

Chapter 3: Zoning

Sec. 3-2. - Definitions.

Certain words in this ordinance not heretofore defined are defined herein as follows:

(A) Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "building" includes the word "structure;" the word "lot" includes the words "plot" or "tract;" the word "shall" is mandatory and not discretionary.

Accessory building or structure. In a residence district, a subordinate building attached or detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, lath or greenhouse as a hobby (no business), home workshop, quarters for servants employed on the premises, children's playhouse, storage house or garden shelter, but not involving the conduct of business or the use of such accessory structure as a separate domicile.

Actual grade. Actual Grade shall mean the existing natural ground elevation around the structures foundation prior to any cut/fill or disturbance of soil.

Administrative officer. The city engineer or other duly designated official charged with administration and enforcement of the ordinances and codes of the City of Alamo Heights having to do with land use and building.

Alley. A public space or thoroughfare which affords only secondary means of access to property abutting thereon and which may not be used as street frontage or primary access.

Apartment. A room or suite of rooms in a multiple-family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family, individual or group of individuals.

Apartment house. Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three

(3) or more families living in independent dwelling units; also called a multi-family residence and a multiple family dwelling.

Amusement, commercial (indoor only). Such activity may consist of a bowling alley, indoor ice skating, indoor archery, badminton or handball and similar activities when such facilities are housed in an enclosed air conditioned building which is acoustically treated to prevent the sounds of the interior activity from being audible on the exterior of the building and subject to all the other regulations of this ordinance.

Articulation. To provide architectural variation to wall planes for the purpose of preventing long monotonous walls by providing either at least a two (2) foot by ten (10) foot wall offset or a combination of structural architectural and utilitarian features.

Average grade. Average Grade shall mean the average of the highest and lowest existing ground elevation points around the structures foundation.

Bakery or confectionery shop (retail). An establishment preparing and selling at retail on the premises, cakes, pastry, candies, breads and similar food items. The total establishment shall not exceed five thousand (5,000) square feet in gross floor area and shall not emit perceptible odors outside the building.

Basement story. A building story which is partly underground, but having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground. Such basement shall be counted as a story in computing building height.

Beverage sale, alcoholic, package store. Such store shall be conducted and operated for the sale of liquors as defined and used in the Texas Liquor Control Act and shall involve the sale of spirituous, vinous, or malt liquors, including beer in unbroken packages for off-premises consumption.

Beverage sale, wine or beer. For on-premises consumption when served with food by a bona fide restaurant or cafeteria only.

Block. An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersects said street on the said line.

Buildable area. The area of a lot located between the required minimum front, side and rear setbacks, as specified by the zoning code.

Building. Any structure designed, built or intended for shelter, enclosure of persons, animals, chattels or movable property of any kind; and when separated by an Absolute Fire Separation, each portion of such building so separated, shall be deemed a separate building.

Building line. A line parallel or approximately parallel to the street line at a specific distance there from marking the minimum distance from the street line that a building may be erected.

Carport. Carport shall mean a building or structure used primarily for vehicle storage that is open on at least two (2) sides.

City council. The official Governing Body of the City of Alamo Heights.

Cleaning shop or laundry, self-service. An establishment where individual garments or a bundle of garments belonging to an individual or family are cleaned or laundered in small automatic machines under the supervision of the customer, which establishment does not exceed five thousand (5,000) square feet in area and which does not employ more than five (5) employees.

Cleaning and pressing shop. Such establishment shall be constructed and equipped so that no lint, dust, steam or other particulate matter or noise is exhausted or emitted from the building.

Custom personal service. An establishment providing such services as shoe repair, tailoring, weaving, dress making, travel consultant, health or reducing salon and similar services to the person.

Court. An open, unoccupied space, bounded on more than two (2) sides by the walls of a building. An inner court is a court entirely surrounded by

the exterior walls of a building. An outer court is a court having one (1) side open to a street, alley, yard or other permanent space.

College, university or private school. An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Covered parking space. Covered parking space shall mean an area designated for storage of vehicles under a cover or roof and shall include carports or garages.

Day nursery or kindergarten school. An establishment where four (4) or more children are left for care or training during the day or a portion thereof.

District zoning. A section of the City of Alamo Heights for which the regulations governing the area, height or use of the land and buildings are uniform.

Dripline. The periphery of the area underneath a tree which would be encompassed by perpendicular lines projected down from the farthest edges of the crown of the tree.

Drive-through facility shall mean a business facility wherein accommodations are constructed so that neither party to a business transaction must exit the business building or the vehicle of the customer in order to conduct the business transaction. This definition does not apply to a curbside transaction whereby a customer remains in or on a vehicle and a representative of a business comes to the vehicle to conduct a business transaction.

