

Chapter 3 - ZONING^[1]

Footnotes:

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Editor's note—Prior to reenactment by Ord. No. 1750-C, Ord. No. 1750-A, § 1, adopted Jan. 28, 2008, repealed Ch. 3, §§ 3-26—3-37, which pertained to alcoholic beverages and derived from Code 1965, §§ 4-1, 4-2, 4-14—4-16, 4-18—4-24. The user's attention is directed to § 10-46 et seq.

State Law reference—Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; zoning commission, V.T.C.A., Local Government Code § 211.007; comprehensive plan, V.T.C.A., Local Government Code § 213.002; board of adjustment, V.T.C.A., Local Government Code §§ 211.008-211.013; zoning districts, V.T.C.A., Local Government Code § 211.005; regulation of signs by home-rule municipality, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipality may regulate parking on private property, V.T.C.A., Local Government Code § 431.001.

ARTICLE I. - IN GENERAL

Sec. 3-1. - Purpose and intent.

The zoning regulations and the districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and for the protection and preservation of places and areas of historical and cultural importance and significance, or for the general welfare of the city. They have been designed to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for business, residence and other purposes; and in the case of designated places and areas of historical and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

It is the intent of this chapter to provide SF-A and SF-B zoning regulations in the single-family residential districts to:

- (1) Assure that structures are compatible in scale with those of structures seen traditionally in residential neighborhoods of Alamo Heights in order to:
 - (a) Maintain the traditional scale of structures as seen along the street;
 - (b) Minimize visual impacts of larger structures on adjacent properties;
 - (c) Promote access to light and air from adjacent properties; and
 - (d) Promote structures that are proportional to their lot size.
- (2) Adjust height standards that set absolute height limits.
- (3) Establish standards to reduce the visual impact of parked cars and front facing garage doors in order to retain the sense of front yards along blocks of existing single-family homes.

(Ord. No. 1750-C, § 2, 1-28-08)

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.

Abutting. Having lot lines or district boundaries in common. **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's 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. Public right-of-way 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 article.

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.

Condominium. The use of a site for dwelling units intended for separate ownership, together with common areas serving all dwelling units. Condominium projects shall be considered as multi-family projects and be developed accordingly.

Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.

3. "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

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

Dwelling, single-family, attached. A single family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or common walls, which correspond to platted zero lot lines and are located immediately adjacent thereto. Included under this use category are townhouses, row houses, and similar structures..
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 × 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. A building 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:

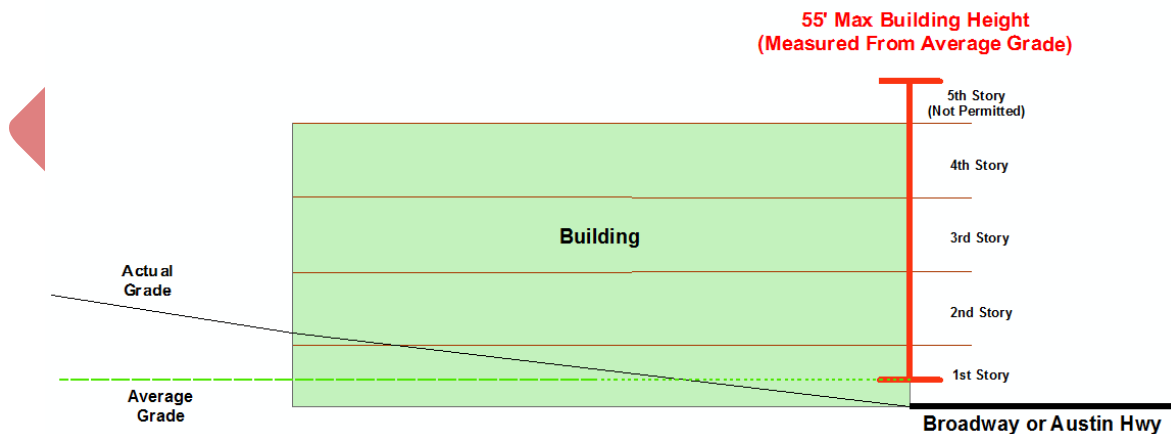
- (1) For lots that slope less than ten (10) percent upward or downward from the front property line to the rear property line, height is defined as the measurement from the average of the

(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.



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.

For properties with frontage along Broadway (South of Albany) and Austin Highway a maximum height of fifty-five (55) feet, from average grade, but not to exceed four (4) stories from the grade of land adjacent to the public rights-of-way frontage shall be permitted.



EXAMPLE: Height measurement for properties located along Broadway (South of Albany) and Austin Hwy. A building story, partly underground, shall be considered a story, regardless of its height below or above average grade.

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any form or type of 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, pedestrian circulation, walks and other landscape features.

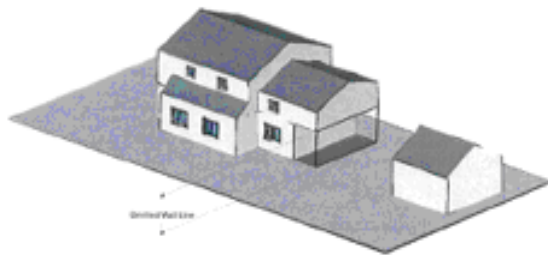
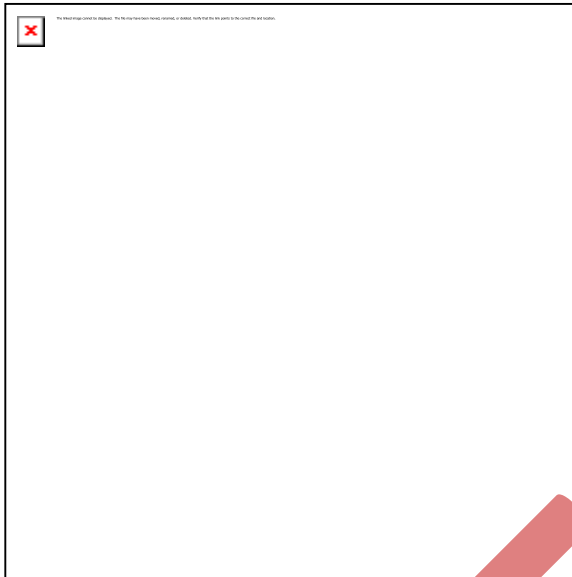
Lot. Land, which may consist of multiple platted lots or portions thereof, occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

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.

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.

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.

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 general. Sale or rental of commonly used goods and merchandise for personal or household use. Typical uses may include, but not limited to, department stores, apparel stores, furniture stores and establishments providing the following products or services: household cleaning and maintenance products, cards, stationery, notions, books, cosmetic and specialty items; flowers, plants, hobby materials, toys and hand-crafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, sporting equipment, kitchen utensils, home furnishings and appliances, art supplies and framing, arts, antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies, bicycles and auto parts (inside a building with no repair services). "Retail general" shall not include any retail stores whose primary product is intended for individuals eighteen

(18) years of age or older including, but not limited to, humidors, general tobacco shops or vaping stores, head shops, hookah lounges, flea markets, secondhand or thrift stores, the display and sale of heavy machinery, building materials, used appliances, used furniture or salvage materials; adult dress, toy, or novelty shops, and excluding the sale or offering for sale of commodities displayed outside of a building, except for limited promotional events.

Ribbon driveway. A driveway that consists of two (2) 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.

Shall & May. "Shall" is always mandatory and not discretionary. "May" is discretionary.

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.

Stores other than listed. Retail establishments whose products are not listed or permitted in the B1, B2, and B3 zoning districts or whose primary product is intended for individuals eighteen (18) years of age or older including, but not limited to, humidors, general tobacco shops or vaping stores, head shops, hookah lounges, flea markets, secondhand or thrift stores, the display and sale of new or used automobiles, heavy machinery, building materials, used appliances, used furniture or salvage materials; adult dress, toy, or novelty shops, and excluding the sale or offering for sale of commodities displayed outside of a building.

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's administrative officer and subject to removal at the direction of the city's administrative officer.

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."

Townhouses, row houses, and similar structures. The use of a site for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot within the total development site, together with common areas serving all dwelling units.

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 (1) 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.

Yard, corner side. An open, unoccupied space or spaces on one (1) side of a main building and on the same lot with the building, situated between the building and a side lot line of a corner lot and extending through from the front yard to the rear yard. 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; Ord. No. 1920, 1-23-12; Ord. No. 1963, 4-8-13; [Ord. No. 2020](#), 5-26-15)

Sec. 3-3. - Zoning districts established.

The City of Alamo Heights, Texas, is hereby divided into nine (9) zoning districts. The use, height, area and parking regulations as set out herein are uniform in each district. The nine (9) districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
SF-A	Single-family Dwelling District A
SF-B	Single-family Dwelling District B
2F-C	Two-family Dwelling District C
MF-D	Multiple-Family Dwelling District D
P	Parking District
O-1	Office District
B-1	Business District One
B-2	Business District Two
B-3	Business District Three

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-4. - Zoning district map.

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Alamo Heights, said map being a part of this ordinance as fully as if the same were set forth herein in detail.

Two (2) original, official and identical copies of the zoning district map are hereby adopted, each bearing the signature of the mayor and the attestation of the city secretary and said official zoning district maps shall be filed and maintained as follows:

- (1) One (1) copy shall be filed with the city secretary and retained as the original record and shall not be changed in any manner.
- (2) One (1) copy shall be filed with the Administrative Officer or a designee and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation in enforcing the provisions of this ordinance.

Reproductions for information purposes may, from time to time, be made of the official zoning district maps.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-5. - Zoning district boundaries.

The district boundary lines shown on the zoning district map are generally along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following platted lot lines shall be construed as following platted lot lines;
- (2) Boundaries indicated as approximately following city limits lines shall be construed as following city limits lines;
- (3) Boundaries indicated as following street, highway or alley lines shall be construed as following such lines;
- (4) Boundaries indicated as approximately following the centerlines of streams or drainage ways shall be construed as following such centerlines;
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (4) above, shall be so constructed. Distances not specifically indicated on the official zoning map shall be determined by the scale appearing on the map;
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (5) above, the board of adjustment shall interpret the location of the zoning district boundary in question.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-6. - Compliance required.

All land, buildings, structures or appurtenances thereon, located within the City of Alamo Heights, Texas, which are hereafter occupied, used, erected, altered or converted, shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district which such land or building is located, except as hereinafter provided.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-7. - New territory and land subject to zoning.

- (1) Any territory which may hereafter become part of the City of Alamo Heights shall be temporarily classified SF-A, Single-Family Dwelling District, until permanent zoning has been established by the City Council of Alamo Heights in accordance with procedures used for the adoption of original zoning regulations.
- (2) Whenever any street, alley or other public way not subject to zoning regulation is vacated by official action of the city council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas shall then and henceforth be subject to all regulations of the extended districts.

(Ord. No. 1750-C, § 2, 1-28-08)

ARTICLE II. - LAND USE

Sec. 3-8. - Use of land and buildings.

