and COIN SALES - retail	P ⁴	P ⁷
STATIONARY PRODUCTS - retail	P ⁴	P ⁷
TAMALE - preparation retail	P ⁴	P ⁷
THRIFT STORE - retail see (SECONDHAND MERCHANDISE)	P ⁴	P ⁷
TOBACCO STORE - retail	P ⁴	P ⁷
TOY STORE - retail	P ⁴	P ⁷
TROPHY SALES, ENGRAVING and ASSEMBLY	P ⁴	P ⁷
VARIETY STORE - retail	P ⁴	P ⁷
MACHINERY, TOOLS and CONSTRUCTION EQUIPMENT SALES and SERVICE	P	P
FARM EQUIPMENT SALES, SERVICE or STORAGE	P	P
OIL WELL SUPPLIES and MACHINERY SALES - used	P	P
PORTABLE BUILDING SALES	P	P
AIR CONDITIONING / REFRIGERATION - service and repair	P ⁴	P ⁷

ALTERING/REPAIR OF APPAREL	P ⁴	P ⁷
APPLIANCE - repair major	P ⁴	P ⁷
APPLIANCE - repair small	P ⁴	P ⁷
BANK, SAVINGS and LOAN		P6
BARBER or BEAUTY SHOP	P ⁴	P ⁷
BICYCLE - repair	P ⁴	P ⁷
BOAT and MARINE - sales, service (outside storage not permitted)	P	P
BOAT and MARINE - storage (outside permitted)	P	P
BODY PIERCING	P ⁴	P ⁷
CEMETERY or MAUSOLEUM	P5	P5
COPY OR BLUEPRINTING - example "Quick Print"	P ⁴	P ⁷
COPY SERVICE - blueprinting and photocopying	P ⁴	P
COSMETICS - permanent	P ⁴	P ⁷
DELICATESSEN	P ⁴	P ⁷
DRY CLEANING - limited to 5 employees	P ⁴	P ⁷
DRY CLEANING - pickup station only	P ⁴	P ⁷
ELECTRIC REPAIR - heavy equipment	P ^{3,4}	P ^{3,7}
ELECTRIC REPAIR - light equipment	P ^{3,4}	P, 7 ³
ELECTRONIC EQUIPMENT - repair	P ^{3,4}	P ^{3,7}
ELEVATOR MAINTENANCE - service	P ⁴	P

EXTERMINATORS	P ⁴	P ⁷
FOOD - restaurant or cafeteria	P ⁴	P ⁴
FURNITURE REPAIR / UPHOLSTERING	P ⁴	P ⁷
GASOLINE FILLING STATION - w/o repair service (car wash allowed)	P ⁴	P ⁷
GASOLINE FILLING STATION - with repair service and/or car wash	P ⁴	P ⁷
GUNSMITH	P ⁴	P ⁷
JANITORIAL / CLEANING SERVICE	P ⁴	P ⁷
LABORATORY - research	P ^{3,4}	P ^{3,7}
LABORATORY - testing	P ^{3,4}	P ^{3,7}
LAUNDRY and DRY CLEANING - self service	P ⁴	P ⁷
LAUNDRY- limited to max of 5 employees	P ⁴	P ⁷
LAUNDRY or DRY CLEANING - pickup station only	P ⁴	P ⁷
LAWNMOWER REPAIR	P ⁴	P ⁷
LINEN or UNIFORM SUPPLY, DIAPER SERVICE (pickup and supply only)	P ⁴	P ⁷
LOAN OFFICE		P ⁷
LOCKSMITH	P ⁴	P ⁷
MANUFACTURED HOME / OVERSIZE VEHICLE SALES, SERVICE or STORAGE	P	P
MASSAGE - parlor	P ⁴	P ⁷
MASSAGE - therapeutic	P ⁴	P ⁷
MINI WAREHOUSE - over 2.5 AC.	P	P

MORTUARY - embalming and preparation only	P ⁴	P ⁷
PALM READING	P ⁴	P ⁷
PAWN SHOP	P ⁴	P ⁷
PICTURE FRAMING	P ⁴	P ⁷
POST OFFICE	P ⁴	P ⁴
REDUCING SALON	P ⁴	P ⁷
SHOE - repair	P ⁴	P ⁷
SIGN SHOP - no outside storage	P ⁴	P ⁷
STUDIO - fine or performing arts		P ⁷
STUDIO - interior decorating	P ⁴	P ⁷
STUDIO - photographic	P ⁴	P ⁷
STUDIO - sound and recording		P ⁷
TAILOR SHOP	P ⁴	P ⁷
TATTOO PARLOR/STUDIO	P ⁴	P ⁷
TAXIDERMIST	P	P
TOOL RENTAL - fenced and screened outside storage permitted	P ⁴	P ⁷
TOOL RENTAL - outside storage permitted	P ⁴	P ⁷
TREE CUT and TRIM SERVICE	P	P
WATCH REPAIR	P ⁴	P ⁷
CARTING, CRATING, HAULING, STORAGE	P	P

