

**ORDINANCE NO. 2264**

**AN ORDINANCE AMENDING CHAPTER 3, ZONING, ARTICLE I – IN GENERAL AND ARTICLE II – LAND USE TO INCORPORATE CLARIFYING LANGUAGE RELATED TO DEFINITIONS AND WALK-UP FACILITIES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT, PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETINGS CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alamo Heights is a Home Rule Municipality located in Bexar County, Texas, established in accordance with provisions of its Charter, the Texas Constitution and statutes, including the Texas Local Government Code; and

**WHEREAS**, Chapter 54.001 of the Texas Local Government Code provides the general authority for the City of Alamo Heights to enforce each rule, Ordinance, or police regulation of the City of Alamo Heights and to punish a violation of an Ordinance; and

**WHEREAS**, Chapter 211, Subchapter A of the Texas Local Government Code provides the general authority for the City of Alamo Heights to adopt certain zoning regulations and to enact local amendments to same; and

**WHEREAS**, the City of Alamo Heights utilized state authority to adopt zoning regulations to govern the use and characteristics of buildings and structures on properties; and

**WHEREAS**, the City Council hereby declares that all local code amendment regulations and standards are in furtherance of the City's public safety departments and are not enacted to hinder development and construction; and

**WHEREAS**, it's imperative for the City of Alamo Heights to ensure regulations are clearly stated and adopted for the protection of its citizens and efficient city operations; and

**WHEREAS**, the City Planning and Zoning Commission held a public hearing on the proposed amendments and recommended adoption; and

**WHEREAS**, the City of Alamo Heights desires to comply with all state regulations; and

**WHEREAS**, the City of Alamo Heights desires to protect the public health, safety, and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THAT:**

**SECTION 1:** Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2:** Amendments to Articles I and Articles II of Chapter 3 of the Code of Ordinances are hereby adopted as follows:

## **ARTICLE I. IN GENERAL**

### **Sec. 3-2. – Definitions.**

*Walk-up facility NA (non-alcohol non-tobacco/vape sales).* A business facility wherein accommodations are constructed on the exterior wall of the building that are accessible to pedestrians and allows for the dispensing of and payment for food and non-alcoholic beverages without either party to the transaction being required to enter or exit the facility. Does not include the sale of alcohol, tobacco, vape, smoke shop products or retail goods.

*Walk-up facility (alcohol tobacco/vape sales/retail goods).* A business facility wherein accommodations are constructed on the exterior wall of the building that are accessible to pedestrians and allows for the dispensing of and payment for alcohol, tobacco, vape, smoke shop products and retail goods without either party to the transaction being required to enter or exit the facility.

## **ARTICLE II. LAND USE**

### **Sec. 3-8. – Use of land and buildings. Businesses & Related uses**

| Use Type:                                  | SF-A | SF-B | 2F-C | MF-D | P | O-1 | B-1      | B-2      | B-3      |
|--------------------------------------------|------|------|------|------|---|-----|----------|----------|----------|
| Drive-through facilities, single lane only |      |      |      |      |   |     | S        | S        | S        |
| ...                                        |      |      |      |      |   |     |          |          |          |
| Theater, not of drive-in type              |      |      |      |      |   |     | *        | *        | *        |
| Title company                              |      |      |      |      |   | *   | *        | *        | *        |
| <u>Walk-up facility (NA)</u>               |      |      |      |      |   |     | *        | *        | *        |
| <u>Walk-up facility</u>                    |      |      |      |      |   |     | <u>S</u> | <u>S</u> | <u>S</u> |

**SECTION 4: Conflicting Ordinances or Resolutions.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 5: Severability.** If any section, subsection, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 6: Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**SECTION 7: Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 13<sup>th</sup> DAY OF JULY 2026.**

  
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ALBERT HONIGBLUM, MAYOR

**ATTEST:**

  
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ELSA T. ROBLES, CITY SECRETARY



**APPROVED AS TO FORM:**

  
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FRANK J. GARZA, CITY ATTORNEY