Land and buildings in each of the following classified districts may be used for any of the specified uses shown on the schedule as permitted in each district. No land shall hereafter be used and no building or structure shall hereafter be erected, altered, converted, designed, arranged or used for other than those uses specifically indicated as permitted uses in the district in which such land or building is located according to the following schedule of permitted uses:

Use Type:	SF-A	SF-B	2F-C	MF-D	P	O-1	B-1	B-2	B-3
Primary Residential Uses									
One-family dwelling (detached)	•	•	•	•					
One-family dwelling (attached)			•	•					
Two-family dwelling			•	•					
Modular or manufactured housing									
Multiple-family dwellings				•		•	•	•	•

Special Uses									
Church or rectory	•	•	•	•		•	•	•	•
College, university or accredited private school	S	S	S	S		•	•	•	•
Day nursery or kindergarten school			S	S					
Hospital, general acute care			S	S			S	S	S
Institutions of a religious or philanthropic nature			S	S		S	S	S	S
Library or art gallery (public)				•		•	•	•	•
Park or playground (public)	•	•	•	•		•	•	•	•
Service center, municipal			S	S					
School, public or parochial	•	•	•	•		•	•	•	•
Utility and Service Uses									
Electrical substation	S	S	S	S	S	S	•	•	•
Electrical transmission line	•	•	•	•	•	•	•	•	•
Fire station	•	•	•	•		•	•	•	•
Local utility distribution line	•	•	•	•	•	•	•	•	•
Local transit station or off-street turnaround	S	S	S	S	•	S	•	•	•
Radio, television or micro-wave towers	S	S	S	S	S	S	S	S	S
Sewage pumping station	•	•	•	•	•	•	•	•	•
Telephone line and exchange	•	•	•	•	•	•	•	•	•

Water reservoir, well or pumping station, municipal	S	S	S	•	•	•	•	•	•
Accessory & Incidental Uses									
Accessory building to residence	•	•	•	•		•	•	•	•
Home occupation	•	•	•	•		•	•	•	•
Off-street parking incidental to main use	•	•	•	•	•	•	•	•	•
Servants or caretakers quarters (detached)	•	•	•	•		•	•	•	•
Signs, name plate				•	•	•	•	•	•
Signs, civic, church or school	•	•	•	•	•	•	•	•	•
Sign, real estate (sale or rental)	•	•	•	•	•	•	•	•	•
Swimming pool, private	•	•	•	•	•	•	•	•	•
Temporary field or construction office	•	•	Subject to approval by the city's administrative officer					•	•
Business & Related Uses									
Accountants, architects, dentists, engineers, lawyers, optometrists, physicians, realtors and offices with similar characteristics without the sale of merchandise from the premises						•	•	•	•
Amusement, commercial (indoor only)								•	•
Antique shop (inside building only)							•	•	•
Art gallery							•	•	•
Appliance repair, household (indoor storage)								•	•

Auto laundry									•
Auto parts and accessory (indoors only)									•
Auto repair garage									•
Auto sales, new (indoor display only)									•
Bank, savings and loan							•	•	•
Barber or beauty shop							•	•	•
Bakery or confectionary shop (retail)							•	•	•
Beverage sale alcoholic; package store							•	•	•
Wine and beer with food for on-premises consumption							•	•	•
Camera shop							•	•	•
Cleaning shop or laundry, Self-service								•	•
Cleaning or laundry pick-up station								•	•
Cleaning or pressing shop								•	•
Clinic, medical or dental, or doctors office						•	•	•	•
Custom personal service shop							•	•	•
Custom sewing and millinery								•	•
Drive-through facilities, single lane only							S	S	S
Drug store or pharmacy							•	•	•
Restaurant or cafeteria							•	•	•

Fix-it shop									•
Florist shop, lath or greenhouse							•	•	•
Food store							•	•	•
Gasoline service station								•	•
Gun shop							S	S	S
Hotel						S	•	•	•
Insurance office						•	•	•	•
Job printing and newspaper print shop								•	•
Letter or mimeograph shop							•	•	•
Locksmith or key shop								•	•
Lodge or fraternal organization hall or headquarters							•	•	•
Offices for the businesses and professions specifically authorized in this schedule	(Offices may only be located in the zoning districts specified herein for such permitted businesses and professions)								
Optometrist or optical shop with merchandise							•	•	•
Municipal offices, city hall	S	S	S	S		•	•	•	•
Parking, commercial lot or garage (parking only)					•		•	•	•
Pawnshops licensed by State of Texas									•
Retail general							•	•	•

Stores other than listed							S	S	S
Shop or office for maintenance service							S	•	•
Signs, advertising commodities sold on premises							•	•	•
Stock broker						•	•	•	•
Studio, drama, speech, music or dance							•	•	•
Studio, display art and decorators objects							•	•	•
Studio, radio or television							•	•	•
Studio, photographer or artist							•	•	•
Theater, not of drive-in type							•	•	•
Title company						•	•	•	•

Legend:

• — Designates use permitted in zone

S — Indicates specific use permit as provided in section 8-37 of this chapter.

(Ord. No. 1750-C, § 2, 1-28-08; Ord. No. 1774, 6-9-08; Ord. No. 1877, 8-23-10; Ord. No. 1952, 11-13-12; Ord. No. 1953, 11-13-12; Ord. No. 2006, 10-13-14; [Ord. No. 2020](#), 5-26-15)

Sec. 3-9. - Location of adult enterprises.

Notwithstanding any other provision of the Zoning Code, no sexually oriented business, as defined in the Local Government Code, shall be established or maintained within one thousand (1,000) feet of any school, regular place of religious worship, or residence. Measurements shall be made in a straight line from the nearest boundary of the property used for school, regular place of religious worship, or residence to the nearest part of the building in which such sexually oriented business is conducted.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-10. - Conformity with minimum regulations.

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformity with all the minimum regulations specified for that zoning district.

(Ord. No. 1750-C, § 2, 1-28-08)

ARTICLE V. - TWO-FAMILY DWELLING DISTRICT (2F-C)

Sec. 3-31. - Reserved.

Sec. 3-32. - Lot area.

The minimum lot area in the 2F-C District shall be in accordance with the following, and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth herein:

- (1) Single-family dwelling detached: Seven thousand five hundred (7,500) square feet.
- (2) Single-family dwelling attached and Two-family dwelling: Nine thousand (9,000) square feet.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-33. - Lot width.

The minimum lot width in the 2F-C District shall be in accordance with the following, and no lot existing at the time of passage of this ordinance shall be reduced in width below the minimum requirements set forth herein:

- (1) Single-family dwelling detached: Fifty (50) feet.
- (2) Single-family dwelling attached and Two-family dwelling: Sixty (60) feet.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-34. - Front yard setbacks.

No building, structure or use shall hereafter be located, erected or altered in the 2F-C District so as to have a smaller front yard than twenty-five (25) feet, except as follows:

The required front yard of twenty-five (25) feet is for a unit facing the street from which the address is derived. Units to the rear of the initial unit do not add to the required front yard depth. This does not avoid the necessity to meet other requirements of the Zoning Code and other codes and ordinances. Front porches, with a minimum depth of eight (8') feet, may encroach up to a maximum of four (4') feet into the required front yard setback.

- (1) Where the frontage on one (1) side of a street between two (2) street intersections is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire block.
- (2) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions

may encroach into the required front yard for a distance not to exceed four (4) feet beyond the permitted porch or wall plane.

- (3) Where a lot has double frontage, running through from one (1) street to another, the front yard requirements of this section shall apply to any yard of such double frontage lot that is directly across a street from the front property line of another lot.
- (4) No fence, wall or other manmade, non-living barrier, other than the wall of a permitted structure, shall be erected or altered within the minimum required portion of a front yard in excess of three (3) feet in height measured from the lower side of the fence, wall or other barrier, or in excess of six (6) feet in height within the remaining portion of a front yard measured from the lower side of such fence, wall or other barrier. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the director shall determine the permissible height of a fence, wall or other barrier from the director's projection of the natural grade of the land.
- (5) Main structure articulation: The maximum exterior front wall plane width without a minimum of a two (2) feet deep by ten (10) feet wide, for the full height of the structure above the first floor, offset is every thirty (30) feet.
 - a. Articulation standards may be modified by recommendations from the Architectural Review Board and Council approval.
- (6) Eaves, roof extensions, and other similar features may encroach into the required front yard setback for a distance not to exceed four (4) feet beyond the permitted porch or wall plane.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-35. - Side yard setbacks.

No building, structure or use shall hereafter be located, erected or altered in the 2F-C District so as to have a smaller side yard than hereinafter specified, except as follows:

- (1) Minimum side yard for single-family and two-family structures shall be six (6) feet (non-driveway side) and ten (10) feet for the driveway side.
 - a. A looming ratio of two to one (2:1) height looming applies to the side yard setback.
 - i. The height looming ratio shall not apply to when adjacent to public rights-of-way.
- (2) Corner side yards shall have a minimum setback of fifteen (15) feet..
- (3) Minimum side yard for single-family attached and two-family residences adjacent to SF-A or SF-B zoning districts shall be based on the following:
 - a. A minimum setback of fifteen (15) feet shall be required adjacent to the SF-A or SF-B zoning districts.
 - i. a minimum setback of six (6) feet (non-driveway side) and ten (10) feet for the driveway side shall be permitted for the remaining side yard setback, which is not adjacent to an SF-A or SF-B zoning district.
 - b. A looming ratio of two to one (2:1) height looming applies to the side yard setback adjacent to SF-A or SF-B zoning districts.
 - i. The height looming ratio shall not apply to when adjacent to public rights-of-way.
 - c. Corner side yards shall have a minimum setback of fifteen (15) feet.

- (3) Where multiple structures are arranged on a singular lot and have a height less than thirty (30) feet, a minimum building separation between structures shall be twelve (12) feet, provided that all building and fire codes have been met, pertaining to constructions types/standards.
- (4) Detached garages or other detached accessory buildings shall be located as follows:
- a. not less than four (4) feet from the main building
 - b. not less than three (3) feet from the side property line for structures with a wall plate not to exceed ten (10) feet.
 - i. Corner side yards shall have a minimum setback of fifteen (15) feet
 - c. Structures with a wall plate greater than ten (10) feet shall have a side setback based on a looming ratio of two to one (2:1).
 - i. The height looming ratio shall not apply when adjacent to public rights-of-way.
- (5) Every part of a required side yard for main structures shall be open and unobstructed except for the ordinary projections of window sills, roof eaves or overhangs, belt courses, cornices, roofs and other architectural features projecting not to exceed two (2) feet into the required side yard but not less than four (4) feet from the property line.
- a. Accessory structure roof eaves or overhangs are required to have a minimum two-foot side setback from the property line.
- (6) No fence, wall or other manmade, non-living barrier, other than the wall of a permitted structure, shall be erected or altered in any side yard in excess of eight (8) feet in height measured from the lower side of such fence, wall or other barrier. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the city's administrative officer shall determine the permissible height of a fence, wall or other barrier from the city's administrative officer projection of the natural grade of the land.
- (7) Air-conditioning units and pool units may encroach into the required side yard setback and maintain a minimum of three (3) feet from the property line.
- a. All units shall be screened by (but not limited to) a structural fence, wall, partition, or vegetation.
 - b. All screening shall be a minimum of one (1) foot above the top of the unit at installation.
- (8) Main structure articulation: The maximum exterior side wall plane width without a minimum of a two (2) foot deep by ten (10) foot wide for the full height of the structure, above the first floor, offset is every thirty (30) feet.
- a. Articulation standards may be modified by recommendations from the Architectural Review Board and Council approval.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-36. - Rear yard setbacks.

No building, structure or use shall hereafter be located, erected or altered in 2F-C District so as to have a smaller rear yard than twenty-five (25) feet, except as follows:

- (1) Every part of a required rear yard for main structures shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, roof eaves

or overhangs, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

- (2) Accessory structure roof eaves or overhangs are required to have a minimum two-foot rear setback from the property line.
- (3) Detached garages or other detached accessory buildings shall be located as follows:
 - a. not less than four (4) feet from the main building
 - b. not less than three (3) feet from the rear property line for structures with a wall plate not to exceed ten (10) feet.
 - c. Structures with a wall plate greater than ten feet (10') shall have a rear setback based on a looming ratio of two to one (2:1).
 - i. Looming standards shall not apply when adjacent to public rights-of-way.
- (4) No fence or wall, other than the walls of a permitted structure, shall be erected or altered in any rear yard to exceed a height of eight (8) feet measured from the lower side of such fence, wall or other structure. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the city's administrative officer shall determine the permissible height of a fence, wall or other barrier from the city's administrative officer projection of the natural grade of the land.
- (5) Air-conditioning units and pool units may encroach into any required rear yard setback, but in no case closer than six (6') feet from the property line.
 - a. All units shall be screened by (but not limited to) a structural fence, wall, partition, or vegetation.
 - b. All screening shall be a minimum of one (1) foot above the top of the unit at installation.
- (6) For properties adjacent to a SF-A or SF-B zoning district a looming ratio of two to one (2:1) height looming applies.
 - a. The height looming ratio shall not apply when adjacent to public rights-of-way

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-37. - Impervious Cover.

The maximum percentage of any lot area in the 2F-C district which may hereafter be covered by impervious cover shall not exceed sixty-five (65) percent. This section does not waive any other landscaping or storm water requirements found within the code of ordinances.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-38. - Height.

No main building or main structure shall be erected, altered, or converted for any use permitted in the 2F-C district to exceed the maximum height of thirty-five (35) feet, but not to exceed two and a half (2.5) stories (see Height definition). Exceptions are as follows:

- (1) Exception: Chimneys can exceed the maximum height by up to four (4) feet.
- (2) No accessory structures shall be erected, altered, or converted for any use permitted in 2F-C districts to exceed the maximum height of twenty-five (25) feet.