COLD STORAGE PLANT	P	P
FUR DYEING, FINISHING and STORING	P	P
ICE CREAM TRUCK STORAGE	P	P
MOVING COMPANY	P	P
STORAGE - outside (under roof and screened)	P	P
FREIGHT DEPOT	P	P
TELEPHONE EQUIPMENT INFRASTRUCTURE	P8	P8
WIRELESS COMMUNICATION SYSTEMS	P8	P8
SANITARY LANDFILL, SOLID WASTE FACILITY	P	P
OFFICE WAREHOUSE	P	P
WAREHOUSING - no outside storage permitted	P	P
BAKERY - wholesale	P	P
BARBER and BEAUTY EQUIPMENT - wholesale	P	P
CAMERA, PHOTOGRAPHIC EQUIPMENT and SUPPLIES - wholesale	P	P
DAIRY EQUIPMENT SALES - wholesale	P	P
DAIRY PRODUCTS - wholesale	P	P
DRUG SALES - wholesale	P	P
FISH MARKET - wholesale	P	P
FOOD PRODUCTS - wholesale and storage	P	P
FRUIT and PRODUCE - wholesale	P	P

FURNITURE SALES - wholesale	P	P
GLASS - wholesale	P	P
GROCERY - wholesale	P	P
HARDWARE SALES - wholesale	P	P
OFFICE EQUIPMENT and SUPPLY - wholesale	P	P
PAPER SUPPLIES - wholesale	P	P
PLUMBING FIXTURES - wholesale	P	P
SHOE - wholesale no manufacturing	P	P
SPORTING GOODS - wholesale	P	P
STONE MONUMENT - retail and wholesale	P	P
TAMALE - preparation wholesale	P ⁴	P ⁷

Notes:

¹ With no public assembly.

² Maximum 100 parking spaces.

³ No industrial or manufacturing uses will be allowed if operations emit into the air any substance which would impair the visibility or otherwise interfere with the operation of aircraft, e.g., steam, dust, smoke. Nor will any use be allowed which would interfere with aircraft communication systems or navigational equipment through electrical disturbances.

⁴ Building size is limited to maximum 3,000 square feet.

⁵ Excludes chapels.

⁶ Low-intensity office use only.

⁷ Building size limit in "MAOZ-2" is 250,000 square feet.

⁸ With height restrictions.

⁹ With no clubhouses.

(2) **Prohibited Uses.**

- A. Residential uses, except as provided for in exceptions for residential uses [subsection 35-334(d)].
- B. All other uses not permitted under subsection (a) of this section

(3) **Military Airport Overlay Zone 1 Size Limitation.** Any retail, office or personal service use that is permissible in the "MAOZ-1" may not exceed three thousand (3,000) square feet in total floor area. Front, rear and side setbacks of twenty (20) feet shall be required on all lots. There shall be a separation of at least twenty (20) feet between each such use.

(4) **Military Airport Overlay Zone 2 Size Limitation.** Any retail, office or personal service use that is permissible in the "MAOZ-2" may not exceed two hundred fifty thousand (250,000) square feet in total floor area.

(5) **Plat Notice.** A notice shall be placed on all final plats for properties located within Military Airport Overlay Zones 1 and 2 that the property, either partially or wholly, lies within a military airport overlay zone and is subject to noise and/or aircraft accident potential which may be objectionable.

(d) **Exceptions for Residential Uses.**

(1) **Existing Residences.** Notwithstanding any other provisions of the zoning ordinance, residential uses located within the military airport overlay zones which were lawfully in compliance with the provisions of this chapter on the effective date of this chapter may be repaired and enlarged provided (1) the number of dwelling units is not increased and (2) all other applicable requirements of this district are met.

(2) **Vacant Lots.** Vacant platted lots which are zoned for single-family residential uses may be used for single-family residences providing they conform to all other applicable requirements of this district. Such lots may not be subdivided into more than one (1) additional lot for single-family residential use.

(3) **Unplatted Property.** Unplatted properties zoned for single-family residential may be platted and used for single-residences in the "MAOZ-2," providing they conform to all other applicable requirements of this district. Such lots may not exceed a density of one (1) single-family residence per acre.

(e) **Visual and Electrical Interference.** Notwithstanding any other provisions of these regulations, no use shall be made of land within the military airport overlay zones in such a manner to:

- (1) Release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft; e.g., steam, dust, smoke, etc.;
- (2) Produce light emissions, either direct or indirect (reflective) which would interfere with pilot vision;
- (3) Produce electrical emissions which would interfere with aircraft communications systems or navigational equipment; or
- (4) Attract birds or waterfowl, or in any other manner constitute an airport hazard.

(f) **Storage of Flammables.** The provisions of this section shall apply throughout the military airport overlay zones. All technical terms shall be interpreted as defined in the Uniform Fire Code.

(1) **Solid Materials.**

- A. The storage or manufacture of flammable solid materials or products is permitted only if the flammable material or products are stored or manufactured within completely enclosed buildings having noncombustible exterior walls and protected throughout by an automatic fire extinguishing system.

- B. The storage or manufacture of explosive materials and of materials or products which decompose by detonation is prohibited.

(2) **Liquid Materials.**

- A. The manufacture of flammable or combustible liquids or materials which produce flammable or combustible vapors or gases is prohibited.
- B. All aboveground storage of flammable or combustible liquids or materials which produce flammable or combustible vapors or gases shall be in enclosed fireproof vaults. This requirement does not apply to liquids or materials used for single-family residences.
- C. The storage of flammable and combustible liquids, or of materials that produce flammable or combustible vapors or gases, shall be permitted only in accordance with the Uniform Fire Code.

- (g) **Height Regulations.** The height of structures within the military airport overlay zones shall be governed by the height requirements of the underlying zoning district as well as the provisions of the joint airport zoning regulations in article III, division 11 of this chapter.