Dwelling, single-family. A detached building having accommodations for and occupied by not more than one (1) family.

Dwelling, single-family, attached. See definition for One-family dwelling (attached).

Dwelling, two-family. A detached building having separate accommodations for and occupied by not more than two (2) families.

Dwelling, multiple-family. Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home residence of three (3) or more families.

Dwelling unit. A building or portion of a building which is arranged, occupied or intended to be occupied as a single living quarters and includes facilities for food preparation and sleeping.

Family. One (1) or more individuals living together as a single housekeeping unit, in which not more than two (2) individuals are unrelated by blood, marriage or adoption.

Fix-it shop. An establishment for the repair of household items such as bicycles, lawnmowers, appliances, tools, toys and similar items, but no such items shall be stored outside the building and no welding or machine equipment shall be operated so as to create conditions obnoxious to adjacent property.

Floor area. The total square feet of floor space within the outside dimensions of a building each floor level, but excluding basements.

Floor area ratio (FAR). A ratio of the total above ground gross floor area of all structures on a site to the total square footage of a lot (for example, a FAR of .53 for a seven thousand five hundred (7,500) square foot lot is three thousand nine hundred seventy-five (3,975) gross square feet (.53 X 7,500) of floor area).

The following areas shall be included when computing the gross floor area:

(1) Exterior walls: The thickness of the wall shall be included in the calculation;

(2) Above grade floor area: Any room that has a wall surface that extends more than three (3) feet above grade;

(3) Laundry rooms, mechanical rooms, storage rooms, built-in cabinets and media niches;

(4) Mezzanines and lofts;

(5) Floor area used by stairways, elevators, escalators and similar features. The floor area of each run of stairs shall be counted once;

(6) Vaulted ceilings: the floor area shall be counted at the actual floor area only and not in the air spaces;

(7) Usable spaces (generally defined as having a five (5) foot minimum height) such as rooms, closets and cabinets under a run of stairs;

(8) Exterior structures and additions with a solid roof and enclosed on more than two (2) sides in whole or part with permanent solid walls or windows such as porches, balconies, patios and breezeways;

(9) Attached and detached garages and carports; and

(10) Accessory buildings such as sheds, pool houses, guest houses, bonus rooms and second units.

The following areas shall not be included when computing the gross floor area:

(1) Below grade floor area: any area that has a wall surface that extends less than three (3) feet above grade;

(2) Porches, balconies, patios, breezeways, decks, overhangs, eaves, cantilevers and awnings with solid roof-like cover, but not enclosed on more than two (2) sides;

(3) Porches, balconies, patios, breezeways and decks that do not have a solid roof-like cover; and

(4) Attic space that is not habitable. If made habitable in the future, shall be included in floor area ratio.

Frontage. All of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on a side between an intersecting street and the dead end of the street.

Front entryway feature. An architectural or utilitarian feature that defines the front door of a building that can either project out from a wall plane (such as a stoop) or be inset (such as an arched entry open on two (2) sides).

Garage. Garage shall refer to a structure or building used primarily for vehicle storage which is enclosed on three (3) or more sides.

Gasoline service station. An establishment dispensing motor vehicle fuel, lubricants, tires and batteries. No commodities shall be displayed nearer to the front property line than the pump island located nearest to the front property line.

Hotel, three (3) stories or more in height. A building, three (3) stories or more in height, designed and occupied as a temporary abiding place of individuals where customary hotel services, such as linen, maid and telephone service, and the use and upkeep of furniture and accommodations are provided to the individual guest rooms or units.

Height. For the purposes of the SF-A and SF-B Districts, height is defined as follows:

(1) For lots that slope less than ten (10) percent upward or downward from the front property line to the rear property line, height is defined as the measurement from the average of the highest and lowest existing ground elevation points around the structure's entire foundation.

(2) For lots that slope ten (10) percent or more upward or downward from the front property line to the rear property line, height is defined as the measurement from and along the existing continuous grade with no wall exceeding the permitted height at any point within the lot.



EXAMPLE: Height measurement on a sloping lot.

For the purposes of zoning districts other than the SF-A and SF-B Districts, height is defined as follows: The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to 1) the highest point of the roof's surface if a flat surface, 2) to the deck line of mansard roofs, or, 3) to the mean height level between eaves and ridges for hip and gable roofs. In measuring the height of a building, the following uses shall be excluded to the extent of eight (8) feet of additional height; chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, ornamental cupolas, domes or spires, and parapet walls.