- (3) Except for the first ten (10) feet of wall plate, the maximum side and rear wall plates of an accessory structure shall not exceed twice the width of the side setback in height (height looming standard)

Editor's note— Ord. No. 1776, adopted July 21, 2008, repealed § 3-38, which pertained to height limitations and derived from Ord. No. 1750-C, § 2, adopted Jan. 28, 2008. See subsection 38-87(19) for similar provisions.

Sec. 3-39. - Required off-street parking.

In the 2F-C District, off-street parking shall hereafter be provided on each lot or tract upon which a building is erected or upon a contiguous lot or tract, and no building or structure or part thereof, shall be hereafter erected, altered, converted or enlarged for any permitted use in the district in which it is located unless off-street parking facilities are provided in accordance with the following:

- (1) Two (2) spaces for each dwelling unit, one (1) of which may be uncovered.
- (2) Parking must be located in the rear or side of the property, behind the front face of the building.
- (3) Parking spaces located adjacent to public rights-of-way shall be screened via a minimum three (3) foot fence or screening wall.
- (4) Garages may be attached to the main structure, provided that they are set back behind the front wall plane and accessed from the side to prevent garage doors from facing the street.
- (5) Porte-cocheres are governed as accessory structures and can meet the two (2) covered parking spaces requirement if all of the following requirements are met:
 - a. Must meet parking dimension requirements between structural supports;
 - b. Must be permanently attached to the main structure;
 - c. Must be open on three (3) sides;
 - d. Three (3) foot side setback (two (2) foot eave/overhang setback);
 - e. Maximum twenty (20) foot ridge height;
 - f. 2:1 height looming applies (max. ten (10) foot exempt from height looming);
 - g. Must be setback eighteen (18) feet from the front facade;
 - h. Roof materials shall match the existing materials on the main structure (corrugated metal, canvas, or vinyl type materials are prohibited);
 - i. Structural supports must be clad to match the existing exterior wall/column finish materials of the main structure

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-40. - Landscaping, Sidewalks, Screening, and Lighting.

- (1) Any property within the 2F-C district is required to conform with section 3-88, landscaping regulations, in addition to the following:
- (2) An eight (8) foot wide landscape area must be provided along the rear property line when adjacent to SF-A or SF-B zoning districts. The landscaping must be contiguous with the entire length of the property line, except where interrupted by a drive to an alley.

- (3) Double frontage lots: The front yards of a double frontage lot shall be landscaped. For these lots both street frontages shall be considered front yards.
- (4) Canopy street trees shall be planted at regular intervals, within the public street rights-of-way. There shall be at least one tree planted for each twenty five (25') feet of lot frontage, or portion thereof.
- a. Minor variations from the twenty five (25') feet spacing requirements are permitted to avoid conflicts with driveway locations and accommodate other design considerations.
 - i. Should insufficient right-of-way be available for the planting of trees, between the property line and the paved street, the ARB may recommend the required trees to be located on the applicant's property adjacent to public rights-of-way.
 - b. Allowable street trees shall be of the species identified in Sec. 5-152 and must be a minimum size of four (4) inch caliper at planting. For trees located under overhead utilities, property owners may install tree species identified as allowable trees according to CPS Energy. The spacing requirements between trees shall be in accordance with the recommended spacing based on the type of tree planted.
 - c. Street trees shall be maintained to provide a clear canopy zone free of limbs, from ground level to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Additional ground clearance may be required to accommodate emergency response vehicles.
- (5) Planting Strips shall be provided for within the public street right-of-way adjacent to curbs and be a minimum of five (5') feet in width. The minimum width may be adjusted based on existing conditions and available rights-of-way widths.
- (6) Sidewalks of no less than five (5) feet in width shall be installed according to ADA standards, located within the public street right-of-way, along all street frontages, and adjacent to property lines.
- a. Sidewalks locations may be modified (located on private property) in order to preserve existing trees, natural terrain, or insufficient right-of-way between the property line and street pavement.
 - i. Should the sidewalk encroach onto private property, a public access easement shall be provided.
- (7) Planting Standards. All required landscape areas shall comply with the standards of this subsection:
- a. Native and adaptive species are preferred in order to promote reduced water use and increased drought resistance.
 - i. The Architectural Review Board may approve other species of plants as part of their review process.
 - b. Undesirable species. No proposed landscape material shall appear on the Invasive and Noxious Weeds list for the State of Texas promulgated by the United States Department of Agriculture, nor on the Texas Noxious Weed List promulgated by the Texas Department of Agriculture.

- c. Shrubs used for screening shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.
 - d. Planting within City rights-of-way shall meet any applicable standards, to protect underground and overhead utilities, streets and sidewalks, drainage improvements, street lighting, sight distances, and the visibility of traffic control devices.
 - e. Replacement of required landscaping that is dead or otherwise no longer meets the standards of this section shall occur within sixty (60) days of notification by the City. Replacement material shall be of similar character and quality as the dead or removed landscaping. Failure to replace in a timely manner in accordance with this subsection shall constitute a violation of these regulations.
 - f. All required landscape areas shall be watered with irrigation systems in order to ensure continuous healthy plant growth and development while conserving water.
- (8) Property Screening Requirements. Where the property line of a 2F-C district is adjacent to a single-family zoned district, an opaque wall or fence of six (6) to eight (8) feet in height shall be erected separating the rear and/or side.
- a. When a screening fence is required by this subsection, but where the property line abuts a single-family residential district and street rights-of-way, excluding alleys, a screening fence shall not be required, unless the required screening is for parking areas.
- (9) Trash Receptacles Screening. All trash receptacles shall be stored and visually screened from an abutting public street right-of-way and from adjacent property by means of a fence or wall.
- a. All trash receptacles shall be located at least ten (10) feet from an adjacent lot.
 - b. Enclosure shall extend at least one (1) foot above the container top
 - c. Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such trash receptacles shall also be accessible from alleys or vehicular access points where available and practical.
 - d. Where site constraints and access make rear yard locations infeasible, containers may be placed in unobtrusive locations in side yards with appropriate screening.
 - e. Openings into enclosures shall be positioned so that view of the containers from the street right-of-way is eliminated.
 - f. Containers shall be located in such a manner that they can be serviced by a refuse hauling vehicle without such vehicle encroaching on or interfering with the public use of streets or sidewalks, and without such vehicle backing out of the property onto public right-of-way.
 - g. Containers shall be placed on a paved surface of either concrete or asphalt.

ARTICLE VII. - PARKING DISTRICT (P)

Secs. 3-51—3-57. - Reserved.

Sec. 3-58. - Reserved.

Editor's note— Ord. No. 1776, adopted July 21, 2008, repealed § 3-58, which pertained to height limitations and derived from Ord. No. 1750-C, § 2, adopted Jan. 28, 2008. See subsection 38-87(19) for similar provisions.

Sec. 3-59. - Parking (P) District.

Any property within the P District which is used for off-street parking of motor vehicles shall be subject to the following:

- (1) Surface parking areas shall be developed in accordance with the following:
 - a. A landscape area shall be provided along all parking area boundaries with a minimum width of eight (8) feet. Breaks in the landscaping areas may be allowed for vehicular, pedestrian, and emergency services access.
 - b. Parking is prohibited in landscape areas.
 - i. Grass pavers or similar products shall not qualify as a landscape area.
 - c. One (1) four (4) inch caliper tree, per eight (8) parking spaces shall be provided. Parking lot trees shall adhere to the following standards:
 - i. The planting area for each tree, whether located at an edge of the parking areas or designed as an interior island or median between parking modules, shall be no less than six (6) feet across in any horizontal direction.
 - ii. All planting areas shall have permeable surfaces and be planted with locally appropriate species as identified in sections 3-50 and 5-152, which may include shrubs, groundcovers, or grasses. If a planting area is used as part of a biological stormwater treatment system, pursuant to an approved drainage plan, groundcovers shall be selected that are appropriate to that function.
- (2) The area shall be paved with asphalt, concrete, or pavers and such surfaces shall be kept in good repair and be neat and clean at all times. The area shall be marked so as to designate the placing of vehicles thereon in a manner and method as shall be approved by the city council, after a recommendation from the Architectural Review Board, as part of the Final Design Review Process. The area shall be suitably screened from frontage on any street and adjacent residence property by suitable walls, hedges or fences, which shall be not less than three (3) feet or more than six (6) feet in height and which shall prevent headlights of cars from shining onto said adjacent streets and residences.
- (3) There shall be no storage of trailers, recreational vehicles, delivery/service vehicles, boats, all-terrain vehicles or any vehicles which are displayed as "For Sale", in such areas.
- (4) The area shall not be used after 7:00 p.m., for a customer parking lot or commercial parking lot or combination thereof unless the area shall be properly and adequately lighted, but the standards to which the lights are affixed shall not exceed fifteen (15) feet in height, and any lighting shall be shielded and directed downward so as not to affect neighboring properties.

- (5) No buildings or structures shall be permitted within the boundary lines of the area used for parking, except such as are necessary and customary to house the attendant of said lot and the records ancillary to the operation of said parking lot.
- (6) The entrance to and exit from such parking areas from and onto the streets of the city shall be approved by the city council, after a recommendation from the Architectural Review Board, as part of the Final Design Review Process.
- (7) Prior to commencing the construction provided herein, a building permit shall be obtained. Plans and specifications showing that all requirements of this section will be complied with shall be furnished with the application for a building permit.
- (8) Any commercial parking lots operated under the authority of this ordinance shall be subject to such police regulation of the City of Alamo Heights as deemed proper with respect to routine patrols for the health, safety, welfare, and protection generally of the people and property of the City of Alamo Heights.
- (9) Parking structures shall not be considered accessory structures and shall be developed in accordance with the following:
- a. Setbacks:
 - i. Front Yard setbacks shall be a minimum of eight (8) feet.
 - ii. Side Yard setback shall be a minimum of fifteen (15) feet.
 - iii. Rear Yard setback shall be a minimum of fifteen (15) feet.
 - iv. Corner lots: A landscape area shall be provided along each corner side yard property line bordering a street. The width of the landscape area shall be equal to the setback limits of the proposed structure. Landscaping within a triangular area formed by intersecting street lines shall comply with the requirements of sections 16-71 through 16-77 of the Code of Ordinances.
 - b. For properties with frontage along Broadway (South of Albany):
 - i. Minimum rear setback of fifteen feet (15').
 - ii. Minimum side setback of zero feet (0').
 - 1. Maximum side setback of eight feet (8').
 - 2. Exemptions to the maximum side yard setback may be provided to allow access to a rear parking facility if no other rear or alley access is provided and for any interior lot, where access to vehicular parking is required. In no case shall the maximum side yard setback be greater than twenty-six (26) feet.
 - 3. For properties adjacent to a SF-A or SF-B zoning district a looming ratio of two to one (2:1) height looming applies. The height looming ratio shall not apply when adjacent to public rights-of-way
 - 4. Eaves, balconies, roof extensions, and other similar features, above the ground floor, may encroach into the required corner side yard setback or rights-of-way for a distance not to exceed five (5) feet beyond the permitted porch or wall plane.
 - a) A minimum of fifteen (15) feet clearance from the ground shall be provided.
 - 5. Canopies and other similar features, on the ground floor, may encroach into the required corner side yard setback or rights-of-way for a distance not to exceed five (5) feet beyond the permitted porch or wall plane.
 - a) A minimum of ten (10) feet clearance from the ground shall be provided.