(h) **Procedure.**

- (1) **Site Plan.** Except for single-family residences, a site plan shall be submitted to the director of planning and development services for approval by the planning commission prior to the issuance of building permits. All building plans must be in compliance with an approved site plan. The applicant shall submit eight (8) blue- or black-line copies and one reproducible 8½ x 11-inch reduced copy of the site plan accompanied by the plan review fee specified in Appendix "C." The plan review fee shall be in addition to any other required fees.
- (2) **Purpose.** The purpose of the site plan is to ensure the proposed development complies with the provisions and intent of this chapter. The plan review will focus on the following:
 - A. **Ordinance Provisions.** Permitted uses, potential visual and electrical interference, and storage of flammables.
 - B. **Intent.** The site design should locate the most intensive uses farthest away from the end and centerline of the runway.
- (3) **Plan Requirements.** The plan shall include the following as a minimum:
 - A. Site size, location information, and adjacent land uses.
 - B. Dimensioned layout, with the location, size, and height of all buildings and structures.
 - C. The location and size of all above and below ground storage containers for flammable and combustible materials.
 - D. Size and location of all vehicular access points, streets, and parking areas.
 - E. Major physical features such as creeks, topography, and easements.
 - F. Diagrams indicating the location, dimensions, and angles of any or other reflective surfaces proposed in the development design.
 - G. A staging plan if appropriate.
- (4) **Staff Review.** The director of planning and development services shall, upon receipt of the site plan, distribute copies to other departments/agencies, as the director deems necessary. Departments/agencies receiving copies of the site plan shall, within twenty (20) days of receipt of the plan, submit to the director of planning and development services their written recommendation and comments about the plan. No later than thirty (30) days after submission of the site plan, the director shall submit the plan with a recommendation to the planning commission for consideration.

- (5) **Planning Commission Consideration.** The planning commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plan with amendments, if any, shall be stamped "approved" and be dated and signed by the chairman of the planning commission and by the secretary of the commission.
- (6) **Distribution of the Approved Plan.** One (1) copy of the approved plan shall be submitted to the director of planning and development services for use in issuing building permits. In addition, other copies of the approved plan may be requested as necessary by other departments and agencies.
- (7) **Changes in the Plan.**
 - A. **Minor Changes.** After favorable action by the planning commission, minor alterations which do not substantially change the concept of the site plan may be approved by the director of planning and development services, if required by engineering or other circumstances not foreseen at the time the plan was approved. Minor changes may not cause a change in location or an increase in size of any storage containers for flammable or combustible materials.
 - B. **Major Changes.** Major alterations to the site plan shall be resubmitted for consideration by the planning commission following the same procedures required in the original adoption of the plan. Major changes to a site plan include any alterations which would cause any of the above conditions as well as those which are determined as such by the director of planning and development services.
- (8) **Time Limit.** The construction of the proposed development shall be started within two (2) years of the effective date of approval of the site plan by the commission. The planning commission may, no sooner than sixty (60) days prior to the end of the time period, upon request of the developer, extend the time one (1) additional year if, in the judgment of the commission, additional time is warranted. In any event, construction must be started within (3) years of the effective date of approval. Failure to begin the development within the required time period or the period as extended shall automatically void the site plan, and no building permit shall be issued until the plan or an amended plan has been resubmitted and properly approved by the commission.
- (i) **Supplemental Information.** Whenever any application for a change in zoning in a military airport overlay zone is filed, the director of planning and development services shall make formal request to the United States Air Force at least thirty (30) days prior to the zoning commission hearing for any relevant statistics, operational activities information, technical data, or other studies with bearing on the request.

(Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2012-12-13-1006, § 56, 12-13-12)

Texas Enterprise Zone Program

The Texas Enterprise Zone Program (EZP) is a state sales and use tax refund program designed to encourage private investment and job creation in economically distressed areas of the state.

Who Can Apply?

Texas communities must nominate companies in their jurisdiction to receive an Enterprise Zone designation and thus be eligible to receive state sales and use tax refunds on qualified expenditures by submitting an application on the company's behalf. Companies must contribute information to the application packet where required. Companies must meet minimum capital investment thresholds and create and/or retain jobs that employ a certain percentage of economically disadvantaged individuals, enterprise zone residents, or veterans.

Type of Incentive

State sales and use tax refund, with the maximum allowable refund—both total and per-job—determined for each company which has been awarded a designation based on the company's planned capital investment and job creation and/or retention at the qualified business site (see table below). Companies approved for Enterprise Zone designations are eligible to apply for refunds of the state sales and use tax they have paid during the designation period on qualified expenditures, up to their maximum allowable refund. The Texas Comptroller's Office administers all refunds. EZP designations are effective beginning 90 days prior to the deadline for the applicable application round and extend for a period of not less than 1 year and not more than 5 years from the date on which the designation is made.

Level of Capital Investment	Maximum Number of Jobs Allocated	Maximum Potential Refund	Maximum Refund Per Job Allocated
\$40,000 to \$399,999	10	\$25,000	\$2,500
\$400,000 to \$999,999	25	\$62,500	\$2,500
\$1,000,000 to \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 to \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 to \$249,999,999	500*	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500*	\$3,750,000	\$7,500

**Double and Triple Jump Projects may not count retained jobs for benefit. A Triple Jumbo Project must create at least 500 jobs.*

Eligibility Details

For full eligibility details, see the EZP Statute, EZP Rules and/or EZP Overview links.

