



CITY OF OLMOS PARK

120 WEST EL PRADO DRIVE
OLMOS PARK, TEXAS 78212
(210) 824-3281



Planning and Zoning Commission

Members:

Lorin Runnels, Place 1
Shawn Hatter, Place 2
Walter Goff, Place 3
David Youngquist, Place 4

Planning and Zoning

Commission Members:

Em Landon, Place 5
Richard Wolf, Place 6
Lauron Fischer, Place 7
Jack Foster, Alternate

PLANNING AND ZONING COMMISSION MEETING AGENDA

Notice is hereby given that the Planning and Zoning Commission for the City of Olmos Park, Texas will hold a meeting, open to the public, at Olmos Park City Hall at 120 W. El Prado Drive in Olmos Park, Texas on Wednesday, March 25, 2026 at 5:00 PM where the following items will be discussed:

CALL MEETING TO ORDER

1. Roll Call

CITIZENS TO BE HEARD

Citizens wishing to address the Planning and Zoning Commission for items not on the agenda will be received at this time. All members of the public wishing to speak during Citizens to be Heard must sign-up to speak prior to the start of the meeting. In accordance with the Texas Open Meetings Act, no action can or will be taken on issues raised under this portion of the meeting. Please state your name and address for the record and limit your remarks to a period not to exceed three minutes. All remarks shall be addressed to the Planning and Zoning Commission as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Planning and Zoning Commission may be requested to leave the meeting.

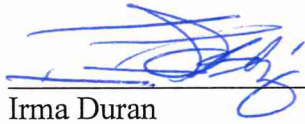
REGULAR AGENDA

2. Discussion and possible action on the minutes from the February 25, 2026 Planning and Zoning Commission meeting
3. Public Hearing, discussion, and possible action on proposed amendments to Chapter 40 Zoning Ordinance, including updates related to land use regulations, manufactured housing standards, architectural and material requirements, home occupation regulations, driveway standards, and other changes necessary to ensure compliance with state law
4. Update, discussion and possible action regarding membership on a subcommittee to review the substantive Chapter 40 Zoning Amendments

ADJOURN

CERTIFICATE OF NOTICE

I hereby certify that the above Notice of Meeting was posted on the bulletin board at Olmos Park City Hall and to the City website at www.olmospark.org at 5:00 PM on March 19, 2026



Irma Duran
City Secretary

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda as authorized by the Texas Government Code §551.071, Consultation with Attorney. Action, if any, will be taken in open session.

**City of Olmos Park
Planning and Zoning Commission
Minutes of Regular Meeting held
Wednesday, February 25, 2026**

The Planning and Zoning Commission for the City of Olmos Park held a meeting on Wednesday, February 25, 2026 at 5:00 p.m. in the Council Chambers at Olmos Park City Hall, located at 120 W. El Prado Dr., Olmos Park, Texas 78212 for the purpose of considering the following agenda:

1. Call the meeting to order, determine if a quorum is present

Present Members: Chair Lorin Runnels, Walter Goff, Jack Foster, Richard Wolf, Em Landon and Lauron Fischer.

Also Present: Planner Amanda Padilla, City Manager Ashley Maus and City Secretary Irma Duran

Chair Runnels called the meeting to order at 5:01 PM and announced a quorum was present.

- Member Em Landon arrived at 5:06 PM during Item 6.
- Member Jack Foster arrived at 5:18 PM during Item 7.

2. Citizens to be Heard

There were no citizens to be heard.

3. Swearing in of newly appointed Planning and Zoning Commission members

City Secretary Duran swore in Lauron Fischer. Em Landon was sworn following Item 7.

4. Discussion and possible action to elect a Chair and Vice Chair of the Planning and Zoning Commission

Chair Runnels moved for Vice-Chair Goff to serve as Chair. Vice-Chair Goff asked to remain in his current role.

Member Walter Goff motioned to retain the current leadership. Chair Lorin Runnels seconded the motion. The motion passed with 4 in favor and 0 against.

5. Discussion and possible action to approve the minutes from the December 10, 2025 Planning and Zoning Commission Meeting

Member Walter Goff moved to approve the minutes from the December 10, 2025, Planning and Zoning Commission Meeting. Member Richard Wolf seconded the motion. The motion passed with 4 in favor and 0 against.

6. Update regarding next steps for the substantive Chapter 40 Zoning Code Amendments
City Manager Maus presented an update since the December 10, 2025 meeting and public hearing. She explained the substantive draft was broken up by City Council between state law required changes and those beyond. She stated that the next step will be to review procedural

amendments and bring forward the required state-law changes to the Commission. Substantive changes beyond state requirements will be presented at the March Council Meeting

7. Public hearing, discussion and possible action regarding an amendment to the City of Olmos Park Code of Ordinances, Chapter 40 Zoning, including but not limited to: amending the procedures for changes or amendments to the zoning map or text; amending the provisions governing special use permits (SUPs); amending the rules and regulations governing the Zoning Board of Adjustment; and amending the landscaping provisions to update tree measurement standards; and amending other matters in connection therewith

Amanda Padilla presented the proposed amendments to the ordinances, noting that the primary change reduces the required public notices from two to one to align with State law. She also reviewed updates to the Special Use Permit requirements, which were revised to eliminate ambiguity. She clarified that Special Use Permits run with the land rather than the property owner, and the amendments were updated to clearly reflect this.

Chair Runnels asked Amanda Padilla to elaborate on special exception uses. Ms. Padilla explained that the Board of Adjustment must follow strict criteria when considering variances. She further noted that the City may grant special exceptions when a request aligns with the character of the City but does not meet the hardship criteria required for a variance.

Chair Runnels opened the public hearing at 5:17 PM.

- No individuals spoke during the public hearing.

Chair Runnels closed the public hearing at 5:17 PM.

Member Richard Wolf moved to recommend approval of the procedural changes to City Council. Member Walter Goff seconded the motion. The motion passed with 5 in favor and 0 against.

There being no further business, the meeting was adjourned at 5:20 PM

Minutes approved on the _____ day of _____, 20__.

Lorin Runnels, Chair

ATTEST:

Irma Duran, City Secretary

P&Z Meeting

Agenda Item 03

Date: March 25, 2026

Submitted By:	Staff
Agenda Items:	Public Hearing, discussion, and possible action on proposed amendments to Chapter 40 Zoning Ordinance, including updates related to land use regulations, manufactured housing standards, architectural and material requirements, home occupation regulations, driveway standards, and other changes necessary to ensure compliance with state law
Description:	At the January City Council Meeting, staff presented the Chapter 40 Zoning Amendments broken down into two parts: 1. Procedural amendments 2. Substantive amendments The procedural amendments were set to go to the Planning and Zoning Commission at the February 25, 2026 meeting, where the P&Z recommended approval. The City Council held their public hearing on the procedural amendments at the March 18, 2026 City Council meeting and approved the procedural amendments. The City Council further directed staff to break down the substantive amendments into two parts: 1. State law required amendments 2. Amendments above state law requirements The State Law required amendments are driven by state law requirements, and are here before the Planning and Zoning Commission today for a public hearing and for the P&Z to make a recommendation to City Council.
Action Requested:	Hold a public hearing and make a recommendation to City Council regarding the proposed amendments to Chapter 40 Zoning Ordinance, including updates related to land use regulations, manufactured housing standards, architectural and material requirements, home occupation regulations, driveway standards, and other changes necessary to ensure compliance with state law
Attachments:	• Presentation regarding State Law Zoning Amendments – Amanda Padilla, Planner with DNRBSZ • Proposed state law amendments to Chapter 40 Zoning Ordinance

ACTION TAKEN BY COUNCIL



State Law Required Changes to Chapter 40 Zoning Ordinance

State Law Zoning Amendments

- Amendments ensure Chapter 40 aligns with recent changes to state law to reduce legal risks and enforcement challenges.
- Recent changes in Texas law regulate zoning authority, manufactured housing, building materials, and home occupations.



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Regulation of Home Occupations

H.B. 2464

Limits on How Cities can Regulate “Home Based Business”

Defines “home-based business”

- Operated from a residential property, by the owner or tenant, and for the purpose of manufacturing, providing, or selling a lawful good, or providing a lawful service

Defines “no-impact home-based business”

- Total number of employees that does not exceed the municipal occupancy limit for the property
- Does not generate on-street parking or substantial increase in traffic
- No activities visible from a street
- Does not substantially increase noise or violate municipal noise ordinance

H.B. 2464

City may NOT adopt regulations that:

Prohibit a no-impact home-based business

Requires a license, permit, or other approval to operate

Requires rezoning of the property for non-residential use

Requires fire sprinkler protection for single-family detached or two-family residential structures

Updates to Home-Occupation Regulations

- The zoning ordinance was amended to remove the City's home-occupation registration requirements, which previously required residents to apply and maintain registration with the City.
- The change was necessary because the City's prior rules effectively required No-Impact Home Businesses (as defined by state law) to register, even though these businesses operate without noticeable impact on surrounding properties.
- To comply with HB 2464, the amendments remove the registration requirement entirely to ensure that No-Impact Home Businesses may operate without City approval, registration, or zoning action.



Manufactured Housing Regulations



S.B. 785

Changes to Regulations on New Manufactured Housing

Cities cannot require a special use permit (SUP) for new HUD-code homes if:

- They comply with federal and state law
- The city does not require an SUP for other housing in the same zoning classification

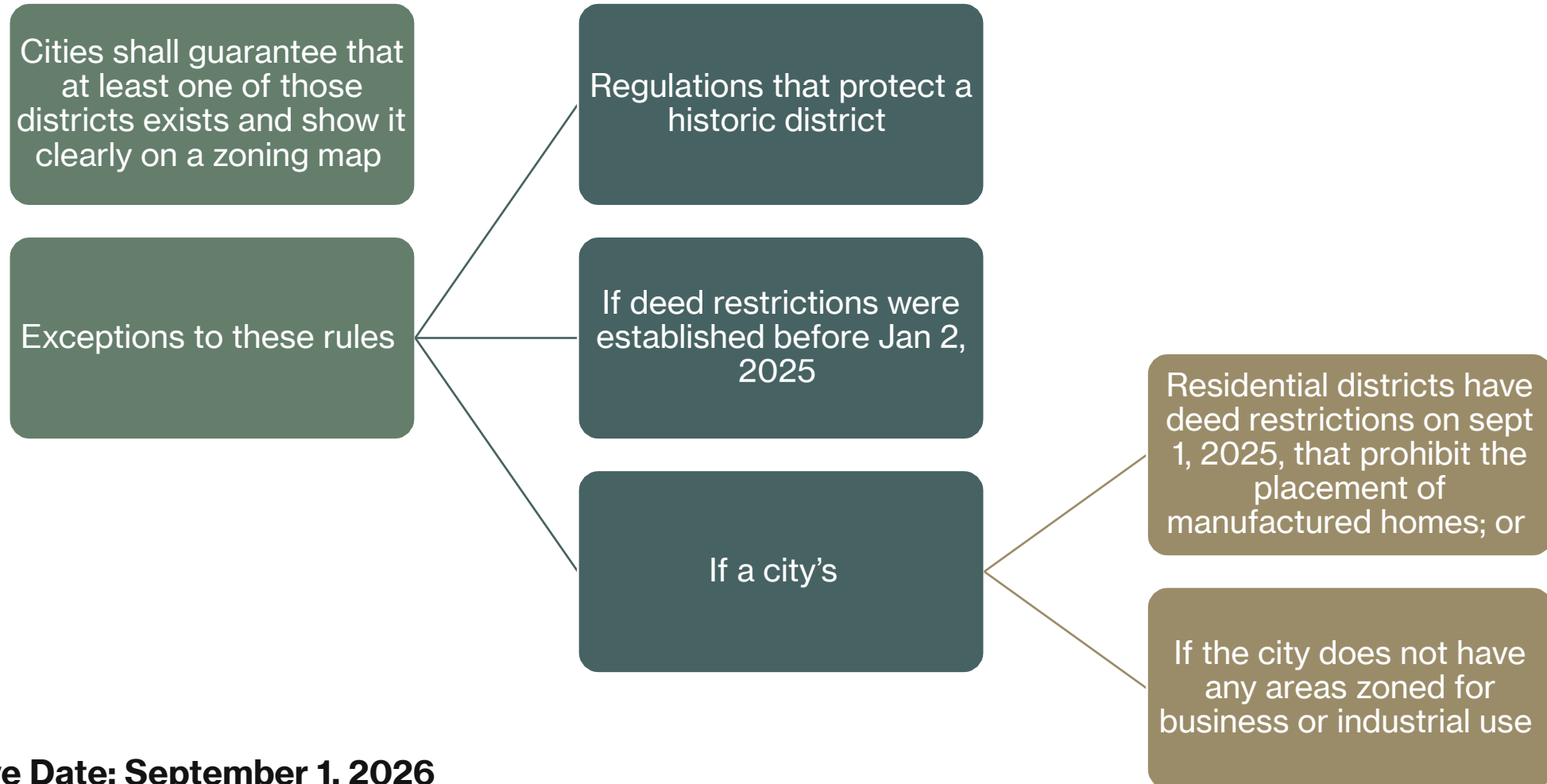
Essentially manufactured homes must be treated the same as other housing in the same zoning classification

Cities shall allow by right the installation of a “new” manufactured home in a least one of the following:

- Residential Zoning Classification
- Type of residential district
- Manufactured Home zoning classification

S.B. 785 (cont.)