- iii. Min/Maximum front setback of zero feet (0').
 - 1. Seventy five percent (75%) of building façade at maximum front setback.
 - a)The remaining area may be set back further to accommodate courtyards, sitting areas, or other public uses.
 - b)Minor adjustments to the “percent of the building façade at the maximum setback” may be adjusted based on recommendations from the Architectural Review Board and after approval by City Council.
 - 2. Eaves, balconies, roof extensions, and other similar features, above the ground floor, may encroach into the required front yard setback or rights-of-way for a distance not to exceed five (5) feet beyond the permitted porch or wall plane.
 - a)A minimum of fifteen (15) feet clearance from the ground shall be provided.
 - 3. Canopies and other similar features, on the ground floor, may encroach into the required front yard setback or rights-of-way for a distance not to exceed ten (10) feet beyond the permitted porch or wall plane.
 - a)A minimum of ten (10) feet clearance from the ground shall be provided.
- iv. The 1st floor adjacent to the public rights-of-way shall only be utilized for “Commercial & Retail” land uses which are permitted in Business District One (B-1) and Office District (O-1), as permitted in Article II, Sec. 3-8.
- c. Height:
 - i. A maximum of fifty-five (55) feet.
 - 1. For properties that are not adjacent to Business or Office zoning districts a maximum height of forty-five (45) feet shall be required.
 - ii. A looming ratio of two to one (2:1), height looming, applies to any setback adjacent to SF-A or SF-B zoning districts.
 - 2. The height looming ratio shall not apply to when adjacent to public rights-of-way.
- d. Ground Level Parking Structures. Ground level parking located under an elevated building or the ground level of a parking garage shall be screened from public street rights-of-way and any abutting residentially zoned property.
 - i. Screening shall be required, except at points of ingress and egress. Such screening may consist of evergreen shrubs, trees, vines, fences, or walls to form a continuous and solid visual screen. Such screening shall not be required where a parking structure is wrapped with liner buildings that accommodate active uses other than parking.
- e. Upper Level Parking Structures. Each level of a parking structure above the ground level shall be designed to include screening along any facade that is not visually screened by an intervening building or structure from public view
- f. Required screening shall consist of architectural and/or landscape elements that are at least three (3) feet six (6) inches in height, as measured from the floor of the level, to provide a continuous and solid visual screen that blocks headlight glare from vehicles parked within the structure.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-60. - Landscaping, Sidewalks, Screening, and Lighting.

- (1) Any property within the P district is required to conform with section 3-88, landscaping regulations, in addition to the following:
- (2) An eight (8) foot wide landscape area must be provided along the rear property line. The landscaping must be contiguous with the entire length of the property line, except where interrupted by a drive to an alley.
- (3) Double frontage lots: The front yards of a double frontage lot shall be landscaped. For these lots both street frontages shall be considered front yards.
- (4) Canopy street trees shall be planted at regular intervals, within the public street rights-of-way. There shall be at least one tree planted for each twenty five (25') feet of lot frontage, or portion thereof.
 - a. Minor variations from the twenty five (25') feet spacing requirements are permitted to avoid conflicts with driveway locations and accommodate other design considerations.
 - i. Should insufficient right-of-way be available for the planting of trees, between the property line and the paved street, the ARB may recommend the required trees to be located on the applicant's property adjacent to public rights-of-way.
 - b. Allowable street trees shall be of the species identified in Sec. 5-152 and must be a minimum size of four (4) inch caliper at planting. For trees located under overhead utilities, property owners may install tree species identified as allowable trees according to CPS Energy. The spacing requirements between trees shall be in accordance with the recommended spacing based on the type of tree planted.
 - c. Street trees shall be maintained to provide a clear canopy zone free of limbs, from ground level to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Additional ground clearance may be required to accommodate emergency response vehicles.
- (5) Planting Strips shall be provided within the public street right-of-way adjacent to curbs and be a minimum of five (5') feet in width. The minimum width may be adjusted based on existing conditions and available rights-of-way widths.
- (6) Sidewalks of no less than five (5) feet in width shall be installed according to ADA standards, located within the public street right-of-way, along all street frontages, and adjacent to property lines.
 - a. Sidewalk locations may be modified (located on private property) in order to preserve existing trees, natural terrain, or insufficient right-of-way between the property line and street pavement.
 - b. Should the sidewalk encroach onto private property, a public access easement shall be provided.
 - c. For properties located along Broadway (South of Albany Street) the minimum sidewalk width shall be ten feet (10').

(7) Planting Standards. All required landscape areas shall comply with the standards of this subsection:

- a. Native and adaptive species are preferred in order to promote reduced water use and increased drought resistance.
 - i. The Architectural Review Board may approve other species of plants as part of their review process.
 - b. Undesirable species. No proposed landscape material shall appear on the Invasive and Noxious Weeds list for the State of Texas promulgated by the United States Department of Agriculture, nor on the Texas Noxious Weed List promulgated by the Texas Department of Agriculture.
 - c. Shrubs used for screening shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.
 - d. Planting within City rights-of-way shall meet any applicable standards, to protect underground and overhead utilities, streets and sidewalks, drainage improvements, street lighting, sight distances, and the visibility of traffic control devices.
 - e. Replacement of required landscaping that is dead or otherwise no longer meets the standards of this section shall occur within sixty (60) days of notification by the City. Replacement material shall be of similar character and quality as the dead or removed landscaping. Failure to replace in a timely manner in accordance with this subsection shall constitute a violation of these regulations.
 - f. All required landscape areas shall be watered with irrigation systems in order to ensure continuous healthy plant growth and development while conserving water. Landscape irrigation systems shall be separately metered from building water uses.
- (8) Property Screening Requirements. Where the property line of a P district is adjacent to a single-family zoned district, an opaque wall or fence of six (6) to eight (8) feet in height shall be erected separating the rear and/or side.
- a. When a screening fence is required by this subsection, but where the property line abuts a single-family residential district and street rights-of-way, excluding alleys, a screening fence shall not be required, unless the required screening is for parking areas.
- (9) Trash Receptacles Screening. All trash receptacles shall be visually screened from an abutting public street right-of-way and from adjacent property by means of a fence or wall.
- a. All trash receptacles shall be located at least ten (10) feet from an adjacent lot.
 - b. Enclosure shall extend at least one (1) foot above the container top
 - c. Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such trash receptacles shall also be accessible from alleys or vehicular access points where available and practical.
 - d. Where site constraints and access make rear yard locations infeasible, containers may be placed in unobtrusive locations in side yards with appropriate screening.
 - e. Openings into enclosures shall be positioned so that view of the containers from the street right-of-way is eliminated.

- f. Containers shall be located in such a manner that they can be serviced by a refuse hauling vehicle without such vehicle encroaching on or interfering with the public use of streets or sidewalks, and without such vehicle backing out of the property onto public right-of-way. Containers shall be placed on a paved surface of either concrete or asphalt.

(Ord. No. 1750-C, § 2, 1-28-08)

ARTICLE VIII. - BUSINESS (B) AND OFFICE (O-1) DISTRICTS

Sec. 3-61. - Preamble

- (1) Generally. The Business (B-1, B-2, & B-3) Districts and Office (O) Districts zoning standards provide for a mix of commercial land uses, retail land uses, building types and styles, and mixed use developments intended to promote buildings of two to four stories in height, depending on location, and encourages mixed uses along Broadway south of Albany Street in order to encourage pedestrian traffic and extended visits that are essential to sustaining a vibrant mix of retail, service, and hospitality businesses.
- (2) Variety. The standards are intended to allow a variety of land uses and building types as illustrated in the Comprehensive Plan adopted on May 26, 2009. These mixed use developments may include, retail, residential, office, commercial, and restaurant land uses.
- (3) Character. The "B" and "O" district standards envision characteristics that include main entries that face the street; building setbacks that conform to traditional downtown street patterns; and off-street parking that is located to the rear of the building face--i.e., to the rear of the property, set back and discretely hidden or screened from street views, whether in open lots, carports, garages or underground structures.
- (4) Public Realm. The "B" and "O" district standards are intended to promote a walkable, safe, and pedestrian-friendly community. The standards require ample sidewalks, generous planting strips (or tree wells) located between the curb and the sidewalk, and regularly spaced, native canopy trees to provide shade and a well-defined buffer between pedestrian and vehicular traffic. The standards are designed to encourage water conservation and mitigate the effects of noise, dust, artificial lighting intrusions on adjacent properties, and "heat islands" in developed areas

Sec. 3-62. - Land Uses.

Land Uses which are permitted by right shall be developed according to the regulations found in this Article. Multi-family developments, permitted by right, shall be developed according to the regulations found in Article VI. – MULTI-FAMILY DWELLING DISTRICT (MF-D).(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-63. - Lot width.

The minimum lot width for the "B-1", "B-2", "B-3", & "O" Districts shall be in accordance with the following, and no lot existing at the time of passage of this ordinance shall be reduced in width below the minimum requirements set forth herein:

- (1) Seventy five (75) feet in width along the frontage.
- (2) Reductions in the minimum lot widths and zero lot lines (for common wall or attached developments) may be permitted and approved as part of the "Final Design Review Process", and as part of plat or replat:
 - a. after a recommendation by the Architectural Review Board and City Council approval for the "Final Design Review" of the proposed development and,
 - b. after a recommendation by the Planning & Zoning Commission and City Council approval.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-64. - Front yard setbacks.

No building, structure or use shall hereafter be located, erected or altered in the O-1 or B Districts so as to have a smaller front yard than twenty (20') feet except as follows:.

- (1) Where the frontage on one (1) side of a street between two (2) street intersections is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire block.
- (2) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may encroach into the required front yard for a distance not to exceed four (4) feet beyond the permitted porch or wall plane.
- (3) Where a lot has double frontage, running through from one (1) street to another, the front yard requirements of this section shall apply to any yard of such double frontage lot that is directly across a street from the front property line of another lot.
- (4) No fence, wall or other manmade, non-living barrier, other than the wall of a permitted structure, shall be erected or altered within the minimum required portion of a front yard in excess of three (3) feet in height measured from the lower side of the fence, wall or other barrier, or in excess of six (6) feet in height within the remaining portion of a front yard measured from the lower side of such fence, wall or other barrier. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the city's administrative officer shall determine the permissible height of a fence, wall or other barrier from the director's projection of the natural grade of the land.
- (5) Main structure articulation: The maximum exterior front wall plane width without a minimum of a two (2) foot deep by ten (10) foot wide for the full height of the structure, above the first floor, offset is every thirty (30) feet.
 - a. Articulation standards may be modified by recommendations by the Architectural Review Board and Council approval.
- (6) Eaves, balconies, roof extensions, and other similar features, above the ground floor, may encroach into the required front yard setback for a distance not to exceed five (5) feet beyond the permitted porch or wall plane.
 - i. A minimum of fifteen (15) feet clearance from the ground shall be provided.
 - ii. Canopies and other similar features, on the ground floor, may encroach into the required front yard setback for a distance not to exceed ten (10) feet beyond the permitted porch or wall plane.

- iii. A minimum of ten (10) feet clearance from the ground shall be provided.
- (7) For properties with frontage along Broadway (North of Albany) and Austin Hwy:
 - a. Minimum setback shall be eight (8) feet.
 - b. A minimum landscape area of eight (8) feet shall be required along all street frontages.
- (8) For properties with frontage along Broadway (South of Albany):
 - a. Min/Maximum setback of zero feet (0').
 - b. Seventy five percent (75%) of building façade at maximum setback.
 - i. The remaining area may be set back further to accommodate courtyards, sitting areas, or other public uses.
 - ii. Minor adjustments to the "percent of the building façade at the maximum setback" may be adjusted based on recommendations from the Architectural Review Board and after approval by City Council.
 - c. Eaves, balconies, roof extensions, and other similar features, above the ground floor, may encroach into the required front yard setback or rights-of-way for a distance not to exceed five (5) feet beyond the permitted porch or wall plane.
 - i. A minimum of fifteen (15) feet clearance from the ground shall be provided.
 - d. Canopies and other similar features, on the ground floor, may encroach into the required front yard setback or rights-of-way for a distance not to exceed ten (10) feet beyond the permitted porch or wall plane.
 - i. A minimum of ten (10) feet clearance from the ground shall be provided

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-65. - Side yard setbacks.

No building, structure or use shall hereafter be located, erected or altered in the O-1 or B Districts so as to have a smaller side yard than fifteen (15) feet, except as follows: .

- (1) A minimum setback for structures shall be provided based on the following:
 - a. Fifteen foot (15') setback and;
 - b. For properties adjacent to a SF-A or SF-B zoning district a looming ratio of two to one (2:1) height looming applies. The looming ratio standard shall not apply to the portion of the structure that is adjacent to public rights-of-way
- (2) Where multiple structures are arranged on a singular lot and have a height less than thirty feet (30') a minimum building separation between structures shall be twelve feet (12'), provided that all fire codes have been met pertaining to constructions types/standards.
- (3) Detached accessory buildings shall be located as follows:
 - a. not less than four (4) feet from the main building
 - b. not less than three (3) feet from the side property line for structures with a wall plate not to exceed ten feet (10').
 - c. Corner side yards shall have a minimum setback of fifteen (15) feet
 - d. Structures with a wall plate greater than ten feet (10') shall have a side setback based on a looming ratio of two to one (2:1).
- (4) Every part of a required side yard for main structures shall be open and unobstructed except for the ordinary projections of window sills, roof eaves or overhangs, belt courses, cornices, roofs

and other architectural features projecting not to exceed two (2) feet into the required side yard but not less than four (4) feet from the property line.