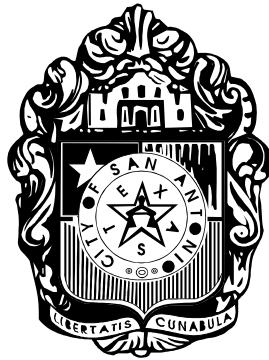
1. Jobs counted for benefit must have an average weekly wage which meets or exceeds the average county weekly wage in the county which the qualified business site is located.
2. Each community has a limited number of designations available per biennium; communities with a population at or above 250,000 have 9 designations available per biennium, while communities with a population of less than 250,000 have 6 designations available. The state may award a maximum of 105 designations statewide per biennium, and may award up to 12 designations per quarterly round.
3. Employment (new and retained jobs) and capital investment commitments must be met prior to the expiration of the designation period.
4. A company must first pay the applicable state sales and use tax on qualified expenditures in order to receive a refund of those taxes.
5. The percentage of a project's new employees who must meet economically disadvantaged, enterprise zone residency, or veteran requirement varies depending on whether the qualified business site is located inside or outside of an Enterprise Zone—state-designated area with economically depressed conditions.
 - If located within a Zone, 25% of the company's new employees at the qualified business site must meet economically disadvantaged, enterprise zone residency or veteran requirements
 - If located outside a Zone, 35% of the company's new employees at the qualified business site must meet economically disadvantaged, enterprise zone residency, or veteran requirements.
6. Only full-time jobs qualify for EZIP award consideration
7. Jobs must be maintained through the end of the designation period, or for at least 3 years after the date on which tax benefits are received, whichever is later.

Application

The application period for the EZIP occurs quarterly, with applications for the respective rounds due by 5:00 pm on the first business day of March, June, September and December.

Texas communities applying on behalf of a company must submit a complete application in paper form (via mail or in-person delivery) and non-refundable fee by the deadline for the EZIP round for which they wish to be considered. Late applications will not be accepted.

CITY OF SAN ANTONIO, TEXAS
Department of Planning & Community Development



Westside

**Tax Increment Reinvestment Zone
Thirty**

Project Plan

January 19, 2017

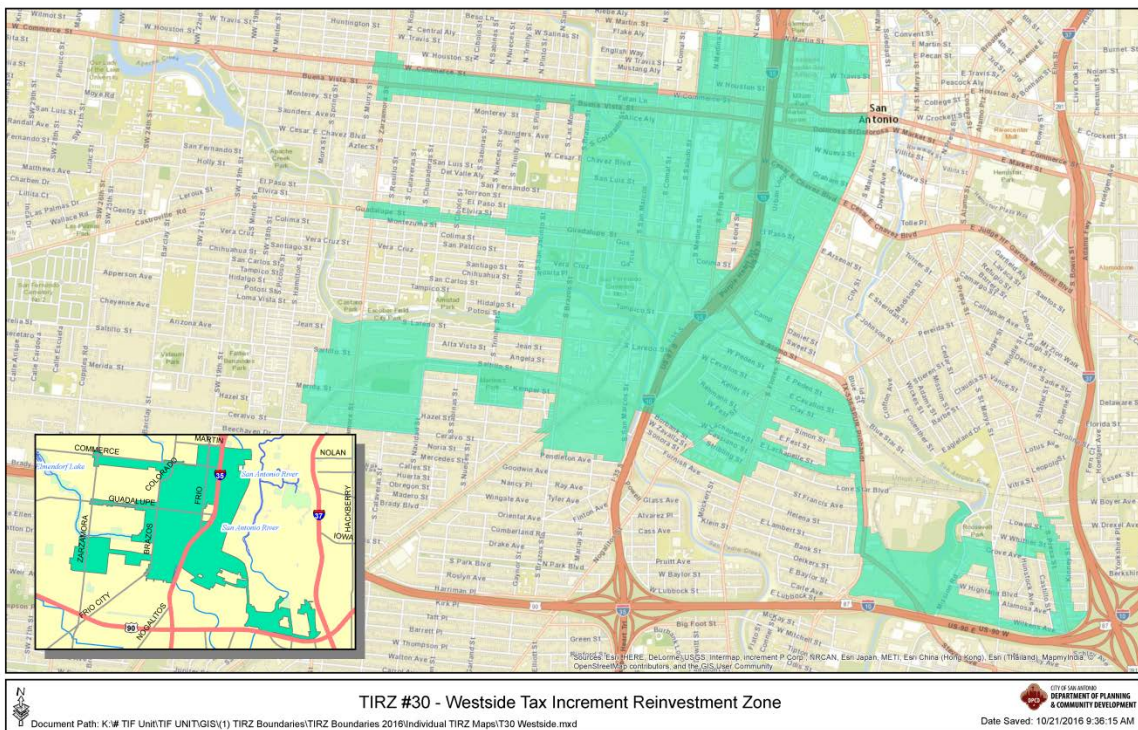
Executive Summary

This project Plan describes, pursuant to Section 311.011 of the Texas Tax Code:

1. An overview of the TIRZ project,
2. Existing uses and condition of real property in the TIRZ,
3. Proposed improvements and property uses in the TIRZ,
4. Proposed changes to municipal ordinances,
5. Estimated non-project costs, and
6. Relocation of persons to be displaced as a result of plan implementation.

The City of San Antonio's Westside Tax Increment Reinvestment Zone (TIRZ) 30 was Designated on December 11, 2008 through Ordinance No. 2008-12-11-1173 and subsequently amended to change the boundary on December 10, 2009 through Ordinance No. 2009-12-10-0998 and again on June 4, 2015 through Ordinance 2015-06-04-0489. The area of the Westside boundary encompasses approximately 1043.79 Acres and approximately 1897 parcels. The life of the Tax Increment Reinvestment Zone (TIRZ) is 23.82 years through September 30, 2032.