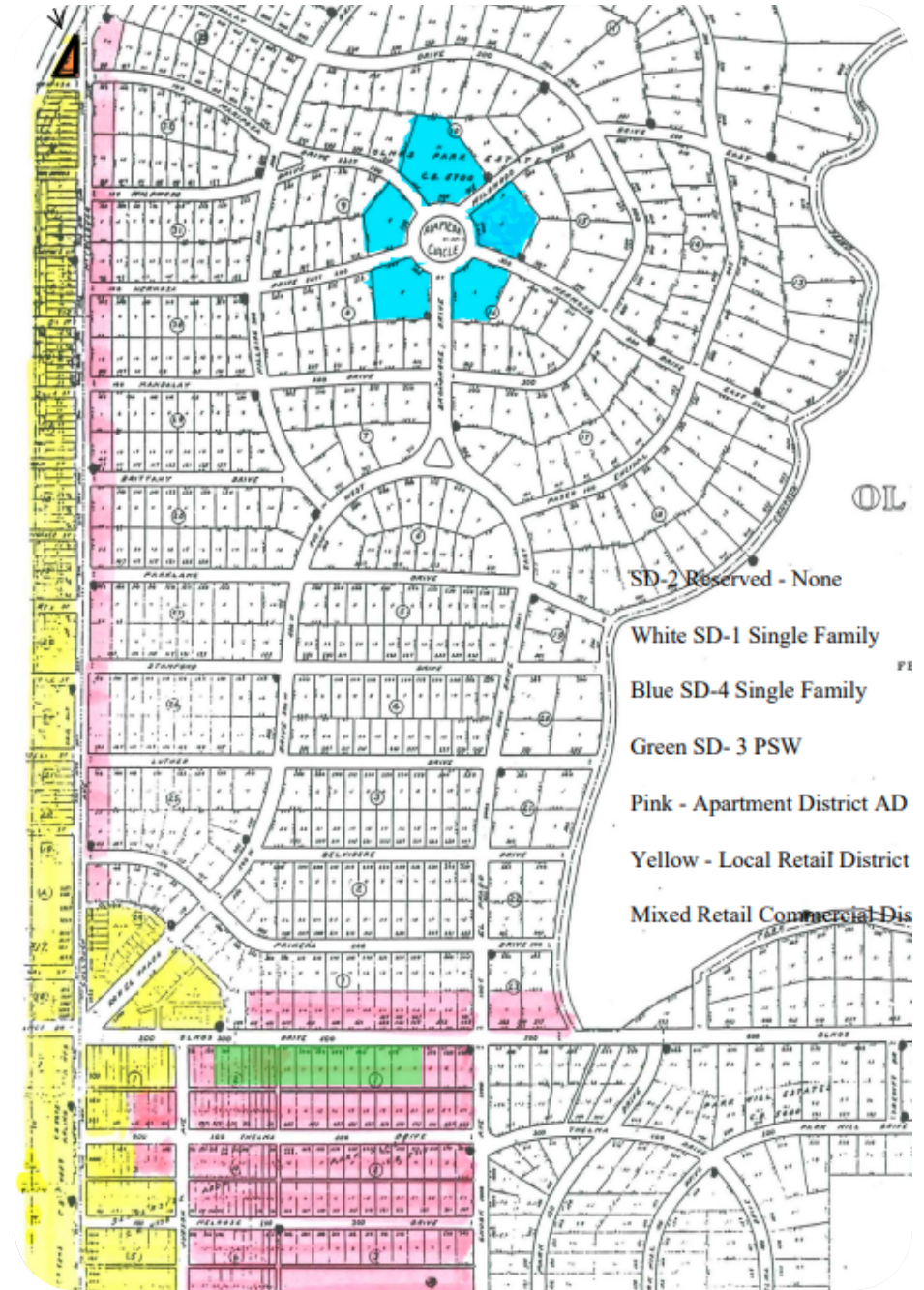
Changes to Regulations on New Manufactured Housing



Effective Date: September 1, 2026

Updates to Manufactured Housing Regulations

- The amendments remove the City's previous prohibition on manufactured homes to comply with SB 785 and state requirements.
- Manufactured homes are now permitted within the Apartment (AD) District (Pink in image), with new regulatory standards added to the ordinance.
- Manufactured Housing Definition: Applies to mobile homes and HUD-code manufactured homes as defined in Texas Occupations Code §1201.004.
- Mobile home installation is not permitted, consistent with Occupations Code §1201.008, though:
 - Legally existing mobile homes may continue to be occupied.
 - Existing mobile homes may be replaced with a HUD-code manufactured home upon issuance of a permit.
- A HUD-code manufactured home on a lot may be replaced once, provided the replacement is newer and at least as large, except in cases of fire or natural disaster.



Updates to Manufactured Housing Regulations

Use and Installation Requirements:

Units may only be used as single-family dwellings.

All towing apparatus, wheels, axles, and lights must be removed at installation.

Units should be oriented parallel to the street frontage where possible; special cases may orient the short axis if the front door faces the street.

Units must be skirted with a continuous masonry veneer or masonry curtain wall, unpierced except for ventilation and access.

Construction Standards:

Roof pitch must be at least 3.5:12 (for every 1 foot of roof, the roof must extend 3.5 inches vertically) and finished with materials meeting FHA standards.

Roofs must include minimum 6-inch eave projections.

Stairs, porches, ramps, and platforms must provide at least 24 sq. ft., be firmly attached, and securely anchored.

Stairs cannot be used alone – they must connect to a porch or platform of at least 24 sq. ft.



Building Material Regulations

Updates to Building Material Regulations

- In 2019, the Texas Legislature passed HB 2439, which significantly restricted cities' ability to regulate building materials and residential aesthetic standards.
- To comply with HB 2439, the amendments removed all building material requirements previously included in Chapter 40.
- These changes correspond with the amendments shown in the draft, where multiple sections tied to exterior materials or architectural elements were struck for removal.
- The revisions follow direction provided during the Planning & Zoning Commission and City Council workshop.



Changes to Mixed Retail

Updates to Mixed Retail Commercial Uses

SOBs, and Hemp Sales

Added uses that the City cannot prohibit under Texas state law within the Mixed Retail Commercial District.

Sexually Oriented Businesses (SOBs)

- SOBs must be permitted per Local Government Code 243.
- Section 243.003 authorizes cities to regulate SOBs, including licensing, permitting, and imposing distance or location requirements
- Section 243.007 further allows cities to require SOBs to obtain a local license or permit, reinforcing that SOBs are regulated uses.

Hemp Sales

- Hemp sales must be allowed per Texas Health and Safety Code Chapter 443.
- Per Section 443.003 “A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the processing of hemp or the manufacturing or sale of a consumable hemp product as authorized by this chapter.”



Other Changes

Other amendments

Driveways (Not a State Law Change)

Added driveway design and construction requirements that had previously been located in the Subdivision Ordinance.

Nonconforming Use

To comply with Local Government Code 211.019, the amendments clarify that a nonconforming land use is considered abandoned after six (6) months of discontinuance.



Substantive Zoning Amendments – State Law Changes

Chapter 40 ZONING

ARTICLE I. IN GENERAL

Sec. 40-1. Purpose of zoning regulations.

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Sec. 40-2. Definitions.

- (a) Words specially defined. Words used in the present tense include the future; words in the singular include the plural number; the words in the plural number include the singular; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and not discretionary.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building attached to or detached from the main structure and used for a purpose customarily incidental to the main structure, such as a garage, carport, or porte cochere for automobile storage, and a tool house, lathe or greenhouse, home workshop, quarters for servants employed on the premises, children's playhouse, bath house, pen, coop, kennel or storage house or garden shelter, but not involving the conduct of business or the use of such accessory structure as a separate domicile.

Apartment means a room or suite of rooms in an apartment house or tenement, arranged, designed or occupied as the residence of a single family, individual or group of individuals.

Apartment house means a building, or portion thereof, arranged, designed or occupied by three or more families living independently of each other.

Boardinghouse means a building other than a hotel, accommodating five or more persons, where lodging and meals are served for compensation.

Building means any structure having a roof, supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons or animals. For purposes of meeting setback requirements, a building includes all projections such as eaves, overhangs, cornices, roofs, windowsills and other architectural features.

Building area means the buildable area of a lot is the space remaining after the minimum open space requirements of this chapter have been complied with.

Building height means the vertical distances measured from the top edge of the front curb or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip

or gambrel roof; provided that, where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the top edge of the front curb at the mid-point of the property unless the lot is on the uphill side of a street, in which case the height of the building shall be measured from a point that is the average elevation of the lot between the top edge of the front curb and the rear property line measured from the midpoint of the property, both front and rear.

Carport means a structure attached to or made a part of the main structure, which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor-driven vehicles.

City Manager means the chief executive officer and head of the administrative branch of the City of Olmos Park. It may also refer to the acting City Manager or to any employee or administrative officer of the City to whom the chief executive officer or acting City Manager has delegated certain authority, but only to the extent of such delegation.

Depth of lot means the mean horizontal distance between the front and the rear lot line.

District means a section of the City of Olmos Park for which the regulations governing the area, height, or use of the buildings are uniform.

Family means one or more individuals living together as a single housekeeping unit in which not more than two individuals are unrelated by blood, marriage or adoption.

Front building face means the vertical exterior plane consisting of the building face which is the primary access into a building or lease space, as determined by the building official.

Home occupation means an occupation or activity carried on in the home by a person residing on the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Interior lot means a lot other than a corner lot.

Nonconforming use means a building or premises occupied by a use that does not conform to the regulations of the use district in which it is situated.

One-family dwelling means a detached building having accommodations for and occupied by only one family.

Parking space means an area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Portable storage units means portable storage containers, including overseas shipping containers, cargo or freight containers, and PODS ("portable on demand storage").

Private garage means a garage with a capacity for not more than ten motor-driven vehicles for private storage only.

Short-term rental. A rental of real property for a period shorter than 30 consecutive days. Short term rental of real property is presumed to be a commercial use of real property.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Structure means that which is built or constructed; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner.

Townhouse means one of a group of no less than two nor more than four adjoining single-family dwelling units sharing a common wall with one or more of such adjoining single-family dwelling units, each dwelling unit located on a separate lot.

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

Yard, side, means an open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the buildings 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.

Use means the purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Sec. 40-3. General provisions.

(a) *Districts.* Zoning regulations and districts as herein set forth are approved and established. The City of Olmos Park is hereby divided into districts, of which there shall be seven, known as:

- (1) Single-family residence district I (SD-1).
- (2) Single-family residence district II (SD-2).
- (3) Single-family residence district III (SD-3).
- (4) Single-family residence district IV (SD-4).
- (5) Apartment district (AD).
- (6) Local retail district (RD).
- (7) Mixed retail commercial district (MRD).

(b) *Buildings and land use to conform to district requirements.* Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land used for any purpose other than is permitted in the district in which such building or land is located.

~~(c) *Manufactured housing prohibited.* Manufactured housing, mobile homes and similar structures are prohibited in any of the city's zoning districts.~~

(d) *Use of land.* These regulations are intended to prevent the use of land which would place upon the land a greater burden, density, or more intense use than that permitted in the district in which the land is situated. Whenever a proposed use of land would create a lesser burden, density, or less intense use than that permitted for the district in which such land is situated, but such use might otherwise be prohibited by a strict application of these regulations, the owners of such land may obtain necessary variances to these regulations to permit such use, provided such use otherwise conforms to the general plan of development within the city.

Sec. 40-4. City-owned property and public utilities.

The provisions of this chapter shall not apply to property belonging to the city or to property used to provide utilities; provided, however, that in the erection of building or other structures, the city and utility companies shall

Commented [AP1]: Change to comply with Local Government Code Chapter 1201.

attempt to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the district in which they are being erected.

Sec. 40-5. Enforcement of zoning regulations.

- (a) The provisions of this chapter shall be enforced by the City Manager or designee of the city. All applications for site plans, and building permits shall be accompanied by a plat description in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building, addition or alteration to be erected, the use to which of any building, addition, alteration or land is to be put, materials to be used, and any other information which may be necessary to provide for the enforcement of these regulations. Such plans shall be verified by the signature of either the owner of the premises or by a licensed architect or engineer. A careful record of such applications and plats shall be kept in the office of the building inspector.
- (b) Abatement of nonconforming uses. The city shall have the power to abate or prevent the use of land or building not in conformity with this chapter.