- a. Accessory structure roof eaves or overhangs are required to have a minimum two feet (2') side setback from the property line
- (5) No fence, wall or other manmade, non-living barrier, other than the wall of a permitted structure, shall be erected or altered in any side yard in excess of eight (8) feet in height measured from the lower side of such fence, wall or other barrier. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the city's administrative officer shall determine the permissible height of a fence, wall or other barrier from the projection of the natural grade of the land.
 - (6) Air-conditioning units and pool units shall not encroach into any required side yard setback.
 - (7) Main structure articulation: The maximum exterior side wall plane width without a minimum of a two (2) foot deep by ten (10) foot wide for the full height of the structure, above the first floor, offset is every thirty (30) feet.
 - a. Modifications to the articulation standards may be modified by recommendations from the Architectural Review Board and after Council approval.
 - (8) For properties with frontage along Broadway (North of Albany) and Austin Hwy:
 - a. Minimum side setback of eight feet (8').
 - i. For properties adjacent to a SF-A or SF-B zoning district, the minimum side setback is fifteen feet (15').
 - ii. For properties adjacent to a SF-A or SF-B zoning district a looming ratio of two to one (2:1) height looming applies.
 - iii. The looming ratio standard shall not apply to the portion of the structure that is adjacent to public rights-of-way.
 - (9) For properties with frontage along Broadway (South of Albany):
 - a. Minimum side setback of zero feet (0').
 - b. Maximum side setback of eight feet (8').
 - i. Exemptions to the maximum side yard setback may be provided to allow access to parking facilities if no other access is provided and for any interior lot, where access to vehicular parking is required. In no case shall the maximum side yard setback be greater than twenty-six (26) feet.
 - ii. For properties adjacent to a SF-A or SF-B zoning district a looming ratio of two to one (2:1) height looming applies.
 1. The looming ratio standard shall not apply to the portion of the structure that is adjacent to public rights-of-way.
 - c. Eaves, balconies, roof extensions, and other similar features, above the ground floor, may encroach into the required corner side yard setback or rights-of-way for a distance not to exceed five (5) feet beyond the permitted porch or wall plane.
 - i. A minimum of fifteen (15) feet clearance from the ground shall be provided.
 - d. Canopies and other similar features, on the ground floor, may encroach into the required corner side yard setback or rights-of-way for a distance not to exceed five (5) feet beyond the permitted porch or wall plane.
 - i. A minimum of ten (10) feet clearance from the ground shall be provided.

- (10) Corner lots: A landscape area shall be provided along each corner side yard property line bordering a street. The width of the landscape area shall be equal to the setback limits of the proposed structure. Landscaping within a triangular area formed by intersecting street lines shall comply with the requirements of sections 16-71 through 16-77 of the Code of Ordinances

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-66. - Rear yard setbacks.

No building, structure or use shall hereafter be located, erected or altered in the O-1 or B Districts so as to have a smaller rear yard than twenty-five (25) feet, except as follows:

- (1) Every part of a required rear yard for main structures shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, roof eaves or overhangs, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (2) Accessory structure roof eaves or overhangs are required to have a minimum two-foot rear setback from the property line.
- (3) Detached garages or other detached accessory buildings shall be located as follows:
 - a. not less than four (4) feet from the main building
 - b. not less than three (3) feet from the rear property line for structures with a wall plate not to exceed ten feet (10').
 - c. Structures with a wall plate greater than ten feet (10') shall have a rear setback based on a looming ratio of two to one (2:1). The looming ratio standard shall not apply to the portion of the structure that is adjacent to public rights-of-way
- (4) No fence or wall, other than the walls of a permitted structure, shall be erected or altered in any rear yard to exceed a height of eight (8) feet measured from the lower side of such fence, wall or other structure. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the city's administrative officer shall determine the permissible height of a fence, wall or other barrier from the projection of the natural grade of the land.
- (5) Air-conditioning units and pool units may encroach into any required rear yard setback, but in no case closer than six (6') feet from the property line.
- (6) For properties with frontage along Broadway or Austin Hwy:
 - a. Minimum rear setback of fifteen feet (15').
 - b. For properties adjacent to a SF-A or SF-B zoning district a looming ratio of two to one (2:1) height looming applies. The looming ratio standard shall not apply to the portion of the structure that is adjacent to public rights-of-way.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-67. - Impervious Cover.

The maximum percentage of any lot area in the O-1 or B Districts which may be covered by the main building, all accessory buildings, and impervious cover on the lot or tract shall not exceed eighty-five (85) percent.

- (1) For properties located on Broadway and Austin Hwy. there shall be no impervious cover caps.

- a. This section does not waive any other landscaping or storm water requirements found within the code of ordinances.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-68. - Height.

No main building or main structure shall be erected, altered or converted for any use permitted in O-1 or B Districts to exceed the maximum height of forty-five (45) feet, but not to exceed three (3) stories (see Height definition). Exceptions are as follows:

- (1) For properties with frontage along Broadway (South of Albany Street) and Austin Hwy. a maximum height of fifty-five (55) feet, from average grade, but not to exceed four (4) stories from the grade of land adjacent to the public rights-of-way frontage shall be permitted. (See "Height" definition in Article I, Sec. 3-2.
- (2) For properties with frontage along Broadway and Austin Hwy. all main structures shall have a minimum height of twenty-eight (28').
- (3) No accessory structures shall be erected, altered, or converted for any use permitted in the O-1 or B districts to exceed the maximum height of twenty-five (25'.

(Ord. No. 1750-C, § 2, 1-28-08; Ord. No. 1774, 6-9-08; Ord. No. 1776, 7-21-08)

Sec. 3-69. - Required off-street parking.

In the O-1 and B District, off-street parking shall hereafter be provided on each lot or tract upon which a building is erected or upon a contiguous lot or tract, and no building or structure or part thereof, shall be hereafter erected, altered, converted or enlarged for any permitted use in the district in which it is located unless off-street parking facilities are provided in accordance with the following:

- (1) Parking must be located in the rear or side of the property, behind the front face of the building, for properties with frontage along Broadway (South of Albany Street).
- (2) Parking areas located on the side of a structure or adjacent to public rights-of-way shall be screened via a three foot (3) fence or screening wall.
- (3) Surface parking areas shall be developed in accordance with the following:
 - a. A landscape area shall be provided along all parking area boundaries with a minimum width of eight (8) feet. Breaks in the landscaping areas may be allowed for vehicular, pedestrian, and emergency services access.
 - b. One (1) four (4) inch caliper tree, per eight (8) parking spaces shall be provided. Parking lot trees shall adhere to the following standards:
 - i. The planting area for each tree, whether located at an edge of the parking areas or designed as an interior island or median between parking modules, shall be no less than six (6) feet across in any horizontal direction.
 - ii. All planting areas shall have permeable surfaces and be planted with locally appropriate species as identified in sections 3-50 and 5-152, which may include shrubs, groundcovers, or grasses. If a planting area is used as part of a biological stormwater treatment system, pursuant to an approved drainage plan, groundcovers shall be selected that are appropriate to that function.
- (5) Parking structures shall not be considered accessory structures and shall be developed in accordance with the following:

- g. Ground Level Parking Structures. Ground level parking located under an elevated building shall be screened from public street rights-of-way and any abutting residentially zoned property.
 - ii. Screening shall be required, except at points of ingress and egress. Such screening may consist of evergreen shrubs, trees, vines, fences, or walls to form a continuous and solid visual screen. Such screening shall not be required where a parking structure is wrapped with liner buildings that accommodate active uses other than parking.
- h. Upper Level Parking Structures. Each level of a parking structure above the ground level shall be designed to include screening along any facade that is not visually screened by an intervening building or structure from public view
- (6) Such screening shall consist of architectural and/or landscape elements that are at least three (3) feet six (6) inches in height, as measured from the floor of the level, to provide a continuous and solid visual screen that blocks headlight glare from vehicles parked within the structure.
 - i. . (Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-70. – Landscaping, Sidewalks, Screening, and Lighting.

Any properties within the O-1 and B Districts are required to conform with section 3-88, landscaping regulations, in addition to the following:

- (1) An eight (8) foot wide landscape area must be provided along the rear, corner side, and front property lines. The width of the landscape may be adjusted to below the eight (8) foot requirement for front and corner side yards based on the setback of the structure. The landscaping must be contiguous with the entire length of the property line, except where interrupted by a drive to an alley, pedestrian access to the property, or courtyards, sitting areas, or other public uses.
 - a. Landscaping within a triangular area formed by intersecting street lines shall comply with the requirements of sections 16-71 through 16-77 of the Code of Ordinances.
 - b. Required landscaping may not be required for areas located in portions of the building setbacks that are utilized for courtyards, sitting areas, or other public uses.
- (2) Double frontage lots: The front yards of a double frontage lot shall be landscaped. For these lots both street frontages shall be considered front yards.
- (3) Canopy street trees shall be planted at regular intervals, within the public street rights-of-way. There shall be at least one tree planted for each twenty five (25') feet of lot frontage, or portion thereof
 - a. Minor variations from the twenty five (25') feet spacing requirements are permitted to avoid conflicts with driveway locations and accommodate other design considerations.
 - b. Should insufficient right-of-way be available for the planting of trees, between the property line and the paved street, the ARB may recommend the required trees to be located on the applicant's property adjacent to public rights-of-way.
 - c. Allowable street trees shall be of the species identified in Sec. 5-152 and must be a minimum size of four (4) inch caliper at planting. For trees located under overhead utilities, property owners may install tree species identified as allowable trees according to CPS energy. The spacing requirements between trees shall be in accordance with the recommended spacing based on the type of tree planted.

- d. Street trees shall be maintained to provide a clear canopy zone free of limbs, from ground level to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Additional ground clearance may be required to accommodate emergency response vehicles.
- (4) Planting Strips shall be provided within the public street right-of-way adjacent to curbs and be a minimum of five (5') feet in width. The minimum width may be adjusted based on existing conditions and available rights-of-way widths.
- (5) Sidewalks of no less than five (5) feet in width shall be installed according to ADA standards, located within the public street right-of-way, along all street frontages, and adjacent to property lines.
 - a. Sidewalk locations may be modified (located on private property) in order to preserve existing trees, natural terrain, or insufficient right-of-way between the property line and street pavement.
 - b. Should the sidewalk encroach onto private property, a public access easement shall be provided.
 - c. For properties located along Broadway (South of Albany Street) the minimum sidewalk width shall be ten feet (10').
- (6) Planting Standards. All plantings in satisfaction of this section shall comply with the standards of this subsection:
 - a. Native and adaptive species are preferred in order to promote reduced water use and increased drought resistance.
 - b. The Architectural Review Board may approve other species of plants as part of their review process.
 - c. Undesirable species. No proposed landscape material shall appear on the Invasive and Noxious Weeds list for the State of Texas promulgated by the United States Department of Agriculture, nor on the Texas Noxious Weed List promulgated by the Texas Department of Agriculture.
 - d. Shrubs used for screening shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.
 - e. Planting within City rights-of-way shall meet any applicable standards, to protect underground and overhead utilities, streets and sidewalks, drainage improvements, street lighting, sight distances, and the visibility of traffic control devices.
 - f. Replacement of required landscaping that is dead or otherwise no longer meets the standards of this section shall occur within sixty (60) days of notification by the City. Replacement material shall be of similar character and quality as the dead or removed landscaping. Failure to replace in a timely manner in accordance with this subsection shall constitute a violation of these regulations.
 - g. All required landscape areas shall be watered with irrigation systems in order to ensure continuous healthy plant growth and development while conserving water. Landscape irrigation systems shall be separately metered from building water uses.
- (7) Property Screening Requirements. Where the property line of a "B" or "O" district is adjacent to a single-family zoned district, an opaque wall or fence of eight (8) feet in height shall be erected separating the rear and/or side.
 - a. When a screening fence is required by this subsection, but where the property line abuts a single-family residential district and street rights-of-way, a screening fence shall not be required, unless the required screening is for parking areas.