The Westside TIRZ is located within the boundaries of Council Districts 1 and 5. Each Councilperson maintains an ex officio seat on the 7 member TIRZ Board of Directors. The TIRZ boundary is shown in the map below:



The zone presents an interesting contrast as it is bisected by IH-35 with approximately two thirds of the boundary area to west of IH-35 acting as buffer to the highly dense and historically economically depressed Westside of San Antonio and downtown. The remaining third of the boundary mass extends into the Central Business District (CBD) and traverses south on S. Flores St. capturing a variety of new housing developments that represent a renaissance of the CBD and the South Flores St. artery through downtown.

The City of San Antonio is the only Participating Taxing Entity contributing tax increment to the Westside TIRZ. Financial information regarding the TIRZ can be found in the Westside TIRZ Finance Plan.

The Westside TIRZ is eligible for the Tax Increment Financing as defined in the City's 2008 TIF Guidelines.

On July 5, 2015, San Antonio's five Spanish colonial missions – Missions San Jose, San Juan, Concepcion, Espada and the world renowned Alamo – were declared by United Nations Educational, Scientific and Cultural Organization (UNESCO) as a World Heritage Site. The Missions now represent the only World Heritage site in Texas and one of just 23 in the United States. The UNESCO World Heritage Designation is a catalyst for socio-economic change, with increased visitation and tourist spending. The southeaster portion of the Westside TIRZ overlaps the World Heritage boundary (please see map on next page.)

Policy and Program

Policy

The City of San Antonio is dedicated to the revitalization of inner-city neighborhoods and commercial districts by using a tiered system of incentive tools, one of which is Tax Increment Financing (TIF). Development projects supported by a Tax Increment Reinvestment Zone (TIRZ) should act as economic stimulus to surrounding areas. By leveraging private investment for certain types of development within a targeted area, TIF can be a tool used to assist in financing needed public improvements and enhancing infrastructure.

Program

The TIF Program has evolved since 1998 to ensure that the incentive is used to support the City's Economic Development, Community Development and Urban Design goals. TIF seeks to directly promote recommendations made in the City's Comprehensive Plan, Neighborhood Plans, Sector Plans, Community Plans, Corridor and Regional Center Plans, and the Housing Master Plan.

TIF Guidelines

The designation date of a TIRZ determines the applicable Guidelines for that TIRZ. Because the Westside TIRZ was designated on December 11, 2008 it falls under the guidelines adopted on October 16, 2008 through Ordinance No. 2008-10-16-0942. The Guidelines serve as policy direction to City staff and interested parties regarding the Application for Redevelopment specifically related to Tax Increment Financing, which supports certain types of development in targeted areas of the city. Reinvestment Zones may be designated either through (1) a City-initiated project or (2) by Petition. The Westside TIRZ is a City-initiated project.

City-initiated TIRZ are designed to assist ongoing revitalization and reinvestment initiatives by implementing the goals of existing City programs and City-adopted plans. City-initiated TIRZ maximize the benefits of public-private collaboration by focusing exclusively on areas of the City that have been predetermined to be eligible for TIF; by using a comprehensive Reinvestment Plan to coordinate development incentives and set development standards that encourage long-term, high-quality investment.

Tax Increment Reinvestment Zones Highlights:

- TIF is an incentive tool that local governments can use to finance public improvements and enhance infrastructure within a defined area, called a Tax Increment Reinvestment Zone (TIRZ)
- Tax Increment Financing is governed by the TIF Act found in Chapter 311 of the Texas Tax Code
- The Texas Constitution and the TIF Act specifies that areas to be designated as a TIRZ must be economically distressed, unproductive, underdeveloped, or blighted, and impair the City's growth because of these factors
- Each taxing entity that collects taxes against the property within a TIRZ has an opportunity to contribute future tax revenues to a TIRZ fund to reimburse developers for the cost of public infrastructure improvements in the TIRZ

Targeted Economic Development

Implementation of the TIF incentive is tailored to the strengths and needs of specific areas of the City. The City has identified target areas where projects may be eligible for TIF with varying participation levels and terms. The Westside TIRZ, a City-initiated TIRZ, will have a term of up to 23.82 years with a City participation level up to 90% of its tax increment collected.

The City may not designate any area as a Reinvestment Zone solely for the purpose of encouraging future development in that area, but may do so if development or redevelopment would not occur solely through private investment in the reasonably foreseeable future. All proposed Zones require a market feasibility study in order to demonstrate the demand, viability, and capacity for the project. This study should validate estimated values, adjacent property lease space and reference established and on-going neighborhood plans.

Community Investment

The planned investment must contribute to revitalization activities in the community of which the TIRZ is a part. Input of nearby neighborhood residents, businesses, and schools have been considered in the project planning process as have the objectives of numerous plans that have been produced.

Design Quality

Projects supported by TIF should add long-term value to the public realm. Thus, projects must be built according to design principles that prioritize the safety and comfort of all public infrastructure users – whether they are walking, jogging, riding or driving. The City's Unified Development Code (UDC) sets out a menu of approaches to help designers and developers meet the program's urban design goals. Projects must also consider the long-term value of the private improvements supported by TIF. Specifically, the City's Comprehensive Plan calls for efforts to facilitate the provisions of choice in housing for special needs populations. Efforts to meet this policy may include ensuring homes are visitable or easily adaptable to disabled persons.