Sec. 40-6. Building permits, certificates of occupancy, compliance.

For compliance with building permits and certificates of occupancy, see chapter 8 of this Code.

Sec. 40-7. Zoning map designations.

- (a) When definite distances in feet are not shown on the zoning map, the district boundaries on the zoning area are intended to be along existing street, alley or property lines or expansions of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the maps measured from the given line.
- (b) Intent of zoning plan to be carried out. Where the actual street layout varies from the street layout as shown on the zoning map, the board of adjustment may apply the designations shown on the mapped streets in such a way as to carry out the intent of the plan for the particular area in question.

Sec. 40-8. Penalty and violation.

- (a) Any person or corporation who shall violate any of the provisions of this chapter or fail to comply herewith, or 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 shall use any building or land contrary to the provisions hereof, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000.00, and each day such violation shall be permitted to exist shall constitute a separate offense.
- (b) The owner or owners of any building or premises or part thereof, upon which anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith or who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

Sec. 40-9. Changes and amendments to zoning map or text

A. Authority to amend.

- (a). The city council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established as provided by TLGC Chapter 211 after receiving a report from the Planning and Zoning Commission and after public hearings.
- (b). A Planning and Zoning Commission recommendation is required for all amendments.
- (c). Zoning district boundary amendments may be requested by City Council, the Planning and Zoning Commission, or in writing by the owner of real property, or the authorized representative of an owner of real property.

- (d). Zoning Text amendments may be requested by City Council, the Planning and Zoning Commission, the property owner (or authorized agent of the owner), or City staff, at the direction of the City Manager.
- B. Required notice.
 - (a). Property owner notice.
 - i. Written notice of all public hearings before the Planning and Zoning Commission on a proposed zoning map change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.
 - ii. Such notice shall be given not fewer than eleven (11) calendar days before the date of the Planning and Zoning Commission hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.
 - iii. This subsection does not apply if this is considered a Comprehensive Zoning Change as defined in sec. 211.0011 of the Texas Local Government Code.
 - (b). Newspaper notice.
 - i. Notice of the time and place of the hearing must be published in a newspaper of general circulation in the City at least sixteen (16) days before the date of the public hearings.
 - (c). School District notice.
 - i. Written notice shall be given not fewer than eleven (11) calendar days before the date of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located.
 - (d). Notice for a current conforming property becoming nonconforming due to amendment.
 - i. If the proposed zoning amendment will result in a current conforming use of a property becoming a nonconforming use, written notice shall be provided to each owner of property where the proposed nonconforming use is located and each occupant of the property not later than ten (10) calendar days before the hearing date, containing the time and place of the hearing and including the following text in bold 14-point type: "THE CITY OF OLMOS PARK IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."
 - (e). For proposed changes to the text of the zoning ordinance notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the city not less than 15 days prior to the date of the public hearing. Changes in the ordinance text which do not change zoning district boundaries, do not establish zoning regulations for specific districts, or do not involve specific real property, do not require written notification to individual property owners.
- C. Application requirement.
 - (a). Each application for a zoning amendment shall be made in writing on an application form available from the city.
 - (b). Zoning amendment request applications which do not include all required information, and materials will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a Planning and Zoning Commission agenda until the proper information is provided to city staff.

- D. Planning and Zoning Commission recommendation and required public hearing.
- (a). The Planning and Zoning Commission shall hold a public hearing on any zoning amendment prior to making a report and recommendation to City Council. The report may be placed within the staff report.
 - (b). In making its recommendation, the Planning and Zoning Commission shall consider the following:
 - i. Whether the zoning amendment aligns with the character of the existing neighborhood and adjacent properties, or with the proposed character of a neighborhood as outlined in applicable plans or policies;
 - ii. Whether the proposed change will have a detrimental effect on properties abutting the property proposed for rezoning or upon properties affected by the proposed text amendment;
 - iii. Whether the proposed change will result in detrimental impacts upon existing or planned public facilities; and
 - iv. Any other factors which will substantially affect the public health, safety, morals, or general welfare.
- E. City Council decision and required public hearing.
- (a). The City Council shall hold a public hearing before adopting any zoning amendment.
 - (b). The zoning amendment shall not become effective except upon a simple majority vote of the City Council.
- F. Supermajority or majority vote of City Council required for protested zoning amendments
- (a). This subsection only applies to a proposed change to the zoning text or map boundary that is not a "proposed comprehensive zoning change" as defined in section 211.0011 of the Texas Local Government Code.
 - (b). A protest of a proposed change to the zoning text or map boundary must be written and signed by the owners of:
 - i. at least 20 percent of the area of the lots or land covered by the proposed change;
 - ii. except as provided by subsection (iii), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or
 - iii. at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.
 - (c). In computing the percentage of land area under subsection (b):
 - i. the area of streets and alleys shall be included; and
 - ii. the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.
 - (d). If a proposed change is protested in accordance with subsection (b), the proposed change must receive, in order to take effect, the affirmative vote of at least:

- i. three-fourths (3/4) of all members of the City Council for a protest described by subsection (b)(i) or (b)(ii); or
- ii. a majority of all members of the City Council for a protest described by subsection (b)(iii).

Sec. 40-10. Savings clause.

The repeal of the ordinances or parts of ordinances effectuated by the enactment of this chapter shall not be construed as abating any actions now pending under or by virtue of such ordinance, or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any section or provision existing at the time of the passage of the ordinance from which this chapter is derived. If any section, paragraph, subdivision, clause, phrase or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

~~Sec. 40-11. Costs for design professional review.~~

~~Prior to any home or structure being constructed in SD-2 or SD-3, a preliminary design submittal and final and complete construction documents shall be submitted to the city for review by staff and/or a design professional. If the city retains a design professional to review submittal, actual costs for review shall be paid by the person requesting approval of the home or structure.~~

Sec. 40-1~~2~~. Vacating public right-of-way.

If the city gives written notice, a person shall, [at] its own expense, temporarily or permanently, remove, relocate, change or alter the position of person's facilities that are in the public rights-of-way within 120 days, except in circumstances that require additional time as reasonably determined by the city based upon information provided by the person. For facilities expected to take longer than 120 days to remove, change or relocate, the city will confer with person before determining the alterations to be required and the timing thereof. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental public improvement in the public rights-of-way. This section shall not be construed to prevent a person's recovery of the cost of relocation or removal from third parties who initiate the request for relocation or removal, nor shall relocation or removal be required if improvements are solely for beautification purposes without prior joint deliberation and agreement with person. This section does not create a public right to seek recovery of costs for relocation or removal solely for beautification.

If the person fails to relocate facilities in the time allowed by the city in this section, the person may be liable to the city for such delay, as set forth in the City Code of Ordinances, now or hereafter enacted.

Notwithstanding anything in this subsection, the city manager and a person may agree in writing to different time frames than those provided above if circumstances reasonably warrant such a change.

Secs. 40-1~~2~~~~3~~—40-38. Reserved.

Commented [AP2]: Removed due to the limitations in Government Code Chapter 3000 regarding the City's authority to regulate building materials.

ARTICLE II. SINGLE-FAMILY RESIDENCE DISTRICTS

Sec. 40-40. Building and land use restrictions.

No building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) *Single-family residence.* No more than one single-family dwelling per lot. In the event such dwelling is to be constructed on portions of two or more lots, prior to such construction, the property owner shall apply to the board of adjustment for such variances as may be necessary to facilitate such construction.
- (2) *Public park or playground.*
- (3) *Accessory building.*
 - a. A detached accessory building shall be located not less than ten feet from the main structure, not less than 60 feet from the front property line and not less than three feet from any rear or side property line, except as specifically allowed in section 40-48.
 - b. When attached to the main structure in any manner, including by open or closed breezeway or passageway, an accessory building shall be considered part of the main structure and shall be subject to the same front, side, and rear setback requirements as the main structure.
 - c. Where a side yard abuts a street on a corner lot, no garage, carport or other motor vehicle storage structure with access to the street may be erected nearer to the curb line of said street than 25 feet.
 - d. On the rear of an accessory building, no clear glass may be used for any exterior windows above the first story of the accessory building unless the bottom of said clear glass exterior window is located at least seven feet above the floor, and all such exterior windows regardless of height or opacity must be inoperable and unable to be opened. On the sides of an accessory building, no clear glass may be used for any exterior windows above the first story of the accessory building unless the exterior window is located at least 40 feet from the side property line toward which the exterior window faces or unless the bottom of said clear glass window is located at least seven feet above the floor. On the rear and sides of an accessory building, above the first story of the accessory building, the only exterior windows which may be located within seven feet of the floor shall be exterior windows with obscured glass that does not permit an occupant of the accessory building to see outside the window from the accessory building. The provisions of this section shall not apply to exterior windows on an accessory building located on a corner lot where such exterior windows only overlook a public street and do not overlook a residential lot. The purpose and intent of this section is to enhance the privacy, safety, and security of residents by ensuring that rear windows of accessory buildings do not provide a vantage point that allows for a direct line of sight from the accessory building to any rear window on any adjacent residential structure, such that a person inside an accessory building looking out through a rear window cannot clearly see into any rear window of an adjacent residential property.
 - e. Except as provided in this section, other sections [of] this article shall apply to accessory buildings. In the event of a conflict between this section and other sections of this chapter, this section shall govern matters as to accessory buildings.
 - f. Considering only the accessory building in question and only its location on the lot, an accessory building can have only a single or two stories with no more than a maximum height of 25 feet measured from the lowest ground level of the accessory building in question to the peak of the roof of the accessory building in question.

- g. Any person or entity violating this chapter shall be punished, upon conviction, in accordance with the provisions of section 8-40. Each day of such violation shall constitute a separate offense.
- (4) *Antennas.* No permanently installed base-mounted antenna, whether ground, roof or otherwise mounted, shall be located within 60 feet from the front property line or within three feet from any other property line or street and must be screened from public view. Applicants for permits must follow the procedures outlined in sections 8-24 through 8-26.
- (5) *Customary uses.* Uses customarily incidental to any of the above uses when situated in the same dwelling.
- (6) *Portable storage units.*
- a. All portable storage units must be located:
 - (1) On a paved all-weather surface except for approved construction sites; and,
 - (2) Completely off any and all public rights-of-way.
 - b. Portable storage units shall be removed from the property within 30 calendar days from the date of receipt of notification from the city.
 - (1) Upon request, one extension to (6)b. not to exceed 30 days, may be approved by the city building official.
 - c. In no event, shall the continuous or intermittent use of portable storage units exceed 60 cumulative days during any 12-month period.
 - d. Portable storage units associated with an approved construction project shall be permitted to remain on-site until the approval of the projects building final inspection or the expiration of the master building permits' expiration date if less. Portable storage units permitted under this section 6(d) shall not be visible from any residential street, unless good cause is found by the city building inspector.
 - e. All portable storage units:
 - (1) Shall not be placed in locations that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development;
 - (2) Shall be secured from entry by children and general public when not attended; and
 - (3) Shall not have hazardous material stored within the containers.
 - f. All existing portable storage units within the city limits will be subject to the requirements of this article as of its effective date.
 - g. Any person or entity violating this chapter shall be punished, upon conviction, in accordance with the provisions of section 40-8. Each day of such violation shall constitute a separate offense.
- (7) *Home occupations.*
- a. *Purpose and intent.* The purpose of these home occupation regulations is to:
 - (1) Protect residential areas from adverse impact of activities associated with home occupations;
 - (2) Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income; and
 - (3) Establish criteria and development standards for home occupations conducted in dwelling units.
 - b. *Home occupation regulations.* All home occupations shall comply with the following:

- (1) The area set aside for home occupations shall be incidental and secondary to the primary use of the property for residential use.
- (2) No exterior business signs shall be permitted.
- (3) No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
- (4) Retail sales shall be prohibited on the premises.
- (5) The operation of on-site retail stores, beauty culture schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, boarding house/rooming house, or other similar land uses shall not be permitted as a home occupation.
- (6) A home occupation may be carried on within the principal building or accessory buildings.
- (7) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.
- (8) The home occupation shall not create any increased traffic generation in greater volumes than would normally be expected in a residential neighborhood, and any shipping or deliveries for the home occupation shall not be in greater volumes than would normally be expected in a residential neighborhood.
- (9) Exterior storage of materials to be used in conjunction with a home occupation shall not be located within the front yard and shall be screened from any public right-of-way or adjacent property.
- (10) A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit and shall comply with all provisions related to controlling nuisances within city ordinances.