- (8) Trash Receptacles Screening. All trash receptacles shall be visually screened from an abutting public street right-of-way and from adjacent property by means of a fence or wall.
- a. All trash receptacles shall be located at least ten (10) feet from an adjacent lot.
 - b. Enclosure shall extend at least one (1) foot above the container top
 - c. Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such trash receptacles shall also be accessible from alleys or vehicular access points where available and practical.
 - d. Where site constraints and access make rear yard locations infeasible, containers may be placed in unobtrusive locations in side yards with appropriate screening.
 - e. Openings into enclosures shall be positioned so that view of the containers from the street right-of-way is eliminated.
 - f. Containers shall be located in such a manner that they can be serviced by a refuse hauling vehicle without such vehicle encroaching on or interfering with the public use of streets or sidewalks, and without such vehicle backing out of the property onto public right-of-way.
 - g. Containers shall be placed on a paved surface of either concrete or asphalt. Properties located on Broadway, south of Albany, shall be developed in accordance with the following additional regulations:
 - h. Corner lots: A landscape area shall be provided along each corner side yard property line bordering a street. The width of the landscape area shall be equal to the setback limits of the proposed structure. Landscaping within a triangular area formed by intersecting street lines shall comply with the requirements of sections 16-71 through 16-77 of the Code of Ordinances.
- (9) Canopy street trees shall be planted at regular intervals, within the public street rights-of-way. There shall be at least one tree planted for each twenty five (25') feet of lot frontage, or portion thereof.
- a. Minor variations from the twenty five (25') feet spacing requirements are permitted to avoid conflicts with driveway locations and accommodate other design considerations.
 - b. Should insufficient right-of-way be available for the planting of trees, between the property line and the paved street, the ARB may recommend the required trees to be located on the applicants property adjacent to public rights-of-way.
 - c. Allowable street trees shall be of the species identified in Sec. 5-152 and must be a minimum size of four (4) inch caliper at planting. For trees located under overhead utilities, property owners may install tree species identified as allowable trees according to CPS energy. The spacing requirements between trees shall be in accordance with the recommended spacing based on the type of tree planted.
 - d. Street trees shall be maintained to provide a clear canopy zone free of limbs, from ground level to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Additional ground clearance may be required to accommodate emergency response vehicles.

(Ord. No. 1750-C, § 2, 1-28-08; Ord. No. 1964, 4-8-13)

ARTICLE IX. - RESERVED

Secs. 3-71—3-80. - Reserved.

ARTICLE X. - SPECIAL REGULATIONS^[4]

Footnotes:

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Editor's note—Ord. No. 1920, adopted Jan. 23, 2012, repealed the former Art. X, §§ 3-81—3-89, and enacted a new Art. X as set out herein. The former Art. X pertained to similar subject matter and derived from Ord. No. 1750-C, § 2, adopted Jan. 28, 2008; Ord. No. 1774, adopted June 9, 2008; Ord. No. 1776, adopted July 21, 2008; and Ord. No. 1877, adopted Aug. 23, 2010.

Sec. 3-81. - Special front yard regulations.

- (1) Where the frontage on one (1) side of a street between two (2) street intersections is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire block.
- (2) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may encroach into the required front yard for a distance not to exceed four (4) feet beyond the permitted porch or wall plane.
- (3) Where a lot has double frontage, running through from one (1) street to another, the front yard requirements of this section shall apply to any yard of such double frontage lot that is directly across a street from the front property line of another lot.
- (4) Schools, churches and other permitted public or semi-public buildings when located in the “MF-D”, “P”, “B” or “O” districts may modify the required front yard minimum/maximum setbacks after a recommendation from the Architectural Review Board and Council Approval as part of the Final Design Review Process.
- (5) Gasoline service station pump islands shall be located not less than eighteen (18) feet from the front property line.
- (6) Any property hereafter used for business purposes in the B Districts shall face and have its main entrance on Broadway or the Austin Highway according to which street provides the main access to such property.
- (7) No fence, wall or other manmade, non-living barrier, other than the wall of a permitted structure, shall be erected or altered within the minimum required portion of a front yard in excess of three (3) feet in height measured from the lower side of the fence, wall or other barrier, or in excess of six (6) feet in height within the remaining portion of a front yard measured from the lower side of such fence, wall or other barrier. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the director shall determine the permissible height of a fence, wall or other barrier from the director's projection of the natural grade of the land. Any fence constructed shall have the “Finished Side” or “non-structural side” facing street rights-of-way.

(Ord. No. 1920, 1-23-12)

Sec. 3-82. - Special side yard regulations.

- (1) Schools, churches and other permitted public or semi-public buildings when located in the SF-A, SF-B, 2F-C, Districts, shall provide a minimum side yard of twenty-five (25) feet.
- (2) Schools, churches and other permitted public or semi-public buildings when located in the "MF-D", "P", "B" or "O" districts may modify the required front yard minimum/maximum setbacks after a recommendation from the Architectural Review Board and Council Approval as part of the Final Design Review Process.
- (3) Detached garages or other detached accessory buildings shall be located not less than four (4) feet from the main building and shall not be less than three (3) feet from the side property line.
- (4) Every part of a required side yard for main structures shall be open and unobstructed except for the ordinary projections of window sills, roof eaves or overhangs, belt courses, cornices, roofs and other architectural features projecting not to exceed four (4) feet into the required side yard but not less than four (4) feet from the property line.
- (5) Accessory structure roof eaves or overhangs are required to have a minimum two-foot side setback from the property line.
- (6) No fence, wall or other manmade, non-living barrier, other than the wall of a permitted structure, shall be erected or altered in any side yard in excess of six (6) feet in height measured from the lower side of such fence, wall or other barrier. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the city's administrative officer shall determine the permissible height of a fence, wall or other barrier from the projection of the natural grade of the land. Any fence constructed shall have the "Finished Side" or "non-structural side" facing street rights-of-way.
- (7) Air-conditioning units and pool units are allowed to encroach into any required side yard setback. Such units shall be located as close to the structure as possible, and in no case shall they be located closer than three (3) feet to the property line or fence.

(Ord. No. 1920, 1-23-12; Ord. No. 1963, 4-8-13)

Sec. 3-83. - Special rear yard regulations.

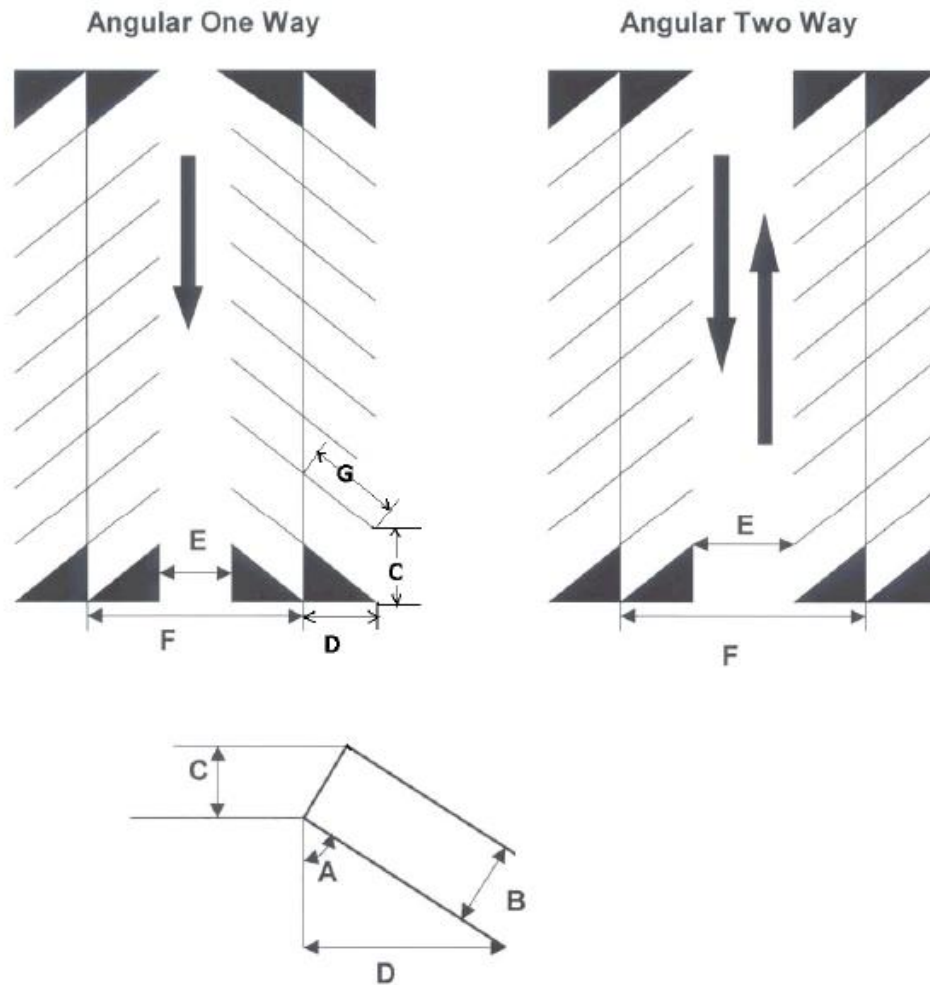
- (1) Every part of a required rear yard for main structures shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, roof eaves or overhangs, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (2) Accessory structure roof eaves or overhangs are required to have a minimum two-foot rear setback from the property line.
- (3) A detached garage or other permitted accessory building shall provide a minimum rear yard of three (3) feet.
- (4) Schools, churches and other permitted public or semi-public buildings when located in the SF-A, SF-B, 2F-C or MF-D Districts, shall provide a minimum rear yard of twenty (20) feet.
- (5) No fence or wall, other than the walls of a permitted structure, shall be erected or altered in any rear yard to exceed a height of six (6) feet measured from the lower side of such fence, wall or other structure. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the city's administrative officer shall determine the permissible height of a fence, wall or other barrier from the projection of the natural grade of the land. Any fence constructed shall have the "Finished Side" or "non-structural side" facing street rights-of-way.

- (6) Air-conditioning units and pool units are allowed to encroach into any required rear yard setback. Such units shall be located as close to the structure as possible, and in no case shall they be located closer than three (3) feet to the property line or fence.

(Ord. No. 1920, 1-23-12; Ord. No. 1963, 4-8-13)

Sec. 3-84. - Special parking regulations.