The City of San Antonio adopted a Universal Design Policy (Ord. No. 95641) on April 18, 2002, requiring that any person receiving financial assistance from city, state, or federal funds administered by the City of San Antonio for the construction of new single family homes, duplexes, or triplexes, shall construct the units in accordance with specific features including an entrance with no steps, wider doorways (2' 8"), lever door handles, lever controls on kitchen and lavatory faucets, and light switches and electrical receptacles within reachable height.

Development within the Westside TIRZ will be required to comply with the City's Universal Design requirements (UD), located in the City Code, Chapter 6, Article XII. All single family residential, duplex and triplex residential units shall comply with the Universal Design requirements.

Environmental Protection

Projects receiving funding from the Westside TIRZ fund will be required to complete a Phase 1 Environmental Site Assessment.

No applications will be accepted for a TIF where all or part of the proposed project falls over the Edwards Aquifer Recharge Zone. The Westside TIRZ is not located over the Edwards Aquifer Recharge Zone.

San Antonio River Authority

The San Antonio River Authority (SARA) was created by the 45th Texas Legislature on May 5, 1937, and then reorganized in 1961 to plan, manage and implement water-related programs and projects within the San Antonio River Basin. The State of Texas empowered SARA to preserve, protect and manage the resources and the ecology of the San Antonio River and its tributaries. SARA has been a key partner in the Westside TIRZ area with the Westside Creeks Restoration Projects. Its mission is to 1) develop concepts for restoring the environmental condition of the Alazán, Apache, Martínez, and San Pedro Creeks, 2) maintain the current flood control components of these creeks, and 3) provide increased opportunities for people to enjoy these urban creeks

Developer

City-Initiated TIRZs, like Westside, are unique in that there is typically not a single developer to manage the project. It is likely that Westside will have numerous private developers working on different projects throughout the zone which could be reimbursed for the public improvements related to those projects. In such cases, TIF staff would evaluate the projects and associated funding application to identify eligible expenses, coordinate the preparation and negotiation of legal documents, coordinate for TIRZ Board and City Council approvals, monitor construction, process reimbursement requests from the developer and monitor statutory compliance.

Existing Conditions

(Note: Items in the Existing Conditions section were current at the time of designation and are not updated to reflect the and preserve the original condition of the TIRZ.)

Schools, School District and Universities

St. Cecilia Catholic Elementary School – 118 Lowell

SAISD:

- JT Brackenridge Academy - 1214 Guadalupe Street
- Briscoe Academy – 2015 South Flores Street
- Christus Santa Rosa Elementary School - 333 Santa Rosa
- Green Elementary School - 122 Whittier St W
- Navarro Academy - 623 S Pecos
- Tafolla Middle School - 1303 Durango St W

University of Texas at San Antonio

Parks and other facilities

Milam Park – 501 West Commerce

Smith Playground – 1301 Buena Vista

Garcia Park– 1200 N. Frio

Martinez, Patrolman Guadalupe Park – 201 Merida

San Fernando Park– 319 West Travis

Emergency Services

Due to its central location to Downtown San Antonio, the Westside TIRZ is currently covered adequately by Emergency Services. There are six Fire Stations covering the Westside TIRZ; Fire Station (FS) #1, at 801 E Houston St., FS #7 at 1414 S St Mary's, FS #8 at 619 S Hamilton, FS #11 at 610 S Frio, FS #13 at 3203 S Presa and FS #16 at 2110 Nogalitos St. All Fire Stations are either in the TIRZ Boundary or within $\frac{3}{4}$ of a mile from the Service Area.

Westside is covered under the Central Patrol District of the San Antonio Police Department and has the Central Substation and Police Headquarters within the TIRZ boundaries. The Police Headquarters built at Cesar E. Chavez and Santa Rosa is also in the TIRZ Boundary.

In addition to Fire and Police, there are five hospitals in the TIRZ Boundary or within a ½ mile of Westside including; the Nix Medical Center, the Baptist Medical Center, Metropolitan Methodist Hospital, Santa Rosa Hospital and the Downtown University Health Center.

Neighborhood & Community Plans

The purpose of Neighborhood and Community Plans is to identify proposed land uses, potential housing development areas, transportation systems, economic development initiatives, urban design guidelines, as well as pedestrian and open space connections. In developing the plan, stakeholders and the general community participated in a community-based process to identify a vision for the respective communities.

The Neighborhood and Community Plans listed within this plan are a component of the City's Comprehensive Plan. The plan is a guide to development and can be used when reviewing zoning and development proposals as well as when considering policy development and public capital projects.

The Plans in the Westside TIRZ Boundary are:

- Downtown Neighborhood Plan
- Guadalupe Westside Neighborhood Plan
- Nogalitos / South Zarzamora Community Plan
- South Central San Antonio Community Plan

Westside Reinvestment Plan

The purpose of the Westside Reinvestment Plan is to assemble reinvestment strategies from the existing Neighborhood and Community Plans that fall in the TIRZ Boundary. The information was gathered utilizing public involvement.

Relocation of Displaced Persons

Implementation of the Project Plan does not require the Developer or any other agency or participating taxing entity to relocate or find housing for any current residents due to their displacement under the plan.