~~c. Home occupation registration.~~

- ~~(1) Purpose. To establish a method to allow the city to regulate and control nonresidential activities and maintain a record of the types and numbers of home occupations in the city.~~
- ~~(2) Registration required. Each resident within the city who has, or desires to establish an authorized home occupation, is required to register the home occupation with the city.~~
- ~~(3) Application for home occupation registration.~~
 - ~~(1) Applicant shall apply to the city manager or his/her designee to register a home occupation using an application provided by the city manager or his/her designee.~~
 - ~~(2) The city manager or his/her designee may accept the registration if the home occupation meets all the requirements established in subsection (7)b above.~~
- ~~(4) Conditions applicable to home occupation registration.~~
 - ~~(1) Duration. A home occupation registration remains valid for as long as the home occupation use is in operation.~~
 - ~~(2) Termination. When a home occupation is found to be in noncompliance with the requirements outlined in this subsection (7), the registration will be terminated immediately and the property may be subject to enforcement actions for a violation of this chapter, pursuant to section 40-8.~~
 - ~~(3) Renewal of terminated home occupation. The procedure for renewal of a terminated home occupation shall be the same as required for a new registration under this section.~~
- ~~d. Appeals.~~

Commented [AP3]: Removed based on House Bill 2464.

~~(1) The judgment of the city manager or his/her designee pertaining to a violation or decision under this subsection shall be considered determinative and final unless formally appealed to the board of adjustment within 20 days after the city manager or his/her designee's written determination. The board of adjustment will have the final action on appeals.~~

Sec. 40-41. Building height.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained which exceeds 35 feet in height.

Sec. 40-42. Yard area requirements.

No building or structure shall be hereafter erected or maintained unless the following standard yard and lot areas are provided and maintained in connection with such building or structure; provided, however, if a plat has been previously approved by the city containing non-standard yard and lot areas under applicable amendments to this chapter which were adopted after the plat was approved, such platted non-standard yard and lot areas shall prevail over the standard yard and lot areas hereinafter provided. Any structure located on a previously approved plat with non-standard yard or lot areas may be repaired or replaced with new construction, provided that any such repairs or new construction must comply with all other applicable requirements in this Code or other applicable law, including requirements set forth in Chapter 8 of this Code. All areas designated as utility easements shall not have structures of any type built upon them, including but not limited to any primary or accessory structure, fence, shed, outbuilding, swimming pool, or other improvement to real property. Any variance granted by the city to allow construction or installation of a building or structure within any part of a utility easement owned by the city shall not waive any property rights or easement rights belonging to the city or another public entity, including a public utility, and any rights granted by such variance shall forever be considered subordinate to and subject to the utility easement rights of the city and/or other public entity. Upon request by the city or another public entity that owns a utility easement upon which any building or structure is constructed or installed pursuant to a variance granted by the city, the owner of such building or structure shall be required to promptly remove said building or structure at the owner's sole expense. Any fence, wall, or other barrier constructed within a utility easement pursuant to a variance granted by the city shall provide a means of ingress and egress at the rear of the lot to allow authorized persons to access the utility easement as needed, and must comply with all other applicable local and state laws.

Table 40-42.1 ^(Notes 1, 2)				
District	Rear yard	Side yards		Front yard
SD-1	20% of lot depth, not to exceed 35 ft.	Lots 75 ft. wide or less	Lots wider than 75 ft.	40 ft.
		6 ft.	10 ft.	
SD-2		5 ft.		30 ft.
SD-3		3 ft. ^(Note 3)		19 ft. ^(Note 4)
SD-4	20% of lot depth	15 ft.		40 ft.

[Notes:]

- (1) All dimensions measured from property line.
- (2) See [subsection] 40-40(3) for setback exceptions for accessory building exceptions.
- (3) Eaves or other minor building extensions; setback of primary walls of structure is four feet.
- (4) See [section] 40-48 for SD-3 carport exception.

Sec. 40-43. Short-term rental use prohibited.

Real property in the Single-Family Residence Districts may not be used for short-term rental.

Sec. 40-44. Regulation of lot size.

Any subdivision plan affecting land situated in an area which has been zoned as a single-family residence district shall provide that each lot shall comply with Table 40-44.1:

TABLE 40-44.1		
District	Minimum lot size	Minimum street frontage
SD-1	15,000 sq. ft.	100 ft.
SD-2	5,800 sq. ft.	45 ft.
SD-3	4,335 sq. ft.	30 ft.
SD-4	75,000 sq. ft.	100 ft. ^(Note 1)

[Notes:]

- (1) Distance measured along the curved property line that faces the center of Alameda Circle.

Sec. 40-45. Impervious cover.

Impervious cover includes roads, parking areas, buildings, swimming pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. The term "percent impervious cover" is calculated as the area of impervious cover within the front yard area of a lot, tract, or parcel, or development, divided by the total area within the front yard area of such lot, tract, parcel or development. The front yard area is defined as the area contained within the boundaries of the front building setback line, the side property lines and the back of the front curb line of such lot, tract, parcel, or development.

- (i) Impervious cover area requirements for single family residence district lots shall be as follows: All impervious cover shall not cover in the aggregate more than 50 percent of the front yard area of a lot, tract, parcel, or development as defined above.

Sec. 40-46. Single family residence district I (SD-1). (Reserved)

Sec. 40-47. Single family residence district II (SD-2).

- (a) *Applicability.* Properties meeting the following conditions are eligible to be considered to be rezoned to SD-2:

- (1) Currently zoned AD apartment district, or
(2) Currently zoned SD-3 single family residence district 3.

- (b) *Access, parking, and site configuration.*

- (1) That portion of a private driveway outside of the property line shall have a maximum width of 12 feet.
(2) Detached garages shall be subject to the requirements of subsection 40-40(3).
(3) A four feet wide sidewalk shall be installed along the entire street frontage of the property. This shall include the side street at corner lots, unless waived by the city review board. The sidewalk shall align with existing sidewalk(s) on adjacent lot(s) and be of similar configuration. The sidewalk shall be located outside the property line except as specifically approved by the city review board.
(4) Maintenance and upkeep of the yard area between the property line and street curb shall be the responsibility of the property owner.

~~(c) Architectural requirements.~~

- (1) ~~Development of properties within the SD-2 district shall comply with the general character and ambiance of that depicted in illustration 40-47.1, based on color palate, massing, architectural style, and landscaping.~~



Illustration 40-47.1

- (2) ~~Exterior building materials shall be primarily or entirely three-part stucco with cast stone or natural stone accents. Stone or brick may also be considered, subject to city review board approval. Quarry tile, concrete tile or similar materials are encouraged for ground plane surfaces such as highly visible porches, walkways and driveways.~~
- (3) ~~Acceptable roofing materials include clay tile, metal formed into shape of Spanish tiles, dimensional architectural shingles, or comparable material as approved by the city review board.~~
- (4) ~~Roof configuration shall be traditional hipped or gabled.~~
- (5) ~~Windows shall be Anderson 100 series, or comparable as approved by the city review board.~~
- (6) ~~On properties that include parking in front of the home, decorative fencing shall be provided at the property line to provide visual screening. Fencing shall comply with one of the following:~~
- ~~i. Two feet, six inches high solid material to match the home construction, plus one foot, six inches of vertical metal pickets ("wrought iron" appearance), or~~
 - ~~ii. Four feet tall masonry posts of stone or stucco with four-foot high vertical metal picket infill ("wrought iron" appearance).~~
 - ~~iii. A baffle means plantings that slightly obstruct the view into or out of an area. Where a front fence is required a three-foot baffle can be used instead.~~
 - ~~iv. To insure safety for drivers and pedestrians landscape in the front yards shall be maintained so that when exiting a driveway the visibility of the sidewalk and street are unobstructed.~~
- (7) ~~Exterior doors, including but not limited to pedestrian and garage doors, shall be of natural wood, wood-like material or painted wood and shall be subject to approval by the city review board.~~
- (8) ~~Landscape design:~~
- ~~i. Each home shall have at least one four-inch diameter tree in the front yard.~~
 - ~~ii. Plants shall be placed and maintained around the front base of a home and/or along the edge of the front walkway or driveway, and~~
 - ~~iii. Irrigation: Each home shall have an irrigation system in the front yards.~~

Commented [AP4]: Removed based on Government Code Chapter 3000.

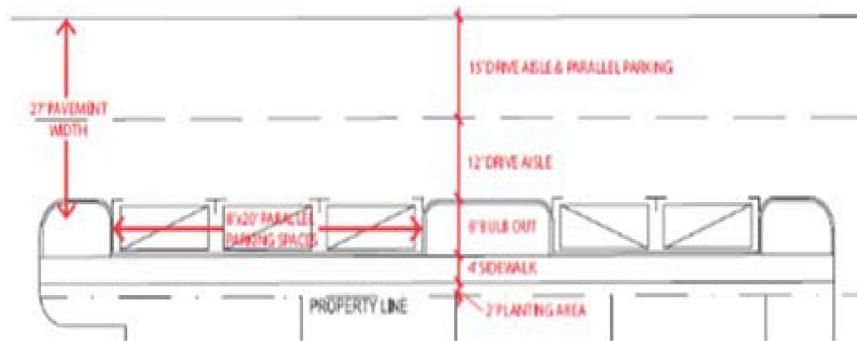
~~Representations of front yard landscape designs~~



~~(d) —Design approval. Prior to any home or structure being constructed, a preliminary design submittal shall be submitted to the Olmos Park City Review Board composed of the city building official, a registered design profession and other members to be appointed at the discretion of the city council. Submittal shall include, as a minimum, a site plan, elevations, sections, expansion joints, color palates, and sheet specifications for building materials. The city review board shall approve or deny, with comments, the package within 21 days of submittal of a complete package. Final and complete construction documents sealed by a registered architect shall be submitted to the building department for building permit, at which time the city review board shall review for compliance with this article prior to issuance of permit.~~

Sec. 40-48. District SD-3.

- (a) *Applicability.* Properties meeting the following conditions are eligible to be considered for rezoning to SD-3:
- (1) Currently zoned AD;
 - (2) Properties to be adjacent and continuous for 300 feet; and
 - (3) Abut a paved alley along the full rear width of all properties. Said alley shall be on a city right-of-way and shall intersect a city street at both its ends.
- (b) *Access, parking, and site configuration:*
- (1) *Access:* A maximum of 40 percent of homes with vehicular access to Olmos Drive shall be contained on platted lots that share a curb cut (via joint use easement or similar instrument) and are at least 65 feet wide when combining two adjoining lots. All other homes must take vehicular access via the rear alley. Private drives off Olmos Drive shall have a maximum of 12 feet in width as measured at the property line (unless required to be wider at the curb to provide a safe turning radius, as determined by the city).
 - (2) *Sidewalk and parking in the right-of-way:* Each lot shall be required to have in the right-of-way, beginning at the front property line, a two-foot wide planting area followed by a four-foot wide standard concrete sidewalk (including a curb where it adjoins the street) followed by either an eight-foot wide parallel street parking or a five-foot to eight-foot "bulb-out" planting zone and curb, as shown in illustration 40-48.1:



- (3) *Setbacks for carports and garages:* A side-load single-story carport meeting the design elements described herein may exceed the minimum front setback required by Table 40-42.1 by up to five feet. Such exception may not occur on more than 20 percent of the lots included in the SD-3 district. Garages or carports accessed from the rear alley are exempt from the minimum side setback requirements of Table 40-41.1. However, each lot may only be exempt from the minimum side setback for garages or carports on one side of the lot. Garages and carports must be located a minimum of 22 feet from the opposite boundary of the rear alley.

(c) Development Standards.

~~Architectural and aesthetic characteristics.~~

- ~~(1) *Style:* The architectural style of all homes and structures shall be in substantial accordance with illustration 40-48.2 "Representation of Exemplar Elevation Configurations".~~
- ~~(2) *Variation:* Variations of homes shall be made by color, material, roof line, roofing color, archways, metalwork, balconies and other features so that no two homes within the district contain identical architectural details. In accordance with illustration 40-47.1.~~
- ~~(3) *Exterior building materials:* Shall be primarily or entirely three part stucco and cast stone accents. Stone or brick shall be a permitted material as well. Accent quarry or concrete tile is encouraged in small quantities at highly visible locations such as the front entry porch.~~
- ~~(4) *Roof composition:* Shall be traditional hipped or gabled and two or more different roof slopes shall be used.~~
- ~~(5) *Roof materials:* Shall be dimensional composition shingle, concrete tile, slate, standing seam metal or Spanish clay tile. A minimum of two types of roof materials shall be used within the district and a minimum of 25 percent of the homes or structures within the district shall utilize barrel concrete tile roofing. Gutters and downspouts shall not be made of plastic.~~
- ~~(6) *Windows:* Front facade windows shall be Anderson Series 100 or equivalent. Windows shall be detailed in a manner that provides a two-inch setback from facade to window frame, where exterior facade material or cast stone wraps at jamb, head and/or sill. Window sill should project forward two inches from facade, and two inches or more to either side of the window, projecting beyond the alignment of the vertical opening.~~
- ~~(7) *Front doors and garage doors:* Shall be solid stain grade wood doors with or without a small amount of window or glass lites. Front-facing garage doors shall be in substantial accordance with the design shown in illustration 40-48.3.~~

~~Representations of garage "barns doors"~~

Commented [AP5]: Removed because of Government Code Chapter 3000.