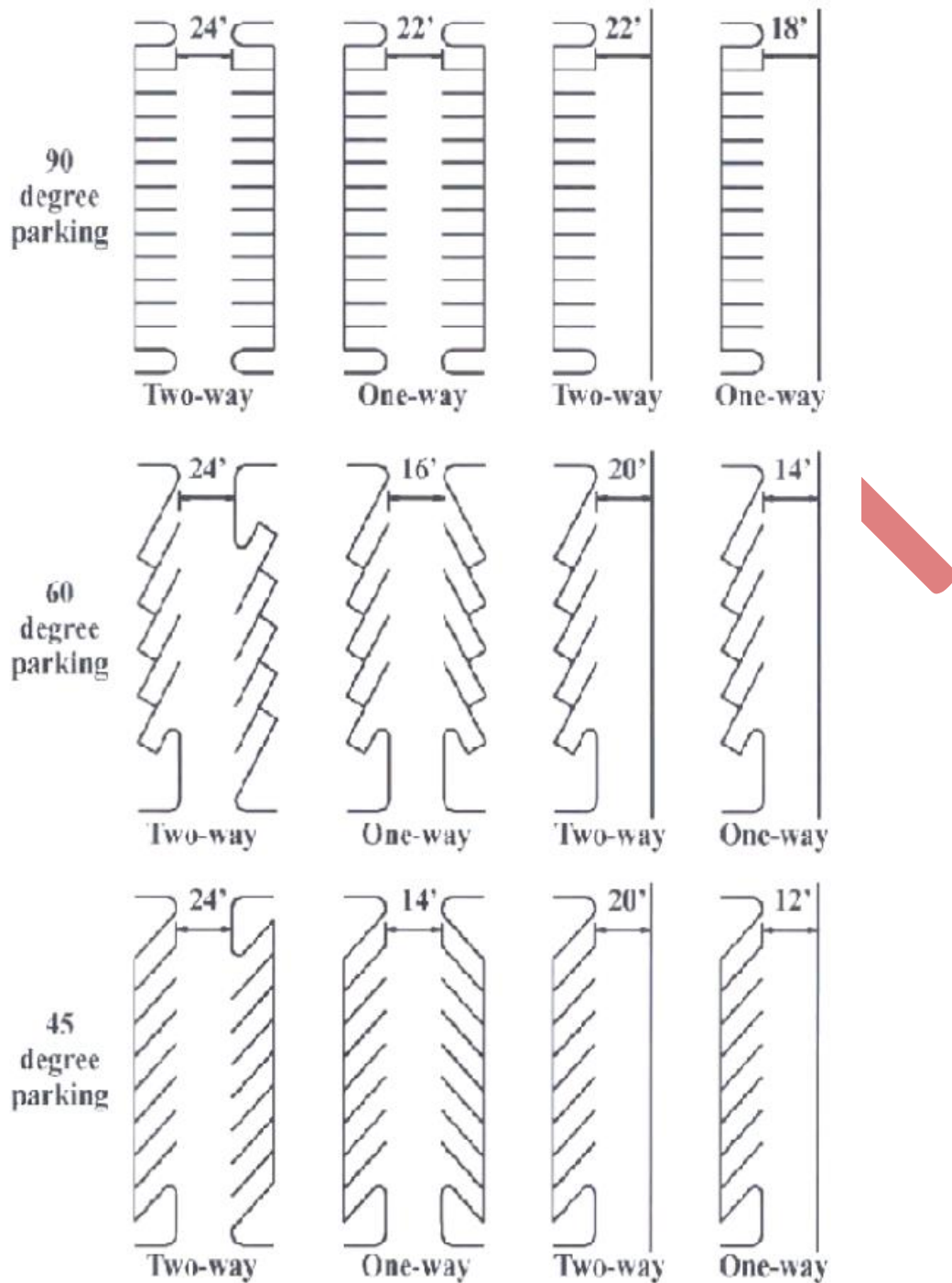
- (1) Minimum off-street parking requirements for the hereafter specified non-residential uses are as follows:
- (a) Bowling alley: Six (6) spaces for each lane or alley;
 - (b) Churches, theatres or places of public assembly: One (1) space for each three (3) seats in the main sanctuary;
 - (c) Hospitals: One (1) space for each patient bed provided;
 - (d) Hotel or motel: One (1) space for each room or guest unit;
 - (e) Offices, retail and business uses: One (1) space for each three hundred (300) square feet of gross floor area in the building;
 - (f) Restaurant or cafeteria: One (1) space for every one hundred (100) gross square feet of area.
 - i. Outdoor seating areas shall provide one (1) space for each three hundred (300) square feet of area.
 - (g) Schools or colleges: Two (2) spaces for each classroom, plus one (1) space for each four (4) seats in any auditorium, gymnasium or other place of assembly.
- (2) A parking space shall be defined as an all-weather-surfaced area not located in any public rights-of-way, together with an all-weather-surfaced driveway connecting the area with a street or alley and permitting free ingress and egress thereto. All-weather-surfaces includes asphalt, concrete, flagstone, brick pavers, concrete pavers and similar materials. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use.
- (a) Parking stall dimensions shall be based on the following:



ACCEPTABLE PARKING DESIGNS

ANGLE	DIMENSIONS				ONE WAY TRAFFIC		TWO WAY TRAFFIC	
Parking Angle	Stall Width (ft)	Curb Length (ft)	Stall Depth (ft)	Stripe Length (ft)	Aisle Width (ft)	Section Width (ft)	Aisle Width (ft)	Section Width (ft)
A	B	C	D	G	E	F	E	F
30°	9	17	16.4	32.7	12	44.7	24	56.7
45°	9	12	18.7	26.5	14	51.4	24	61.4
60°	9	9.8	19.8	22.9	16	55.6	24	63.6
90°	9	8.5	18	18	22	58	24	60

(b) Drive aisle dimensions shall be based on the following:



- (3) Whenever any lot is used for off-street parking purposes incidental to any lawful use of property, the parking area and all access drives shall be surfaced with all-weather-surfaces, and the surface shall be maintained in good repair and free of debris, trash or other similar material or dirt.

- (4) Any light used to illuminate a parking area shall be so arranged as not to be directed into any adjacent residential uses or residential districts.
- (5) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in a development.
- (6) All retail and commercial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent or from a public alley or private service drive. Such space may be located in a drive or access isles provided that the flow in and out of the facility are not restricted by its placement and not located in a dedicated or marked fire lane.
- (7) Areas utilized for storage, mechanical rooms, restrooms, or other non-occupied spaces may be calculated using a ratio of one (1) space per space every seven hundred and fifty (750) gross square feet.
- (8) A reduction in the required number of off-street parking spaces may be authorized by the City Council, after a recommendation from the Architectural Review Board, as part of the Final Design Review process.
 - (a) Any reduction in the number of off-street parking spaces shall be subject to a "Parking Mitigation Fee" in the amount of twenty thousand dollars (\$20,000). Such fees shall be utilized to construct additional off-street parking, parking garages, or other project, intended to increase the number of parking spaces in the City to off-set the loss of the required spaces.
- (9) For parking areas located adjacent to Broadway there shall be no storage of trailers, recreational vehicles, delivery/service vehicles, boats, all-terrain vehicles or any vehicles which are displayed as "For Sale", in such areas. Vehicles associated with a business located on the property shall be located to the rear of the property, behind the building, as to limit its visibility from Broadway.

(Ord. No. 1920, 1-23-12)

Sec. 3-85. - Accessory structures.

The following standards shall apply to all accessory buildings hereafter constructed or altered in any residential district:

- (1) Required front yard setback. Attached accessory buildings shall have a required front yard the same as the main building. Detached accessory buildings shall be located to the rear of the main building.
- (2) Required side yard setback. For any detached accessory building, there shall be a side yard not less than three (3) feet from any side lot line, except at a corner lot where a detached garage is accessed from either a side street or an alley and would then be subject to vision clearance regulations (section 16-71).
- (3) Required rear yard setback. For any detached accessory building, there shall be a rear yard setback not less than three (3) feet from any lot line, alley line, or easement line. Garages or other detached accessory buildings located within the required rear yard shall not be located closer than four (4) feet to the main building nor nearer than three (3) feet to any side lot line.

(Ord. No. 1920, 1-23-12)

Sec. 3-86. - Utilities.

- (1) Any property in the “B”, “O”, “MF-D”, “2F-C” or “P” districts with frontage along Broadway shall have all overhead or above ground utilities relocated underground or to the rear of the building or property.

(Ord. No. 1920, 1-23-12)

Sec. 3-87. - Specific use permits.

The City Council of the City of Alamo Heights, Texas, after public hearing with proper notice to all parties affected, and after recommendation from the city planning and zoning commission, may authorize for specific areas the issuance of specific use permits for the following types of uses in only those districts specified for such use as follows:

- (1) College, university or accredited private school in any residential district.
- (2) Day nursery or kindergarten school in the 2F-C, MF-D, B Districts.
- (3) Hospital in the 2F-C, MF-D, B Districts.
- (4) Institutions of a religious or Philanthropic Nature in the 2F-C, MF-D, B Districts.
- (5) Service center municipal in the 2F-C, MF-D, B Districts.
- (6) Electrical substation in the SF-A, SF-B, 2F-C, MF-D and P Districts.
- (7) Local transit station or off-street turn-around in any residential district.
- (7) Radio, television or microwave tower in any district.
- (9) Water reservoir, well or water pumping station in the SF-A, SF-B, or 2F-C Districts.
- (10) Municipal offices or City Hall in the SF-A, SF-B, 2F-C or MF-D Districts.
- (11) Off-street parking for property owned by institutions of a religious or philanthropic nature in SF-A, SF-B, 2F-C or MF-D Districts.
- (12) Single-family detached homes in multiple-family dwelling (MF-D) districts which do not otherwise satisfy the requirements of this Zoning Code and section 17-27 of chapter 17 of the Code of Ordinances. Each of such projects shall be considered on its individual merits, with special attention to be given to the following features, among others which may be deemed important by the planning and zoning commission and the city council, of proposed project: (a) location and design of ingress and egress to public streets; (b) interior traffic circulation patterns; (c) off-street parking; (d) sidewalks; (e) drainage; (f) lighting; (g) landscaping; (h) fencing and other screening; (i) emergency vehicle access; (j) lighting; (k) landscaping; (l) fencing and other screening; (m) emergency vehicle access; (n) density; (o) lot sizes; (p) setbacks; and (q) compatibility with the surrounding neighborhood.
- (13) Office in MF-D not facing and having its main entrance on Broadway or the Austin Highway, provided such office (1) is compatible and harmonious with the surrounding neighborhood, (2) is to be located in a preexisting structure which contains no more than one thousand five hundred (1,500) square feet of enclosed area, (3) the property upon which the structure is located is contiguous to a property zoned B-1, B-2 or B-3, (4) some portion of the property across the street from the subject property must be zoned B-1, B-2 or B-3 if the property across the street from the subject property is in Alamo Heights, (5) the office is for a use authorized in the schedule of permitted uses for offices in section 3-8 of this Zoning Code, (6) the structure and property comply with the parking, landscape, setback and other requirements of the Zoning Code applicable to O-1, and (7) the specific use permit requested promotes the health, safety and general welfare of the residents of the city.

(14) Wireless communication systems antenna support structures and antennas in the P, O-1, B-1, B-2 and B-3 Districts only.

- (a) Definitions. A monopole antenna support structure is a self-supporting pole type structure with no guy wire support which holds one (1) or more antennas and related equipment for wireless telecommunications transmission. A lattice antenna support structure is a metal lattice structure with or without guy wire support. An independent support structure means buildings or other structures such as water towers. An unmanned equipment building is an accessory building housing electronic communication equipment as an associated and permitted part of a wireless communication system.
- (b) Antenna locations. Wireless communication system antennas may be attached to monopole antenna structures or independent support structures. Lattice antenna support structures may not be used to support wireless communication system antennas in the city. Monopole antenna support structures and wireless communication antennas must be constructed more than one hundred (100) feet from the nearest right-of-way boundary line of Broadway or Austin Highway and more than one hundred twenty (120) feet from any residential zoning district.
- (c) Height limitations. A monopole antenna support structure may not exceed one hundred (100) feet in height.
- (d) Visual impact of antenna support structures and wireless communication antennas. Antennas and their support structures shall be screened, camouflaged and visually pleasing to the fullest extent feasible, consistent with both national industry standards and Alamo Heights' aesthetic goals.
- (e) Unmanned equipment buildings. An unmanned equipment building shall not have more than seven hundred fifty (750) square feet of gross floor area and shall not be more than twelve (12) feet in height.
- (f) Landscaping. Compliance with the landscape requirements of this Code is required for antenna support structures and antennas.
- (g) Certification of compliance. Prior to installation of antenna support structures or antennas, the city must be furnished certification by a structural or civil engineer registered by the State of Texas certifying that the proposed installation complies with the structural requirements of the City of Alamo Heights Building Code and with federal and state electromagnetic radiation standards and other requirements.
- (h) Attachment to water towers. The city council may authorize the attachment of wireless communication antennas to city water towers without special use permits and without compliance with the other requirements of this Code.

(15) Permitted institutions such as schools and churches may be erected to a height exceeding the height limitations set out in this chapter in the SF-A, SF-B, 2F-C, MF-D, O-1 and P Districts. Permitted institutions shall mean the institutions categorized as special uses in the table of land uses in section 3-8 of the Zoning Code.

(16) Drive-through facilities as reflected in the permitted uses table in section 3-8 of the Zoning Code.

The following procedure applies to the approval of specific use permits:

- (1) The city planning and zoning commission in considering and determining its recommendation, or the city council in considering any request for a specific use permit, may require from the applicant, plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The city council may, in the interest of the public welfare and to assure compliance with this ordinance establish special conditions of operation, location, arrangement and construction of any use for which a specific use permit is authorized.