Historic Use

Cattleman Square Historic District

The Cattleman Square Historic District is a small collection of streets on the west side of IH-35 immediately west of downtown. The buildings within the district include a variety of late 19th and early 20th century commercial and industrial structures. The Cattleman Square Historic District is roughly bounded by Travis and Martin Streets to the north, Buena Vista and Commerce Streets to the south, Pecos La Trinidad (IH-35) to the east, and the railroad tracks to the west. Cattleman Square was designated a local historic district in 1985.

In 1881, four years after the first rail line was extended to San Antonio, the International and Great Northern Railroad (I&GN) opened its line from St. Louis to San Antonio. The

first I&GN depot was constructed shortly thereafter at West Houston Street in what is today within the historic district boundary. The expansion of the railroad to this community led to a flurry of real estate activity in the area, including a mix of new residential, industrial, and commercial buildings.

One of the most significant buildings within the district is the former **I&GN Railroad Passenger Station** at 123 N. Medina. The I&GN Railroad Passenger Station, later known as the Missouri Pacific Station, was designed in 1907 by architect Harvey L. Page. The majestic building is of steel frame construction in the plan of a Greek cross, with tan brick cladding, a central dome, bell towers, mission-style parapets, stained glass windows, and barrel vaults on the interior. The lantern over the dome features a bronze Indian figure. It is one of two remaining railroad stations in San Antonio, along with the Southern Pacific Depot or Sunset Station on the city's east side. The station was built to replace the earlier wood-frame I&GN depot constructed in the late nineteenth century on W. Houston Street. The railroad eventually linked Austin to Laredo, providing a route into Mexico. The depot closed in 1979 but has since been restored and is utilized as a banking facility by Generations Federal Credit Union.

Another building of note within Cattleman Square is the former **I&GN Hotel (Heimann Building)** at 118 N. Medina. The three-story brick building was constructed in 1909 by noted San Antonio architect Atlee B. Ayres. Located across the street from the railroad station, the building was owned by businessman Silva Heimann and housed the International and Great Northern Hotel on the second and third floors. The intersection of Medina and Houston Streets was one of the busiest in the city with commercial and transportation activity. The area deteriorated after World War II, with many buildings demolished for construction of the interstate. In the 1970s, the Heimann Building reportedly had a cameo role in the movie "The Getaway" with Steve McQueen. The building remained mostly vacant until 2000 when it was rehabilitated for the national headquarters of Avance, a non-profit organization. Cattleman Square continues to boast a variety of late 19th and early 20th century commercial and industrial structures today.¹

Main and Military Plaza Historic District

A wide variety of architectural styles are represented in the Main and Military Plaza Historic District, covering a time span of over 200 years. This variety illustrates, through the built environment, San Antonio's evolution from Spanish Presidio in the 18th century to 19th-century cow town, to solid commercial city center in the late 19th and early 20th centuries, giving the area an organic, eclectic flavor not found in many downtown areas of this size. The District has been the traditional hub of downtown San Antonio since the 18th century.

Military Plaza was first established in 1722 as a parade ground and market square for the Spanish soldiers garrisoned there. While this plaza is associated with early Spanish colonialism, due, in large part to the preservation of the 1749 Spanish Governor's Palace, it evolved over the years from a community gathering place and market place into the seat of government for the city when the Italian Renaissance Revival style City Hall was built in 1888-91.

¹ *Historic Preservation Certification Application-Part 1-Evaluation of Significance, Heimann Building/I&GN Hotel, National Park Service, Office of Historic Preservation archives.*

National Register Nomination: International & Great Northern Railroad Passenger Station, 1975. Available at: <http://atlas.thc.state.tx.us/>.

Main Plaza was the site of the first authorized Texas City when it was established as the market square for the Canary Island fundadores of San Antonio March 9, 1731. These early settlers built small, primitive jacal, palisado, or caliche block residences around the square, with their village church (now San Fernando Cathedral) and the Casas Reales (now 114 E. Main Plaza), their seat of government, as their focal points. A local government structure still shares the architectural focus of Main Plaza with the Cathedral, in the form of the 1882 Romanesque Revival style County Courthouse.

Through the 18th and 19th centuries, the two plazas have been the scene of everyday business and social events, as well as many skirmishes and battles, with the architecture changing to late 19th and early 20th century commercial and governmental structures as these functions became more important to the area. Many of these structures and facade rows remain today, with commerce, banking, government and the historic ambiance of the area combining to make the plazas popular with natives and tourists alike.²

Mission Historic District

The boundaries of the Mission Historic District were designed primarily to include the lower four missions in the San Antonio area (Listed from north to south: Concepcion, San Jose, San Juan Capistrano, and Espada), their *acequias* and fields, and secondarily the significant preserved historic and prehistoric sites in the area. These boundaries represent an area less impacted than most areas of San Antonio by urban development.

The area designated as the Mission Historic District, located along the San Antonio River in the south section of the city, originally attracted both prehistoric Indian and historic Spanish and Anglo populations because of the prevalence of unique natural resources. The abundant water, game, and other natural foods seem to have provided prehistoric Indians with an ample non-agricultural subsistence type of lifestyle based upon hunting, gathering, and fishing. The arrival of the Spanish missionaries brought primarily agricultural exploitation of this area by means of the *acequia* systems. After the establishment of the Spanish Missions, the area was similarly utilized for agricultural purposes as well as local industries; this trend continued well into the twentieth century.