~~(8) Covered arch: Homes within 35 feet of the curb shall contain a covered arch entry to the front door or porch area of the home.~~

~~(91) Carports:~~ Carports on front-loaded homes shall be of material and design to match the home and are limited to one story. Carports must consist of solid sidewalls on the side facing the house and on the rear so that the carport is fully enclosed on three sides. Additionally, carports must be positioned to have entry perpendicular to the public street.

~~(240) Front yard fencing:~~ Homes with front parking shall have a front yard fence consisting of either 30 inches tall solid material matching the home and 18 inches tall vertical metal picket fence detailing, or four feet tall masonry posts with vertical metal picket fencing.

~~(311) Garages:~~ Detached garages shall be limited to one story.

~~(12) Carports, garages, and accessory structures: Accessory structures, garages:~~

~~(413) Trees:~~ Each home shall have at least one four-inch diameter tree in the front yard. Such tree(s) must be Lacey Oak, Coast Live Oak, Canby Oak, Chinquapin Oak, Monterrey Oak, Thornless Mesquite, or Cedar Elm.

~~(514) Irrigation:~~ Each home shall have irrigation systems in the front yard.

~~(15) Design development approval: Prior to any homes or structures being constructed, a design development package must be submitted to the mayor or his/her designee(s) and the building official for approval. Submittal must include, as a minimum, a site plan, landscape plan for right-of-way and front yard, elevations, sections, expansion joints, color palates and sheet specifications for building materials. The mayor or his/her designee(s) and the building official shall approve or deny with comments the package within 21 days of submittal of a complete package.~~

ARTICLE III. APARTMENT DISTRICTS

Sec. 40-76. Building and land use restrictions.

No building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Residential uses. Any use permitted in the Residence District.
- (2) Two-family dwellings.
- (3) Multiple dwellings, apartment houses, or group houses (not including tourist camps).
- (4) Churches, schools, colleges.
- (5) Accessory buildings. Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of business.

(6) Manufactured housing.

a. Manufactured Housing refers to any mobile home or HUD-code manufactured home in accordance with Section 1201.004 of the Texas Occupations Code.

b. Installation of a mobile home is not permitted, consistent with the city's authority under Texas Occupations Code Section 1201.008.

(1) Existing mobile homes may continue to be occupied if they were legally permitted at the time of installation.

(2) An existing mobile home may be replaced by a HUD-Code Manufactured Home upon issuance of a permit by the Building Official.

c. Notwithstanding any zoning or other law, in the event that a HUD-Code Manufactured Home occupies a lot in the City, the owner of the manufactured home may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer HUD-Code Manufactured Home and is at least as large in living space as the prior manufactured home. Except in the case of a fire or natural disaster, the owner of the HUD-Code Manufactured Home is limited to a single replacement of the manufactured home on the same property.

d. Manufactured housing installed must conform to the following requirements:

(1) Each unit may be occupied as a single-family dwelling only;

(2) The towing apparatus, wheels, axles and transporting lights shall be removed at time of installation and shall not be included in the calculation of any measurements specified under this subsection;

(3) Units shall be oriented parallel to the street frontage where possible. In special cases, the short axis may face the road if the front door is incorporated in the unit's floor plan to be a part of the short axis;

(4) Each unit must be skirted with a continuous, permanent masonry veneer or masonry curtain wall, unpierced except for required ventilation and access.

d. The pitch of the roof shall be a minimum of 3-1/2:12 and finished with material that meets the minimum standards of the Federal Housing Administration.

e. All roof structures shall include an eave projection of no less than six (6) inches.

f. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the unit must measure a minimum of twenty-four (24) square feet, be attached firmly to the primary structure and be anchored securely to the ground.

g. Stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. Use of stairs without a porch is prohibited at any entrance to a unit.

Commented [AP6]: Added based on Occupations Code Chapter 1201, which requires a city to have a zoning district that permits manufactured homes.

Secs. 40-83—40-105. Reserved.

ARTICLE IV. LOCAL RETAIL DISTRICTS

Sec. 40-114. Driveway~~s~~~~cuts~~.

A. Driveways

- a. Driveway ramps shall be constructed of concrete and according to city design standards.

B. Driveway Cuts

- a. Considering conditions of topography, traffic flow, traffic and pedestrian safety, each business property with a lot width of 50 feet or less shall be permitted one driveway cut. Business property with a lot width of 60 feet or more may be permitted two driveway cuts.

Commented [AP7]: Recommend keeping, as this regulation was moved from the Subdivision Ordinance.

ARTICLE V. MIXED RETAIL COMMERCIAL DISTRICTS

Sec. 40-134. Description.

The lots and blocks or metes and bounds which follow shall constitute the Mixed Retail Commercial District of the City of Olmos Park, Texas: Hazelwood addition, County Block 4048, Block 14, Bexar County, Texas.

Sec. 40-135. Building and land use restrictions.

No building or land shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) *Retail district use.* Any use permitted in a local retail district.
- (2) *Small animal boarding facilities.* Kennel facilities for the overnight boarding of dogs, cats, and smaller animals shall be allowed in conjunction with an on-premises veterinary office under the following conditions:
 - a. Use of any outdoor facilities by boarded animals shall be restricted to the hours of 8:00 a.m. to 8:00 p.m. No boarded animals shall be allowed outside an enclosed building between the hours of 8:00 p.m. and 8:00 a.m.
 - b. No more than four outside runs shall be allowed in conjunction with any single boarding facility.
 - c. No more than 12 animals shall be allowed outside the enclosed building of a boarding facility at any one time.
 - d. All outside runs shall be separated by solid material fencing.
 - e. Animals must be attended by a kennel facility employee at all times when outdoors.
 - f. Outdoor facilities shall be maintained at all times in a clean and odor-free condition.
 - g. All animal waste shall be disposed through the municipal sanitary sewer system and shall not be deposited in solid waste disposal containers.
 - h. The exterior walls for kennel facilities shall be of masonry construction. They shall provide an airborne sound insulation equal to that required to meet a field-tested sound transmission class of 55 according to ASTM (American Society for Testing and Materials) standard E336. Field testing shall be performed under the supervision of a professional acoustician who shall be experienced in acoustical testing and engineering. The acoustician shall forward certified test results to the building official that minimum sound insulation requirements stated herein have been met.
- (3) *Pawnshops.* A pawnshop as defined by V.T.C.A., Finance Code § 371.003.
- (4) *Sexually oriented businesses.* 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 1,000 feet of any school, regular place of religious worship or residence, nor within 500 feet of another sexually oriented business. Measurements shall be made in a straight line from the nearest boundary of the property used for a school, regular place of religious worship or residence to the nearest part of the building in which such sexually oriented business is conducted.
- (5) *Smoke Shops, Vapor Shops, and Head Shops – including stores primarily focused on selling tobacco, vaping products, and related accessories.*

Commented [AP8]: These uses must be permitted in the district and cannot be prohibited.

Pawn Shops: LGC 211.0035
SOBs: LGC 243.007
Hemp Sales: Texas Health and Safety Code 443

ARTICLE VII. NONCONFORMING USES

Sec. 40-188. Land Use.

The lawful use of the land existing at the time of the passage of the ordinance from which this article is derived, although such use does not conform to the provisions herein, may be continued, but if such nonconforming use is discontinued for longer than six (6) months it will be considered permanently abandoned and any future use of said premises shall be in conformity with the provisions of this Code.

Commented [AP9]: Added based on LGC Chapter 211.019.O.

Sec. 40-189. Buildings.

The lawful use of any building existing at the time of the passage of the ordinance from which this article is derived may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alterations except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

Sec. 40-190. Conditions of operation.

The right of nonconforming uses to continue shall be subject to such regulations regarding maintenance of the premises and conditions of operation as may in the judgment of the board of adjustment be reasonably required for the protection of adjacent property.

Sec. 40-191. Partial destruction of building.

Nothing in this article shall be taken to prevent the restoration of a building destroyed to the extent of not more than 50 percent of its reasonable value, by fire, explosion or other casualty, or act of God, or a public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

P&Z Meeting

Agenda Item 04

Date: March 25, 2026

Submitted By:	Staff
Agenda Items:	Update, discussion and possible action regarding membership on a subcommittee to review the substantive Chapter 40 Zoning Amendments
Description:	The remaining amendments, beyond what is required by state law, went to the City Council at their March 18, 2026 meeting for discussion on next steps. The City Council would like to create a subcommittee made up of two Council Members, the Mayor, two to three P&Z Members, and commercial property owners in the City to review and help guide revisions to the proposed “beyond state law” amendments. The purpose of this item is to determine who would be interested in serving on this subcommittee. More details will be provided once a plan has been made about how the proposed amendments will be divided up for easier and more effective review by the subcommittee, and how feedback from the community will be collected. Staff and the Planning team are working on a community questionnaire that can be used to collect information about the proposed topics in the draft.
Action Requested:	Designate or discuss designating members to serve on the subcommittee to review the remaining proposed zoning amendments.
Attachments:	• Remaining amendments beyond what is required by state law to be further reviewed by subcommittee

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ACTION TAKEN BY COUNCIL

Substantive Zoning Amendments – Changes Beyond State Law Requirements

Note: All State Law Required Amendments have been accepted for purposes of this draft. The sections with State Law amendments accepted have been noted.

Chapter 40 ZONING

ARTICLE I. IN GENERAL

Sec. 40-1. Purpose of zoning regulations.

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Sec. 40-2. Definitions.

- (a) Words specially defined. Words used in the present tense include the future; words in the singular include the plural number; the words in the plural number include the singular; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and not discretionary.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building attached to or detached from the main structure and used for a purpose customarily incidental to the main structure, such as a garage, carport, or porte cochere for automobile storage, and a tool house, lathe or greenhouse, home workshop, quarters for servants employed on the premises, children's playhouse, bath house, pen, coop, kennel or storage house or garden shelter, but not involving the conduct of business or the use of such accessory structure as a separate domicile.

~~*Apartment* means a room or suite of rooms in an apartment house or tenement, arranged, designed or occupied as the residence of a single family, individual or group of individuals.~~

~~*Apartment house* means a building, or portion thereof, arranged, designed or occupied by three or more families living independently of each other.~~

~~*Boardinghouse* means a building other than a hotel, accommodating five or more persons, where lodging and meals are served for compensation.~~

Building means any structure having a roof, supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons or animals. ~~For purposes of meeting setback requirements, a building includes all projections such as eaves, overhangs, cornices, roofs, windowsills and other architectural features.~~

Building area means the buildable area of a lot is the space remaining after the minimum open space requirements of this chapter have been complied with.

Building height means the vertical distances measured from the top edge of the front curb or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that, where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the top edge of the front curb at the mid-point of the property unless the lot is on the uphill side of a street, in which case the height of the building shall be measured from a point that is the average elevation of the lot between the top edge of the front curb and the rear property line measured from the midpoint of the property, both front and rear.

Carport means a structure attached to or made a part of the main structure, which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor-driven vehicles.

City Manager means the chief executive officer and head of the administrative branch of the City of Olmos Park. It may also refer to the acting City Manager or to any employee or administrative officer of the City to whom the chief executive officer or acting City Manager has delegated certain authority, but only to the extent of such delegation.

Depth of lot means the mean horizontal distance between the front and the rear lot line.

District means a section of the City of Olmos Park for which the regulations governing the area, height, or use of the buildings are uniform.

Family means one or more individuals living in a dwelling unit where the majority of the individuals are related by blood, marriage, or adoption, together as a single housekeeping unit in which not more than two individuals are unrelated by blood, marriage or adoption.

Front building face means the vertical exterior plane consisting of the building face which is the primary access into a building or lease space, as determined by the building official.

Home occupation means an occupation or activity carried on in the home by a person residing on the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Impervious cover means roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface; this shall include, but not limited to, all streets and pavement within the subdivision. The term "percent impervious cover" is calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed, divided by the total area within the perimeter of such lot, tract, parcel or development.

Interior lot means a lot other than a corner lot.

Multiple-family dwelling means three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. This term includes three-family units (triplex) and four-family units (fourplex), as well as traditional apartments.

Nonconforming use means a building or premises occupied by a use that does not conform to the regulations of the use district in which it is situated.

~~*One-family dwelling* means a detached building having accommodations for and occupied by only one family.~~

Parking space means an area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Portable storage units means portable storage containers, including overseas shipping containers, cargo or freight containers, and PODS ("portable on demand storage").

Private garage means a garage with a capacity for not more than ten motor-driven vehicles for private storage only.

Setback means the minimum required distance between a structure and the nearest lot line. A required setback area must remain open and unobstructed except for encroachments specifically permitted by code.

Single-family dwelling means a residential development consisting of no more than one (1) unit on one lot where the unit is offered for sale or lease.