Home occupations. A home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or buildings or any rooms therein, without the installation of machinery or additional equipment, other than that customary to normal household operation, without the employment of additional persons, without the use of a sign to advertise the occupation, without the use of premises' address in any form or type or advertising, without offering any commodity for sale on the premises and which does not create obnoxious noise or other obnoxious conditions to abutting residential property and which does not generate additional pedestrian or vehicular traffic.

Hospital (acute care). An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

Impervious cover. Any surface material or surface treatment or surface condition which sheds fifty (50) percent or more of rainfall, or water, which falls on it.

Landscape/landscaping. Landscape or landscaping includes natural or artificial exterior (outdoor) forms, features, furniture, and plantings,

including ground and water forms, vegetation, circulation, walks and other landscape features.

Lot. Land, which may consist of multiple platted lots or portions thereof, occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

Lot area. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

Lot, corner. A lot situated at the junction of two (2) streets and having an exterior exposure along both streets extending from an intersection.

Lot coverage. For the purposes of the SF-A and SF-B Districts, lot coverage includes the total lot area covered by a roof, floor or other structures, except eaves. Coverage is measured to the outside faces of exterior walls or to the omitted wall lines (see example below), at any height, whichever produces the largest area. Carports, sheds, side and rear porches, covered pedestrian-walkways, breezeways, arbors, gazebos and covered patios are included in lot coverage calculations. One-story covered front porches up to fifteen (15) feet in height are excluded from lot coverage. Entryway arbors with open-air lattice framework under fifty (50) square feet in area and under eight (8) feet in height are also excluded from lot coverage.

For the purposes of zoning districts other than the SF-A and SF-B Districts, lot coverage includes the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.



EXAMPLE: Omitted wall line.

Lot depth. The mean distance between the front and rear lot lines.

Lot, double frontage. A lot having each of two (2) opposite sides abutting or having frontage upon separate streets, as distinguished from a corner lot.

Lot lines. The lines bounding a lot as defined herein.

Lot width. The average width of the lot as measured between the side lot lines midway between the front and rear lot lines.

Main building. The building or buildings on a lot which are occupied by the primary use.

Manufactured housing. Manufactured housing means a structure transportable in one (1) or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

Modular housing. Modular housing means a dwelling that is constructed in one (1) or more modules at a location other than the homesite, or is constructed utilizing one (1) or more modular components, and which is designed to be used as a permanent residence when the modular components or modules are transported to the homesite and are joined together, or are erected, and installed on a permanent foundation system.

Motel, tourist court or motor court. A building or arrangement of buildings designed and occupied as a temporary abiding place of transient individuals, not trailer park, and containing at least twenty (20) rooms or guest units and not being constructed or intended for use as a permanent place of residence except that quarters for a resident manager are permitted.

Nonconforming use. A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

Nonconforming structure. A building or structure which contains a use which conforms to the regulations of the district in which it is situated, but which does not conform to one (1) or more of the area, height or parking regulations prescribed herein for the district in which it is situated.

Occupancy. Occupancy as used herein pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Off-street parking incidental to main use. In all dwelling districts shall consist of a garage, carport or paved parking space. None of such facilities shall be used in residential districts for parking of other than passenger type motor vehicles and small trucks which do not exceed one (1) ton in capacity.

One-family dwelling (attached). A single-family dwelling having one (1) or both side walls in common with an adjacent party wall. For the purpose of this Code, a one-family attached dwelling must be one (1) unit of a minimum of three (3) such attached dwelling units and no combination of attached dwelling units shall exceed two hundred (200) feet in length. For purposes of this Code, one-family attached dwellings may be constructed as a series of duplexes with the duplexes attached to each other by a substantial structure other than a party or common wall provided the other requirements of this definition are satisfied.

Open space. Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

Pervious cover. Any surface material, treatment or condition which absorbs fifty (50) percent or more of rainfall, or water, which falls on it (the inverse of “impervious cover”).

Pervious paving. Any paving material for driveways, sidewalks and other hardscape features that meets the definition of “pervious cover” that includes, but is not limited to, crushed rock and pervious pavers accompanied by a documented assertion from a licensed contractor, architect or engineer that the paving meets the aforementioned definition of “pervious cover.” An unfinished surface, such as dirt or grass that is not accompanied by an engineered paving system, does not qualify.

Pilaster. A non-load-bearing architectural feature that provides physical relief for a building façade at regular intervals; i.e. an exterior, decorative column that is embedded in a solid wall and projects outward to provide architectural relief to a building façade.

Porte-cochere. A roofed structure attached to a main structure, which covers a driveway to provide either a temporary or long-term parking area.

Projecting bay or box window. Windows that project from the wall plane of a building that are surrounded by a symmetrical enclosure (trapezoidal or rectangular in shape) cantilevered over the ground, therefore, not requiring the support of a permanent foundation.