The growth and expansion of the City of San Antonio, primarily since the 1930s, has transformed much of this area into an urban or suburban environment. The southern portion of this area, roughly between Mission San Juan and Mission Espada, can be characterized as an open-space, rural environment, with some agriculture still being practiced through use of the San Juan and Espada *acequias*. The remaining historic district area is interspersed with public and institutional land uses among residential, industrial, commercial, and historic areas through which the San Antonio River passes.³

River Improvement Overlay

Apart from landmarked historic resources within the Westside district, the TIRZ Boundary also falls within River Improvement Overlay (RIO) District 4 at IH 10 and Roosevelt. RIO is a zoning overlay. Its purpose is to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines for properties located near the river. The San Antonio River is a unique and precious natural, cultural and historic resource that provides a physical connection through San Antonio by linking a variety of neighborhoods, cultural sites, public parks and

² http://www.sanantonio.gov/historic/Districts/Main_Military_Plaza.aspx

³ <http://www.sanantonio.gov/historic/Districts/Mission.aspx>

destinations. The districts cover a total of six geographic areas spanning the river from its northern boundary, near Hildebrand Avenue, to a southern boundary near Mission Espada and the Southern City Limits. The RIO design objectives were developed through an intensive public input process and were adopted as part of the enabling ordinance approved by City Council on February 21, 2002.

RIO-4

Extending from West Cesar E. Chavez Boulevard south to Mission Road, RIO-4 meanders along the Arsenal, through the King William Historic District, and south through a portion of the Mission Historic District.

The design objectives for RIO-4 are:

- Encourage urban quality mixed-use development;
- Preserve and enhance the historic character as well as emphasize the street scene;
- Construct new development that complements the nearby historic King William area but does not mimic its style; and
- Encourage new development in clustered nodes.

Project Information

Other Economic Development Tools in Use

Chapter 380 of the Local Government Code

380 Economic Development Grant and Loan Agreements, are authorized under Chapter 380 of the Local Government Code. Under the statute, “the governing body of a municipality may establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the municipality, to promote state or local economic development and to stimulate business and commercial activity in the municipality.”

Statue enables the TIRZ and the City to provide incentives to many of the following economic development projects by allowing the repayment of future tax revenue generated by the projects over a set period of time, typically 10 - 15 years. By using this tool, the TIRZ Board is able to incentivize projects with the future tax increment generated by those projects.

Center City Housing Incentive Policy (CCHIP)

On June 21st, 2012, City Council adopted the Center City Housing Incentive Policy which provides greater incentives to housing projects within the targeted growth areas identified in the Downtown Strategic Framework Plan and prioritizes the urban core. The Policy established an as-of-right housing incentive system for housing in the Center City. It was re-evaluated for extension after four (4) years with changes approved by City Council on June 16, 2016. The revised policy expires June 30, 2018.

A key component of the CCHIP provides Real Property Tax Reimbursement Grants to multi-family rental or for sale projects within the area. The City's real property tax increment generated as a result of the Project is the funding source of the Grant.

The Grant will be disbursed over a 10 or 15 year period which is determined by the location of the Project or the type of project. The current version is approved by the Westside TIRZ Board on December 12, 2016.

Proposed Changes to Municipal Ordinances

There are no proposed changes identified to be made to Municipal Ordinances regarding the Westside TIRZ at the time of approval of this Project Plan. Potential future changes will likely involve zoning changes to accommodate proposed projects that favorably impact strategic goals of the Westside TIRZ.

Estimated Non-Project Costs

Annual Administrative Fees are the only estimated Non-Project Costs identified for the Westside TIRZ.

Projects Approved by the TIRZ Board for Funding

<u>Project Name</u>	<u>Funding Amount</u>	<u>Funding Type</u>	<u>Termination Date</u>
1334 S. Flores	\$3,894,053.00	Tax Reimbursement *	12-31-2031
Cevallos Urban	\$141,660.00	Tax Reimbursement *	12-31-2031
Clay Street Homes	\$583,409.00	Tax Reimbursement *	12-31-2031
Guadalupe + Flores	\$85,816.00	Tax Reimbursement *	12-31-2032
Iron and Steel Lofts	\$719,962.00	Tax Reimbursement	1-1-2031
Lone Star Urban	\$235,420.00	Tax Reimbursement *	12-31-2031
Peanut Factory	\$1,041,449.00	Tax Reimbursement *	12-31-2031
Southtown Flats	\$2,758,869.00	Tax Reimbursement *	12-31-2031
The Vitre	\$2,062,337.00	Tax Reimbursement *	12-31-2031

Note: * Denotes a CCHIP Project.

Financial Information

The City and TIRZ Board may enter into development agreements with various entities that will participate in the development of the Westside TIRZ. Developers will be required to submit an application to demonstrate experience in the construction of major projects, financial capability, and must provide performance and payment bonds in connection with public infrastructure improvements associated with the development projects.

Order or Priority of Payment

Revenues derived from the TIRZ will be used to pay costs in the following order of priority of payment:

- a. Reimburse eligible startup Administrative Costs;
- b. To pay all other ongoing Administrative Costs to the Participating Taxing;
- c. To reimburse the City for costs of the repair, replacement, and maintenance of public infrastructure and associated costs as described in any Development Agreements (if any); and
- d. To reimburse the developer(s), if any, and/or the City for public improvements, as provided in the Final Project and Finance Plans. These costs will be financed/reimbursed to the extent that funds in the Tax Increment Fund are available for these purposes.

For specific requirements for any project within the TIRZ, refer to the legal documents applicable to the project in concern. No reimbursements will be paid from the TIF Fund to any party of a Development Agreement for its financial or legal services in any dispute arising under that Development Agreement.