Short-term rental. A residence used for lodging accommodations to guest rental of real property for a with a lease term for a period shorter than 30 consecutive days. Short term rental of real property is presumed to be a commercial use of real property.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Structure means that which is built or constructed; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner.

Townhouse means one of a group of no less than two nor more than four adjoining single-family dwelling units sharing a common wall with one or more of such adjoining single-family dwelling units, each dwelling unit located on a separate lot.

Two-family dwelling (duplex) means two attached dwellings in one structure, each designed to be occupied by one family.

Yard means 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 specifically permitted by code, by any building from the ground to the sky.

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

Yard, side, means an open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the buildings 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.

Use means the purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Sec. 40-3. General provisions.

(a) *Districts.* Zoning regulations and districts as herein set forth are approved and established. The City of Olmos Park is hereby divided into districts, of which there shall be seven, known as:

- (1) Single-family residence district I (SD-1).
- (2) Single-family residence district II (SD-2).
- (3) Single-family residence district III (SD-3).
- (4) Single-family residence district IV (SD-4).

Commented [AP1]: Change recommended because, based on case law, short-term rentals should be treated similarly to long-term rentals.

Commented [AM1R2]: In previous meeting were provided feedback that we should continue prohibiting STRs. City may not want to revise this definition at all.

(5) Apartment district (AD).

(6) Local retail district (RD).

(7) Mixed retail commercial district (MRD).

(b) *Buildings and land use to conform to district requirements.* Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land used for any purpose other than is permitted in the district in which such building or land is located.

(cd) *Use of land.* These regulations are intended to prevent the use of land which would place upon the land a greater burden, density, or more intense use than that permitted in the district in which the land is situated. ~~Whenever a proposed use of land would create a lesser burden, density, or less intense use than that permitted for the district in which such land is situated, but such use might otherwise be prohibited by a strict application of these regulations, the owners of such land may obtain necessary variances to these regulations to permit such use, provided such use otherwise conforms to the general plan of development within the city.~~

Commented [AM2]: State Law Change Accepted - previous subsection c was removed.

Sec. 40-4. City-owned property and public utilities.

The provisions of this chapter shall not apply to property belonging to the city or to property used to provide utilities; provided, however, that in the erection of building or other structures, the city and utility companies shall attempt to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the district in which they are being erected.

Sec. 40-5. Enforcement of zoning regulations.

- (a) The provisions of this chapter shall be enforced by the City Manager or designee of the city. All applications for site plans, and building permits shall be accompanied by a plat description in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building, addition or alteration to be erected, the use to which of any building, addition, alteration or land is to be put, materials to be used, and any other information which may be necessary to provide for the enforcement of these regulations. Such plans shall be verified by the signature of either the owner of the premises or by a licensed architect or engineer. A careful record of such applications and plats shall be kept in the office of the building inspector.
- (b) Abatement of nonconforming uses. The city shall have the power to abate or prevent the use of land or building not in conformity with this chapter.

Sec. 40-6. Building permits, certificates of occupancy, compliance.

All development shall comply with applicable zoning requirements, all other applicable codes, and the provisions of Chapter 8 of this code, including requirements related to ~~For compliance with~~ building permits and certificates of occupancy, ~~see chapter 8 of this Code.~~

Sec. 40-7. Zoning map designations.

- (a) When definite distances in feet are not shown on the zoning map, the district boundaries on the zoning area are intended to be along existing street, alley or property lines or expansions of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the maps measured from the given line.
- (b) Intent of zoning plan to be carried out. Where the actual street layout varies from the street layout as shown on the zoning map, the board of adjustment may apply the designations shown on the mapped streets in such a way as to carry out the intent of the plan for the particular area in question.

Sec. 40-8. Penalty and violation.

- (a) Any person or corporation who shall violate any of the provisions of this chapter or fail to comply herewith, or 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 shall use any building or land contrary to the provisions hereof, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000.00, and each day such violation shall be permitted to exist shall constitute a separate offense.
- (b) The owner or owners of any building or premises or part thereof, upon which anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith or who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

Sec. 40-9. Changes and amendments to zoning map or text

A. Authority to amend.

- (a). The city council may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established as provided by TLGC Chapter 211 after receiving a report from the Planning and Zoning Commission and after public hearings.
- (b). A Planning and Zoning Commission recommendation is required for all amendments.
- (c). Zoning district boundary amendments may be requested by City Council, the Planning and Zoning Commission, or in writing by the owner of real property, or the authorized representative of an owner of real property.
- (d). Zoning Text amendments may be requested by City Council, the Planning and Zoning Commission, the property owner (or authorized agent of the owner), or City staff, at the direction of the City Manager.

B. Required notice.

- (a). Property owner notice.
 - i. Written notice of all public hearings before the Planning and Zoning Commission on a proposed zoning map change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.
 - ii. Such notice shall be given not fewer than eleven (11) calendar days before the date of the Planning and Zoning Commission hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.
 - iii. This subsection does not apply if this is considered a Comprehensive Zoning Change as defined in sec. 211.0011 of the Texas Local Government Code.
- (b). Newspaper notice.
 - i. Notice of the time and place of the hearing must be published in a newspaper of general circulation in the City at least sixteen (16) days before the date of the public hearings.
- (c). School District notice.
 - i. Written notice shall be given not fewer than eleven (11) calendar days before the date of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located.
- (d). Notice for a current conforming property becoming nonconforming due to amendment.

- i. If the proposed zoning amendment will result in a current conforming use of a property becoming a nonconforming use, written notice shall be provided to each owner of property where the proposed nonconforming use is located and each occupant of the property not later than ten (10) calendar days before the hearing date, containing the time and place of the hearing and including the following text in bold 14-point type: "THE CITY OF OLMOS PARK IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."
 - (e). For proposed changes to the text of the zoning ordinance notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the city not less than 15 days prior to the date of the public hearing. Changes in the ordinance text which do not change zoning district boundaries, do not establish zoning regulations for specific districts, or do not involve specific real property, do not require written notification to individual property owners.
- C. Application requirement.
 - (a). Each application for a zoning amendment shall be made in writing on an application form available from the city.
 - (b). Zoning amendment request applications which do not include all required information, and materials will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a Planning and Zoning Commission agenda until the proper information is provided to city staff.
- D. Planning and Zoning Commission recommendation and required public hearing.
 - (a). The Planning and Zoning Commission shall hold a public hearing on any zoning amendment prior to making a report and recommendation to City Council. The report may be placed within the staff report.
 - (b). In making its recommendation, the Planning and Zoning Commission shall consider the following:
 - i. Whether the zoning amendment aligns with the character of the existing neighborhood and adjacent properties, or with the proposed character of a neighborhood as outlined in applicable plans or policies;
 - ii. Whether the proposed change will have a detrimental effect on properties abutting the property proposed for rezoning or upon properties affected by the proposed text amendment;
 - iii. Whether the proposed change will result in detrimental impacts upon existing or planned public facilities; and
 - iv. Any other factors which will substantially affect the public health, safety, morals, or general welfare.
- E. City Council decision and required public hearing.
 - (a). The City Council shall hold a public hearing before adopting any zoning amendment.
 - (b). The zoning amendment shall not become effective except upon a simple majority vote of the City Council.
- F. Supermajority or majority vote of City Council required for protested zoning amendments
 - (a). This subsection only applies to a proposed change to the zoning text or map boundary that is not a "proposed comprehensive zoning change" as defined in section 211.0011 of the Texas Local Government Code.

- (b). A protest of a proposed change to the zoning text or map boundary must be written and signed by the owners of:
 - i. at least 20 percent of the area of the lots or land covered by the proposed change;
 - ii. except as provided by subsection (iii), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or
 - iii. at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.
- (c). In computing the percentage of land area under subsection (b):
 - i. the area of streets and alleys shall be included; and
 - ii. the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.
- (d). If a proposed change is protested in accordance with subsection (b), the proposed change must receive, in order to take effect, the affirmative vote of at least:
 - i. three-fourths (3/4) of all members of the City Council for a protest described by subsection (b)(i) or (b)(ii); or
 - ii. a majority of all members of the City Council for a protest described by subsection (b)(iii).

Sec. 40-10. Savings clause.

The repeal of the ordinances or parts of ordinances effectuated by the enactment of this chapter shall not be construed as abating any actions now pending under or by virtue of such ordinance, or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any section or provision existing at the time of the passage of the ordinance from which this chapter is derived. If any section, paragraph, subdivision, clause, phrase or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Sec. 40-1~~1~~2. Vacating public right-of-way.

If the city gives written notice, a person shall, [at] its own expense, temporarily or permanently, remove, relocate, change or alter the position of person's facilities that are in the public rights-of-way within 120 days, except in circumstances that require additional time as reasonably determined by the city based upon information provided by the person. For facilities expected to take longer than 120 days to remove, change or relocate, the city will confer with person before determining the alterations to be required and the timing thereof. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental public improvement in the public rights-of-way. This section shall not be construed to prevent a person's recovery of the cost of relocation or removal from third parties who initiate the request for relocation or removal, nor shall relocation or removal be required if improvements are solely for beautification purposes without prior joint

Commented [AM3]: State Law Change Accepted - Section 40-11 removed.

deliberation and agreement with person. This section does not create a public right to seek recovery of costs for relocation or removal solely for beautification.

If the person fails to relocate facilities in the time allowed by the city in this section, the person may be liable to the city for such delay, as set forth in the City Code of Ordinances, now or hereafter enacted.

Notwithstanding anything in this subsection, the city manager and a person may agree in writing to different time frames than those provided above if circumstances reasonably warrant such a change.

Secs. 40-123—40-38. Reserved.

ARTICLE II. SINGLE-FAMILY RESIDENCE DISTRICTS

Sec. 40-39 Description.

- A. Regulations applicable to SD-1 single-family residence districts are found in the Olmos Park Code of Ordinances, sections 40-39—40-74.
- B. Regulations applicable to the single family residence district SD-2: Unless otherwise specified the Olmos Park Zoning Ordinances, sections 40-39—40-74 shall apply to the ~~new~~ SD-2.
- C. Regulations applicable to the single family residence district SD-3: Unless otherwise specified the Olmos Park Zoning Ordinances, sections 40-39—40-74 shall apply to the ~~new~~ SD-3.
- D. Regulations applicable to the single family residence district SD-4: Unless otherwise specified, the Olmos Park Zoning Ordinances, sections 40-39—40-74 shall apply to the ~~new~~ SD-4.
- E. The following described lots and block or metes and bounds shall constitute the single family residence districts in the city:
 - (a) *Single family residence district I (SD-1):* Unless otherwise specified in this chapter, SD-1 includes all single-family residential properties.
 - (b) *Single family residence district II (SD-2):* [RESERVED].
 - (c) *Single family residence district III (SD-3):*
 - i. Lots 25 through 32, Block 1, County Block 5717, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas.
 - ii. Lots 27 through 35, Block 2, County Block 4038, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas.
 - iii. Lots 33 through 41, Block 1, County Block 5717, Replat of Park Place III Subdivision of record in Book 9687, Page 168, of the Deed and Plat Records of Bexar County, Texas.
 - (d) *Single family residence district IV (SD-4):*
 - i. Lot 5, Block 8, Olmos Park Estates, in the City of Olmos Park, Bexar County, Texas, according to plat thereof recorded in Volume 980, Page 16, Deed and Plat Records of Bexar County, Texas, otherwise known as "100 Alameda Circle."
 - ii. Lot 5, Block 9, Olmos Park Estates, in the City of Olmos Park, Bexar County, Texas, according to plat thereof recorded in Volume 980, Pages 16-17, of the Deed and Plat Records of Bexar County, Texas, otherwise known as "200 Alameda Circle."
 - iii. Lot 11, Block 10, Olmos Park Estates, in the City of Olmos Park, Bexar County, Texas, according to plat thereof recorded in Volume 980, Page 16, of the Deed and Plat Records of Bexar County, Texas, otherwise known as "300 Alameda Circle."

- iv. Lot 1, Block 15, County Block 5700, Olmos Park Estates, in the City of Olmos Park, Bexar County, Texas, according to plat thereof recorded in Volume 980, Pages 16-17, of the Deed and Plat Records of Bexar County, Texas, otherwise known as "400 Alameda Circle."
- v. Lot 1, Block 16, Olmos Park Estates, in the City of Olmos Park, Bexar County, Texas, according to plat thereof recorded in Volume 980, Page 16, of the Deed and Plat Records of Bexar County, Texas, otherwise known as "500 Alameda Circle."

Sec. 40-40. Building and land use restrictions.