Premises. Land together with any buildings or structures occupying it.

Private garage. An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

Retail shops and stores. Other than listed—Establishments offering all types of consumer goods for sale, but excluding the display and sale of heavy machinery or salvage materials, and excluding the display and sale outside a building of automobiles, building materials, furniture, appliances, used clothing or similar items.

Ribbon driveway. A driveway that consists of two ribbons of paving with a strip of grass, other planting material or gravel in-between to minimize stormwater drainage. Individual ribbons shall only be permitted within the boundary of the homeowner's private property and shall measure between 1.5 and 2.5 feet in width.

Schools, public or parochial. A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including private or trade or commercial schools.

Servant or caretaker's quarters (detached). A secondary detached dwelling structure located on lot with a main residential structure and used as living quarters for persons employed on the premises only, and not for rent or use as a separate domicile of other than persons employed on the premises.

Shop or office for home maintenance service. Quarters housing the business office and equipment of home maintenance operations, such as plumbing repairs, painting, heating, air-conditioning or pool service, but

excluding the storage in the open, unenclosed by a building, of any supplies, fixtures or commodities used by such service.

Signs, civic, church or school. Bulletin boards or directional signs for churches, public schools, public buildings and service clubs provided such signs do not exceed six (6) feet in height and are placed on private property.

Signs, name plate. A name plate not exceeding one (1) square foot in area and not of the flashing, intermittently lighted or revolving type and containing only the name and address of the occupant of the premises.

Signs, real estate. Non-illuminated signs pertaining to the sale or rental of property not exceeding thirty-two (32) square feet in Business District One (B-1) and Business District Two (B-2) and not exceeding six (6) square feet in all other zoning districts. Such signs shall be located entirely on private property and affixed to a structurally sound building, fence, wall, post, stake, or other structure on the premises advertised, and may advertise property only for which it is zoned.

Story. That portion of a building included between the surface of any floor and surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, half. A story having an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five (75) percent of the area of the floor of the first story below.

Street. Any thoroughfare or public driveway, other than an alley, and not less than thirty (30) feet in width, which has been dedicated or deeded to the public for public use and which affords primary access to abutting property.

Street line. A dividing line between a lot, tract or parcel of land and a contiguous street right-of-way.

Structural alterations. Any change in any supporting member of a building, such as a bearing wall, column, partition, beam, rafter, joist, or girder, or any change in the pitch or height of the roof.

Structure. A structure shall be interpreted the same as a building, but shall in addition, include such items as a free standing ground sign and pylon when erected on a base and not made integral with a building.

Substantial porch. A covered front porch that has a minimum length of fifty (50) percent of the length of the front building façade and has a depth of at least eight (8) feet.

Temporary field or construction office. A portable building or temporary building used as a field office for a real estate development or construction project, subject to obtaining a temporary permit from the city engineer and subject to removal at the direction of the city engineer.

Telephone line or exchange. The telephone exchange when located in SF-A, SF-B, 2F-C, MF-D or P Districts shall not include public business office, storage or repair facilities.

Tree. A tree shall be defined by any of the following:

(1) A woody plant having one (1) well defined stem or trunk and a more or less definitely formed crown and usually attaining a mature height of at least eight (8) feet.

(2) A plant listed as a tree in any of the following:

(a) "Forest Trees of Texas," by the Texas Forest Service of Texas A&M University System.

(b) Simon and Shuster's "Guide to Trees."

(c) The Audubon Society's "Field Guide to North American Trees."

Wall plane. Wall plane shall mean the horizontal length of a wall inclusive of the vertical portion of a wall between the bottom (sill/sole) plate to the attached top plate.

Yard. An open, unoccupied space (except for vegetation and surfacing) other than a court, on the lot in which a building is situated and which is unobstructed except as provided herein by any building from the ground to the sky.

Yard, front. An open unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front property line (street right-of-way line) as used herein shall represent a line in front of which no building may be erected which line shall be determined as the minimum horizontal distance between the front property line and the main building line as specified for the district in which it is located.

Yard, rear. An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the main building and the rear lot line. The required rear yard shall have a minimum dimension as specified in the district in which the lot is situated.

Yard, side. An open, unoccupied space or spaces on one (1) or two (2) sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

Zoning district map. The official certified map(s) upon which the boundaries of the various zoning districts are drawn and which are an integral part of the zoning ordinance and together with the zoning text makes up the zoning regulations for the City of Alamo Heights.

(Ord. No. 1750-C, § 2, 1-28-08; Ord. No. 1877, 8-23-10)