- (2) In authorizing the location of any of the uses listed as specific use permits, the city council may impose such development standards and safeguards as the conditions and location indicate [are] important to the welfare and protection of adjacent property and the community.
- (3) Every specific use permit approved under the provisions of this ordinance shall be considered as an amendment to the ordinance as applicable to the property involved. The process of giving notice and holding public hearings on specific use permits shall be the same as that provided for amending the ordinance.
- (4) Such conditions, safeguards and standards specified by the city council for compliance relative to any specific use permit shall not be construed as conditions precedent to the approval of the zoning amendment but shall be construed as conditions precedent to the granting of a building permit.
- (17) Gun shops in the B-1, B-2 and B-3 Districts subject to recommendation by the police chief as to the safety of the public, security of weapons storage facilities, current licensing by appropriate federal and state authorities, compliance with federal and state laws and licensing requirements and without the sale of explosives. No specific use permit for gun shops shall be transferable or assignable and shall terminate upon any such transfer, assignment or relocation.
- (18) Multiple-family dwelling with retail/restaurant uses on the first floor in the MF-D district at a location within a radius of five hundred (500) feet of the northeast corner of Broadway and Austin Highway on a tract of land containing at least 1.4 acres of land. The main entrance of the retail/restaurant uses shall be on Broadway and the main entrance of the dwelling units shall be on Ellwood Avenue. The number of dwelling units shall not exceed one hundred fifty (150) units. There shall be no required setbacks and the maximum lot coverage of the structure shall not exceed eighty (80) percent. There may be a maximum of four (4) occupied stories and the maximum height shall be fifty-six (56) feet, both to be measured in accordance with zoning code standards. The off-street parking ratio for the multi-family dwellings may not be less than 1.5 spaces per unit and the number of retail/restaurant parking spaces shall comply with the zoning code requirements. Parking spaces shall be at least nine (9) feet by eighteen (18) feet except that one (1) smaller compact space may be installed for each nine (9) feet by twenty (20) feet larger parking space installed. The areas between the structure and the property lines must be fully landscaped along each street, with not more than forty (40) percent of such areas to receive impervious cover. No alley or service easement shall be required. All new utilities shall be buried and existing utilities must be removed and/or relocated. The project must employ "dark sky" lighting fixtures. The developer of the project must pay for the installation of any infrastructure such as water, sewer and stormwater enhancements which are required to support the project. The city may require the project developer to purchase additional, unrestricted, perpetual Edward's Aquifer water rights to provide for the estimated usage of the project. Approval of a SUP which complies with the above requirements shall not set a precedent for any other SUP in the future.
- (19) Multi-family condominium project consisting of ten (10) single-family detached residences at a location within a radius of five hundred (500) feet of the northeast corner of Broadway and Terrell Road on a tract of land containing at least 0.7 acres of land. There shall be a twenty-foot front yard setback rather than twenty-five (25) feet, a ten-foot rear yard setback rather than twenty-five (25) feet, a 7.5 foot side yard setback to property lines rather than fifteen (15) feet, a six-foot setback between buildings rather than ten (10) feet or thirty (30) feet, forty (40) percent lot coverage rather than thirty-five (35) percent, thirty (30) percent of front yard contiguous landscaping rather than fifty (50) percent, a six-foot fence height limitation in the front yard setbacks for units 1, 8, 9 and 10 rather than three (3) feet, access via a private drive and no more than ten (10) single-family detached residences. All new utilities shall be buried and existing utilities must be removed and/or relocated. The developer of the project must pay for the installation of any infrastructure such as water, sewer and stormwater enhancements which are required to support the project. The city may require the project developer to purchase additional, unrestricted, perpetual Edward's Aquifer water rights to provide for the estimated

usage of the project. Approval of a SUP which complies with the above requirements shall not set a precedent for any other SUP in the future.

(Ord. No. 1920, 1-23-12; Ord. No. 1953, 11-13-12; [Ord. No. 2015](#), 4-13-15; [Ord. No. 2025](#), § 2, 7-27-15)

Sec. 3-88. - Landscaping regulations.

(A) Application of this section.

- (1) The landscaping section of this ordinance shall apply to all land located in the City of Alamo Heights, except as otherwise noted below. Such landscaping requirements shall become applicable as to each individual lot or tract of land at such time as an application for building permit on such lot or tract of land is made.
- (2) A common development which includes more than one (1) lot shall be treated as one (1) lot for the purposes of satisfying the landscaping requirements of this section. Split ownership, planning in phases, construction in phases, and/or multiple building permits for a project shall not prevent it from being a common development as referred to above. A project planned in phases must have each phase in compliance with the ordinance.
- (3) The requirements of this section shall not apply to the following:
 - (a) Single-Family Dwelling District A (SF-A).
 - (b) Single-Family Dwelling District B (SF-B).
 - (c) Two-Family Dwelling District C (2F-C).
 - (c) Building permits for the substantial restoration within a period of twelve (12) months of a building which has been damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
 - (d) Building permits for remodeling as long as the roof and front, side and rear exterior walls of the building remain in the same location.
 - (e) Site development plans approved before July 2, 1984, and granted a building permit by September 1, 1984.

(B) Procedures pertaining to this section.

- (1) When an application is made for a building permit on any land where the landscaping requirements of this section are applicable, such building permit application shall be accompanied by a site plan(s) containing the information listed below:
 - (a) The date, scale, north arrow, title and name of owner.
 - (b) The location of property lines and dimensions of the tract.
 - (c) The location and size of existing and proposed streets and alleys.
 - (d) The location, size and type (tree, shrub, ground cover) of proposed landscape plant material, and the location of proposed landscape areas. The use of native plants is encouraged.
 - (e) The location, size and species of existing trees on the site having trunks six (6) inches or larger in diameter and the approximate size of their crowns.
 - (f) The location, size and type of landscape architectural components (drives, walks, curbs, fences, steps, ramps, planters, pools, parking areas, etc.) proposed.
 - (g) A separate grading plan showing proposed topography (at two (2) foot contour interval) may be required at the request of the building official.

- (h) Indication if a landscape irrigation system is proposed.
- (i) Sufficient details to clearly describe all features proposed to be located in the city right-of-way. A written statement shall be submitted holding the city harmless from liability and/or damages caused by features placed in the right-of-way. The city retains total jurisdiction over features in the right-of-way as necessary for installation and maintenance of utilities, improvements and protection of the public health, safety and welfare.
- (j) Information necessary for verifying whether the required maximum percent of impervious cover has not been exceeded under subsection (d)(1)—(3) of this section.
- (k) The certification of a landscape architect, registered to practice in the State of Texas, that the plans satisfy applicable sections of the zoning ordinance, building code and appropriate standards for landscape architectural design and construction.
 - (l) A perpetual license, binding the property owner, his heirs, successors and assigns, granting the city authorization to enter upon the land for the purpose of installing required landscaping.
 - (2) Plans shall be subject to approval by the office of Community Development. Prior to the issuance of a building permit, the applicant shall pay to the city an inspection fee in accordance with a schedule of fees published by the city. The property owner shall furthermore furnish to the city prior to the issuance of a building permit a performance bond or irrevocable letter of credit acceptable to the city for the amount of the landscape construction cost.
 - (3) The planning and development services office shall inspect each site no sooner than three (3) months nor later than twelve (12) months after the building is ready for occupancy. The owner may call for earlier inspection if desired. If the proposed landscape construction is not completed at the time of the twelve (12) month inspection, the performance bond or letter of credit shall be forfeited and applied toward the implementation of the landscape plan. Any additional costs beyond those covered by the performance bond or letter of credit shall be affixed as a lien on the property.

(C) Landscaping requirements.

- (1) Landscaping shall not obstruct the view between the street and the access drives and parking aisles near the front yard entries and exits, nor shall any landscaping which creates an obstruction of view be located within the radius of any curb return.

(Ord. No. 1920, 1-23-12)

Sec. 3-89. - Nonconforming uses or structures.

- (1) Any use of property that does not conform to the regulations prescribed in the preceding sections and which shall have been in existence prior to the adoption of this ordinance or which was nonconforming under the provisions of the previous ordinance and remains so under this ordinance shall be called a nonconforming use.
- (2) Any nonconforming use of land or buildings or any nonconforming structure may be continued for indefinite periods provided that the board of adjustment may prescribe definite periods of time for the discontinuance of a nonconforming use of land or building subject to such restrictions as the board of adjustment may require for the protection and preservation of adjoining property. A nonconforming use of land or building may be changed to another nonconforming use of the same or a more restrictive classification. If a change of a nonconforming use is made to a use in a more restrictive classification, the use shall not later be changed to a less restrictive classification and the less restrictive use shall be considered to have been abandoned.

- (3) If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction of a nonconforming use not exceeding fifty (50) percent of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded.
- (4) A nonconforming use or structure shall not be expanded in any manner or form so as to increase the degree of nonconformity except when such change may be required by law or ordinance for the preservation of the health, safety and welfare of the community.
- (5) A building or structure in Business District One (B-1) used for a nonconforming use as defined in section 3-88 of the Zoning Code may be modified or expanded upon approval of a building permit therefore by the city council; provided that any such modification or expansion is for the same use which existed prior to the time of the request for the building permit.
- (6) If the final approval of a subdivision plan, plat or replat produces a nonconforming use or structure because of requirements of the Zoning Code, there shall be no necessity to obtain a variance or special exception from the board of adjustment for the condition which produced the nonconforming use or structure unless such condition is not disclosed in the plat specifications or other documents furnished to the city in connection with the application. In order to preserve the applicant's rights under this subsection, the subdivision plan, plat or replat approved by the city council shall include a plat note specifically describing the condition which otherwise would have necessitated a variance or special exception from the board of adjustment. If the approval of the subdivision plan, plat or replat creates a nonconforming structure, future building permits for the alteration, modification or expansion of the nonconforming structure shall be treated the same as building permit applications for other nonconforming structures.

(Ord. No. 1920, 1-23-12)

Sec. 3-90. - Reserved.

ARTICLE XI. - ADMINISTRATION

Sec. 3-91. - Administration

The provisions of this chapter shall be administered by the public works director or his designee. Where special exceptions are noted, they shall be referred to the board of adjustment.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-92. - Scope of regulations.

These regulations shall apply to any proposed project or structure that is submitted for permitting after the effective date of this ordinance, except that any applicant who has submitted an application for a permit protected by Chapter 245 of the Local Government Code shall be governed by the development standards in effect on the date that the original permit application was filed. A permit application expires the forty-five (45) days after the date the application is filed if (a) the applicant fails to provide documents or other information necessary to comply with the city's technical requirements relating to the form and content of the permit application, (b) the city provides to the applicant not later than the ten (10) business days after the date the permit application is filed written notice of the failure to provide documents or other information required to comply with the city's technical requirements, which notice specifies the necessary documents or other information and the date the permit application will expire if the documents or other

information is not provided, and (c) the applicant fails to provide the specified documents or other information within the time provided in the notice.

Existing structures and site improvements that do not comply with this ordinance are nonconforming structures which can be maintained and repaired as long as the structure footprint, height, envelope or site area are not expanded so as to increase the degree of non-conformity. In addition, existing structures and site improvements that do not comply with this ordinance that are damaged or destroyed by natural acts or by any means not resulting from the direct actions of the property owner can be rebuilt to their previous dimensions.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-93. - Penalty for violation.

Any person or corporation who shall fail to comply with any of the provisions of this ordinance or fail to comply with any of the requirements hereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, or who commits, takes part, directs, or assists in any such violation or who maintains or uses any building or premises or part thereof in which any violation exists shall be guilty of a misdemeanor, and any such person or corporation upon conviction thereof in the Corporation Court of the City of Alamo Heights, Texas, shall be fined as provided in section 1-5 of this Code. Each day that such violation shall occur, continue or be permitted to exist shall constitute a separate offense.

Any owner or owners of any building or premises or part thereof, who participates in, or knowingly and willingly permits a violation of this ordinance, and any architect, builder, contractor, agent, person or corporation employed in connection therewith who assists in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-94. - Remedies for violation.

Any person or corporation who shall fail to comply with any provisions of this ordinance, or any of the requirements hereof, or who shall commit any of the acts described in section 3-23, or be guilty of any of the omissions thereof, shall be liable to injunctive action, being subject to being enjoined and mandatorily enjoined in any court of competent jurisdiction, and shall be liable and responsible for any and all expenses that may be incurred by the city in connection with any such action, omission or other violation, including a reasonable attorney's fee.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-95. - Preserving rights in pending litigation.

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use.

Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was amended and this zoning ordinance adopted, shall be discharged or affected by such amendment; but prosecutions and suits for such offenses, liabilities, penalties or forfeiture may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been amended.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-96. - Preserving other ordinances not in conflict.

The provisions of this chapter shall take precedent over those of any other existing ordinance of the City of Alamo Heights which may contain provisions which are less restrictive than those herein specified. However, nothing herein contained shall mitigate, interfere with, alter or repeal any provisions of any other ordinance of the City of Alamo Heights not in conflict with the provisions of this ordinance.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-97. - Validity.

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provisions thereof other than the part so decided to be invalid or unconstitutional.

(Ord. No. 1750-C, § 2, 1-28-08)

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