No building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) *Single-family residence.* No more than one single-family dwelling per lot. ~~In the event such dwelling is to be constructed on portions of two or more lots, prior to such construction, the property owner shall apply to the board of adjustment for such variances as may be necessary to facilitate such construction.~~
- (2) *Public park or playground.*
- (3) *Accessory building.*
 - a. A detached accessory building shall be located not less than ten (10) feet from the main structure, not less than ~~sixty (60)~~ feet from the front property line and not less than three (3) feet from any rear or side property line, except as specifically allowed in section 40-48.
 - b. When attached to the main structure in any manner, including by open or closed breezeway or passageway, an accessory building shall be considered part of the main structure and shall be subject to the same front, side, and rear setback requirements as the main structure.
 - c. Where a side yard abuts a street on a corner lot, no garage, carport or other motor vehicle storage structure with access to the street may be erected nearer to the curb line of said street than 25 feet.
 - d. On the rear of an accessory building, no clear glass may be used for any exterior windows above the first story of the accessory building unless the bottom of said clear glass exterior window is located at least seven feet above the floor, and all such exterior windows regardless of height or opacity must be inoperable and unable to be opened. On the sides of an accessory building, no clear glass may be used for any exterior windows above the first story of the accessory building unless the exterior window is located at least 40 feet from the side property line toward which the exterior window faces or unless the bottom of said clear glass window is located at least seven feet above the floor. On the rear and sides of an accessory building, above the first story of the accessory building, the only exterior windows which may be located within seven feet of the floor shall be exterior windows with obscured glass that does not permit an occupant of the accessory building to see outside the window from the accessory building. The provisions of this section shall not apply to exterior windows on an accessory building located on a corner lot where such exterior windows only overlook a public street and do not overlook a residential lot. The purpose and intent of this section is to enhance the privacy, safety, and security of residents by ensuring that rear windows of accessory buildings do not provide a vantage point that allows for a direct line of sight from the accessory building to any rear window on any adjacent residential structure, such that a person inside an accessory building looking out through a rear window cannot clearly see into any rear window of an adjacent residential property.
 - e. Except as provided in this section, other sections [of] this article shall apply to accessory buildings. In the event of a conflict between this section and other sections of this chapter, this section shall govern matters as to accessory buildings.

Commented [AM4]: Previous versions had this information stricken. Based on best practices, planning is still recommending striking this information. It is likely that as zoning changes have been made in the past this information was not updated, making it inaccurate. If we leave it in, further research would be needed to confirm that it is accurate. Additionally any zoning change in the future would also require a text amendment to this section.

If we are not comfortable with taking this out at this time, the recommendation is to leave this in only until a GIS zoning map has been created for the city, then for this language to be removed from the code.

- f. Considering only the accessory building in question and only its location on the lot, an accessory building can have only a single or two stories with no more than a maximum height of 25 feet measured from the lowest ground level of the accessory building in question to the peak of the roof of the accessory building in question.
- g. Any person or entity violating this chapter shall be punished, upon conviction, in accordance with the provisions of section 8-40. Each day of such violation shall constitute a separate offense.
- (4) *Antennas.* No permanently installed base-mounted antenna, whether ground, roof or otherwise mounted, shall be located within 60 feet from the front property line or within three feet from any other property line or street and must be screened from public view. Applicants for permits must follow the procedures outlined in sections 8-24 through 8-26.
- (5) *Customary uses.* Uses customarily incidental to any of the above uses-primary residential uses, when situated in-on the same dwellinglot, such as pools, home gyms, small-scale sports courts, outdoor kitchens.
- (6) *Portable storage units.*
- a. All portable storage units must be located:
 - (1) On a paved all-weather surface except for approved construction sites; and,
 - (2) Completely off any and all public rights-of-way.
 - b. Portable storage units shall be removed from the property within 30 calendar days from the date of receipt of notification from the city.
 - (1) Upon request, one extension to (6)b. not to exceed 30 days, may be approved by the city building official.
 - c. In no event, shall the continuous or intermittent use of portable storage units exceed 60 cumulative days during any 12-month period.
 - d. Portable storage units associated with an approved construction project shall be permitted to remain on-site until the approval of the projects building final inspection or the expiration of the master building permits' expiration date if less. Portable storage units permitted under this section 6(d) shall not be visible from any residential street, unless good cause is found by the city building inspector.
 - e. All portable storage units:
 - (1) Shall not be placed in locations that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development;
 - (2) Shall be secured from entry by children and general public when not attended; and
 - (3) Shall not have hazardous material stored within the containers.
 - f. All existing portable storage units within the city limits will be subject to the requirements of this article as of its effective date.
 - g. Any person or entity violating this chapter shall be punished, upon conviction, in accordance with the provisions of section 40-8. Each day of such violation shall constitute a separate offense.
- (7) *Home occupations.*
- a. *Purpose and intent.* The purpose of these home occupation regulations is to:
 - (1) Protect residential areas from adverse impact of activities associated with home occupations;

- (2) Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income; and
 - (3) Establish criteria and development standards for home occupations conducted in dwelling units.
- b. *Home occupation regulations.* All home occupations shall comply with the following:
- (1) The area set aside for home occupations shall be incidental and secondary to the primary use of the property for residential use.
 - (2) No exterior business signs shall be permitted.
 - (3) No mechanical equipment shall be used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
 - (4) Retail sales shall be prohibited on the premises.
 - (5) The operation of on-site retail stores, beauty culture schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, ~~boarding house/rooming house~~, or other similar land uses shall not be permitted as a home occupation.
 - (6) A home occupation may be carried on within the principal building or accessory buildings.
 - (7) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.
 - (8) The home occupation shall not create any increased traffic generation in greater volumes than would normally be expected in a residential neighborhood, and any shipping or deliveries for the home occupation shall not be in greater volumes than would normally be expected in a residential neighborhood.
 - (9) Exterior storage of materials to be used in conjunction with a home occupation shall not be located within the front yard and shall be screened from any public right-of-way or adjacent property.
 - (10) A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit and shall comply with all provisions related to controlling nuisances within city ordinances.

Sec. 40-41. Building height.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained which exceeds 35 feet in height.

Sec. 40-42. Yard area requirements.

No building or structure shall be hereafter erected or maintained unless the following standard yard and lot areas are provided and maintained in connection with such building or structure: ~~provided, however, if a plat has been previously approved by the city containing non-standard yard and lot areas under applicable amendments to this chapter which were adopted after the plat was approved, such platted non-standard yard and lot areas shall prevail over the standard yard and lot areas hereinafter provided. Any platted setbacks or yard requirements shall not prevail over the zoning yard requirements, the city shall enforce only the yard area requirements established by the zoning regulations. Setback or yard requirements shown on a plat shall not be enforced by the city.~~ Any structure located on a previously approved plat with non-standard yard or lot areas may be repaired or replaced with new construction, provided that any such repairs or new construction must comply with all other applicable requirements in this Code or other applicable law, including requirements set forth in Chapter 8 of this Code. All

Commented [AM5]: State Law Change Accepted - subsection c was removed requiring home occupation registration.

areas designated as utility easements shall not have structures of any type built upon them, including but not limited to any primary or accessory structure, fence, shed, outbuilding, swimming pool, or other improvement to real property. Any variance granted by the city to allow construction or installation of a building or structure within any part of a utility easement owned by the city shall not waive any property rights or easement rights belonging to the city or another public entity, including a public utility, and any rights granted by such variance shall forever be considered subordinate to and subject to the utility easement rights of the city and/or other public entity. Upon request by the city or another public entity that owns a utility easement upon which any building or structure is constructed or installed pursuant to a variance granted by the city, the owner of such building or structure shall be required to promptly remove said building or structure at the owner's sole expense. Any fence, wall, or other barrier constructed within a utility easement pursuant to a variance granted by the city shall provide a means of ingress and egress at the rear of the lot to allow authorized persons to access the utility easement as needed, and must comply with all other applicable local and state laws.

Table 40-42.1 ^(Notes 1, 2)				
District	Rear yard	Side yards		Front yard
SD-1	20% of lot depth, not to exceed 35 ft.	Lots 75 ft. wide or less ^(Note 4)	Lots wider than 75 ft. ^(Note 4)	40 ft.
		6 ft.	10 ft.	
SD-2		5 ft.		30 ft.
SD-3		43 ft. ^(Note 3)		19 ft. ^(Note 34)
SD-4	20% of lot depth	15 ft.		40 ft.

[Notes:]

- (1) All dimensions measured from property line.
- (2) See ~~{subsection}~~ 40-40(3) for setback exceptions for accessory building exceptions.
- ~~(3) —Eaves or other minor building extensions; setback of primary walls of structure is four feet.~~
- ~~(34) See {section} 40-48 for SD-3 carport exception.~~
- ~~(4) Eaves, window sills, belt courses, cornices, and other architectural features not to exceed 18 inches into the required side yard.~~

Sec. 40-43. Short-term rental use prohibited.

Real property in the Single-Family Residence Districts may not be used for short-term rental.

Sec. 40-44. Regulation of lot size.

Any subdivision plan affecting land situated in an area which has been zoned as a single-family residence district shall provide that each lot shall comply with Table 40-44.1:

TABLE 40-44.1		
District	Minimum lot size	Minimum street frontage
SD-1	15,000 sq. ft.	100 ft.
SD-2	5,800 sq. ft.	45 ft.
SD-3	4,335 sq. ft.	30 ft.
SD-4	75,000 sq. ft.	100 ft. ^(Note 1)

[Notes:]

- (1) Distance measured along the curved property line that faces the center of Alameda Circle.

Sec. 40-45. Impervious cover.

Impervious cover includes roads, parking areas, buildings, swimming pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface. The term "percent impervious cover" is calculated as the area of impervious cover within the front yard area of a lot, tract, or parcel, or development, divided by the total area within the front yard area of such lot, tract, parcel or development. The front yard area is defined as the area contained within the boundaries of the front building setback line, the side property lines and the back of the front curb line of such lot, tract, parcel, or development.

- (i) Impervious cover area requirements for single family residence district lots shall be as follows: All impervious cover shall not cover in the aggregate more than 50 percent of the front yard area of a lot, tract, parcel, or development as defined above.

Sec. 40-46. Single family residence district I (SD-1). (Reserved)

Sec. 40-47. Single family residence district II (SD-2).

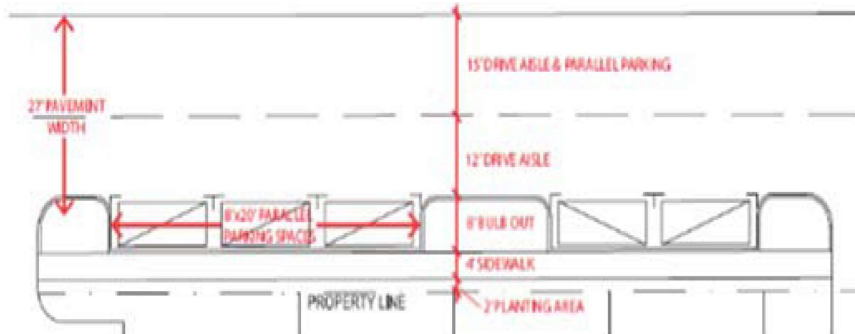
- (a) *Applicability.* Properties meeting the following conditions are eligible to be considered to be rezoned to SD-2:
 - (1) Currently zoned AD apartment district, or
 - (2) Currently zoned SD-3 single family residence district 3.
- (b) *Access, parking, and site configuration.*
 - (1) That portion of a private driveway outside of the property line shall have a maximum width of 12 feet.
 - (2) Detached garages shall be subject to the requirements of subsection 40-40(3).
 - (3) A four feet wide sidewalk shall be installed along the entire street frontage of the property. This shall include the side street at corner lots, unless waived by the ~~City Council~~city review board. The sidewalk shall align with existing sidewalk(s) on adjacent lot(s) and be of similar configuration. The sidewalk shall be located outside the property line except as specifically approved by the ~~City Council~~city review board.
 - (4) Maintenance and upkeep of the yard area between the property line and street curb shall be the responsibility of the property owner.

Commented [AM6]: State Law Change Accepted - subsection c was removed regarding architectural requirements.

Sec. 40-48. District SD-3.

- (a) *Applicability.* Properties meeting the following conditions are eligible to be considered for rezoning to SD-3:
 - (1) Currently zoned AD;
 - (2) Properties to be adjacent and continuous for 300 feet; and
 - (3) Abut a paved alley along the full rear width of all properties. Said alley shall be on a city right-of-way and shall intersect a city street at both its ends.
- (b) *Access, parking, and site configuration:*
 - (1) *Access:* A maximum of 40 percent of homes with vehicular access to Olmos Drive shall be contained on platted lots that share a curb cut (via joint use easement or similar instrument) and are at least 65 feet wide when combining two adjoining lots. All other homes must take vehicular access via the rear alley. Private drives off Olmos Drive shall have a maximum of 12 feet in width as measured at the property line (unless required to be wider at the curb to provide a safe turning radius, as determined by the city).

- (2) *Sidewalk and parking in the right-of-way:* Each lot shall be required to have in the right-of-way, beginning at the front property line, a two-foot wide planting area followed by a four-foot wide standard concrete sidewalk (including a curb where it adjoins the street) followed by either an eight-foot wide parallel street parking or a five-foot to eight-foot "bulb-out" planting zone and curb, as shown in illustration 40-48.1:



- (3) *Setbacks for carports and garages:* A side-load single-story carport meeting the design elements described herein may exceed the minimum front setback required by Table 40-42.1 by up to five feet. Such exception may not occur on more than 20 percent of the lots included in the SD-3 district. Garages or carports accessed from the rear alley are exempt from the minimum side setback requirements of Table 40-41.1. However, each lot may only be exempt from the minimum side setback for garages or carports on one side of the lot. Garages and carports must be located a minimum of 22 feet from the opposite boundary of the rear alley.

(c) Development Standards.

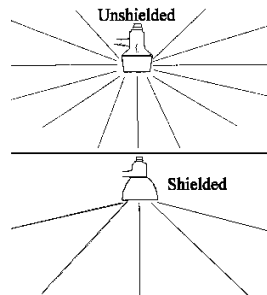
- (1) *Carports:* Carports on front-loaded homes shall be of material and design to match the home and are limited to one story. Carports must consist of solid sidewalls on the side facing the house and on the rear so that the carport is fully enclosed on three sides. Additionally, carports must be positioned to have entry perpendicular to the public street.
- (2) *Front yard fencing:* Homes with front parking shall have a front yard fence consisting of either 30 inches tall solid material matching the home and 18 inches tall vertical metal picket fence detailing, or four feet tall masonry posts with vertical metal picket fencing.
- (3) *Garages:* Detached garages shall be limited to one story.
- (4) *Trees:* Each home shall have at least one four-inch diameter tree in the front yard. Such tree(s) must be Lacey Oak, Coast Live Oak, Canby Oak, Chinquapin Oak, Monterrey Oak, Thornless Mesquite, or Cedar Elm.
- (5) *Irrigation:* Each home shall have irrigation systems in the front yard.

Commented [AM7]: State Law Changes Accepted - Architectural and aesthetic characteristics that cities cannot regulate were removed.

Sec. 40-49. Outdoor lighting.

(a) Definitions.

Fully shielded light: A fixture or luminaire emitting no light above the horizontal plane. Fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp (shielded or indirectly from the fixture), are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.



Point light source: The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture (i.e., a light bulb filament or discharge capsule).

Light trespass: The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens

Outdoor light fixture: Outdoor electrically powered illuminating devices, outdoor light or reflective or refractive surfaces, lamps and similar devices including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, lights for:

(b) Intent and purpose.

- (1) The city has experienced a significant increase in the use of exterior illumination. City residents value small town character and the qualities associated with this character. The purpose of the ordinance to regulate outdoor lighting within the residential district of the City of Olmos Park is to illuminate obtrusive aspects of lighting created when light extends beyond the boundaries of the area in which the lighting is installed and intended for use. The obtrusive aspects such as glare and light trespass create a nuisance and negatively affect public health, safety and welfare.
- (2) This section is intended to help maintain the health, safety and welfare of the residents of Olmos Park through regulation of exterior lighting in order to:
 - (a) Promote safety and security;
 - (b) Help preserve the small town character;
 - (c) Eliminate the escalation of nighttime light pollution;
 - (d) Reduce glaring and offensive light sources;
 - (e) Provide clear guidance to builders and developers;
 - (f) Encourage the use of improved technologies for lighting;
 - (g) Conserve energy; and

(c) Applicability. The lighting standards of this section shall be applicable to all outdoor lighting within the district. Existing outdoor lighting shall be considered legal nonconforming lighting for one year from the effective date of this section.

(d) Lighting requirements/standards. Outdoor lighting must be installed and operated to reduce or avoid light trespass, and must be fully shielded by fixture or otherwise, in such a manner that the point of light source is

not visible from any street right-of-way or above grade level from any point on an off-site residential or multi-family lot.

- (1) *Exception A:* Unshielded lights completely behind translucent material, such as frosted glass or plastic, etc., which defuses the light, shall only be permitted if each lamp in a fixture have the equivalent color temperature - Kelvin, wattage, and light quality as specified/verified in writing by the manufacturer on the packaging, and does NOT exceed the following values for LED or incandescent bulbs:

COLOR	LED	incandescent	light quality
2000-3000 Kelvin color temperature	5 watts	40 w equivalent	warm white

- (2) *Exception B:* Unshielded lights shall only be permitted if each lamp in a fixture have the equivalent color temperature - Kelvin, wattage, and light quality as specified/verified in writing by the manufacturer on the packaging, and does NOT exceed the following values for LED or incandescent bulbs:

COLOR	LED	incandescent	light quality
2000-3000 Kelvin color temperature	3 watts	20 w equivalent	warm white

- (3) *Exception C:* If the light is actively controlled by a motion detector with dual-technology or otherwise so as to only be activated when a person is moving on the owners property, the point light source may be visible up to any point five feet above grade as measured from any point on an off-site residential or multi-family lot

(e)F. *Exemptions.* The following types of lighting installations shall be exempt from the provisions, requirements and review standards of this section:

- (1) *Holiday lighting.* Holiday lighting which is temporary in nature and which is illuminated during holiday periods shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties and use does not exceed 60 days in any one calendar year.
- (2) *Municipal lighting.* Municipal lighting installed for the benefit of public health, safety and welfare including, but not limited to, traffic control devices, street lights and construction lighting.
- (3) *Temporary lighting.* Any person may submit a written request to the building official for a temporary exemption request. If approved, the exemption shall be valid for not more than 14 days from the date of issuance of a written and signed statement of approval. An additional 14 day temporary exemption may be approved by the building official. A temporary exemption request shall contain at least the following information:
 - a. Specific exemption or exemptions requested;
 - b. Type, use and purpose of outdoor lighting fixtures involved;
 - c. Duration of time requested for exemption;
 - d. Type of lamp and calculated lumens;
 - e. Total wattage of lamps;
 - f. Proposed location on premises of the outdoor light fixtures;
 - g. Previous temporary exemptions, if any;
 - h. Physical size of outdoor light fixtures and type of shielding provided; and

i. Such other information as may be required by the community development department director.

- (4) *Historic lighting features:* All outdoor light fixtures producing light directly *by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps, are exempt from the requirements of this article.

(f)F. Prohibitions:

- (1) Notwithstanding any provisions in this article, light sources shall not create a nuisance to adjacent properties.
- (2) Strobes, colored light sources or blinking, flashing, moving, flickering, changing intensity and changing color lights all prohibited, except for temporary holiday lighting or lighting for public safety or traffic control.
- (3) No beacon or search light shall be installed, illuminated or maintained.
- (4) No outdoor lighting that interferes with the safe movement of motor vehicles on public thoroughfares, including but not limited to:
 - (a) Any fixed light that produces direct light or glare that could disturb motorists.
 - (b) Any light that may be confused with or construed as a traffic control device.

(g)G. Implementation and enforcement: The implementation and enforcement of a lighting code will be the responsibility of the city staff responsible for planning and code enforcement. For new construction, or when a building permit shall be required that involves replacement/alteration/repair of three or more outdoor lighting fixtures, the applicant shall submit (as part of the application for permit) evidence that all outdoor lighting will comply with this the city lighting code. In case of alleged violation, building official will provide written notice of alleged violation allowing 14 days to come into compliance. For the purpose of this section, written notice is deemed to have been completed if building official: 1) mails notice to owner as stated in most recent tax roll via certified mail return receipt requested; or 2) notice affixed to the main entry door.

Secs. 40-50—40-74. Reserved.

ARTICLE III. APARTMENT DISTRICTS

Sec. 40-75. Description.

The Apartment District (AD) is designed to accommodate a range of residential housing types, including single-family, two-family, multifamily, and townhouses, along with certain institutional uses like churches and schools. This district supports both higher-density residential development and neighborhood-scale institutional uses to provide a diverse and vibrant living environment.

The lots and blocks or metes and bounds which follow shall constitute the Apartment District in the City of Olmos Park, Texas:

- (1) Lot 20, Block 33; Lots 1 and 16, Block 32; Lots 1 and 18, Block 31; Lots 1 and 18, Block 30; Lots 1 and 19, Block 29; Lots 1 and 22, Block 28; Lots 1 and 20, Block 27; Lots 1 and 20, Block 26; Lots 1 and 18, Block 25; Lot 2, Block 24; Lots 19 to 33 inclusive, Block 1; Lots 3 and 4, Block 23.
- (2) All in Olmos Park Estates in Bexar County, Texas, according to plat thereof recorded in Volume 980, page 65, of the plat records of Bexar County, Texas.
- (3) All of Block 1, 2, and 3 in Park Place Addition, according to plat thereof recorded in Volume 980, pages 16-17, of the plat records of Bexar County, Texas, except for the following lots which are not included in the Apartment District:
 - i. Lots 25 through 32, Block 1, County Block 5717, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas.

- ii. Lots 27 through 35, Block 2, County Block 4038, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas.
 - iii. Lots 33 through 41, Block 1, County Block 5717, Replat of Park Place III Subdivision of record in Book 9687, Page 168, of the Deed and Plat Records of Bexar County, Texas.
- (4) All of Block 4, 5, and 6 of the Denverside Addition, according to general plat thereof recorded in Volume 5, Page 389, of the General Plat Records of the city engineer's office in San Antonio, Bexar County, Texas, and being Blocks 2, 4, and 6 of said addition according to accompanying map.
 - (5) Denverside addition: Lots 20 through 26, Block 1; lots 7 through 13, Block 3; Lots 1 through 26, Block 2; Lots 1 through 31 inclusive, Block 4; Lots 1 through 35 inclusive, Block 6, according to the accompanying map and recorded in Volume 5, Page 389 of the General Plat records of the city engineer's office, in San Antonio, Bexar County, Texas.

Sec. 40-76. Building and land use restrictions.

No building or land shall be used and no building shall hereafter be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

- (1) Residential uses. Any use permitted in the Residence District.
- (2) Two-family dwellings.
- (3) Multiple-family dwellings, apartment houses, or group houses (not including tourist camps).
- (4) Churches, schools, colleges.
- (5) Accessory buildings. Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of business.
- (6) Manufactured housing.
 - a. Manufactured Housing refers to any mobile home or HUD-code manufactured home in accordance with Section 1201.004 of the Texas Occupations Code.
 - b. Installation of a mobile home is not permitted, consistent with the city's authority under Texas Occupations Code Section 1201.008.
 - (1) Existing mobile homes may continue to be occupied if they were legally permitted at the time of installation.
 - (2) An existing mobile home may be replaced by a HUD-Code Manufactured Home upon issuance of a permit by the Building Official.
 - c. Notwithstanding any zoning or other law, in the event that a HUD-Code Manufactured Home occupies a lot in the City, the owner of the manufactured home may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer HUD-Code Manufactured Home and is at least as large in living space as the prior manufactured home. Except in the case of a fire or natural disaster, the owner of the HUD-Code Manufactured Home is limited to a single replacement of the manufactured home on the same property.
 - d. Manufactured housing installed must conform to the following requirements:
 - (1) Each unit may be occupied as a single-family dwelling only;
 - (2) The towing apparatus, wheels, axles and transporting lights shall be removed at time of installation and shall not be included in the calculation of any measurements specified under this subsection;
 - (3) Units shall be oriented parallel to the street frontage where possible. In special cases, the short axis may face the road if the front door is incorporated in the unit's floor plan to be a part of the short axis;
 - (4) Each unit must be skirted with a continuous, permanent masonry veneer or masonry curtain wall, unpierced except for required ventilation and access.

Commented [AM8]: It is not best planning practice to have this text in the code.

Commented [AM9]: Previous versions had this information stricken. Based on best practices, planning is still recommending striking this information. It is likely that as zoning changes have been made in the past this information was not updated, making it inaccurate. If we leave it in, further research would be needed to confirm that it is accurate. Additionally any zoning change in the future would also require a text amendment to this section.

If we are not comfortable with taking this out at this time, the recommendation is to leave this in only until a GIS zoning map has been created for the city, then for this language to be removed from the code.

- d. The pitch of the roof shall be a minimum of 3-1/2:12 and finished with material that meets the minimum standards of the Federal Housing Administration.
- e. All roof structures shall include an eave projection of no less than six (6) inches.
- f. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the unit must measure a minimum of twenty-four (24) square feet, be attached firmly to the primary structure and be anchored securely to the ground.
- g. Stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. Use of stairs without a porch is prohibited at any entrance to a unit.

Commented [AM10]: State Law Change Accepted: Added allowance for manufactured homes.

Sec. 40-77. Building height.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained which exceeds three stories, nor shall its building height exceed 35 feet.

Sec. 40-77.1. Accessory building height.

Regardless of their placement on one or more platted lots as may be permitted, and considering only the accessory building in question, an accessory building can have only a single or two stories with no more than a maximum height of 25 feet measured from the lowest ground level of the accessory building in question to the peak of the roof of the accessory building in question.

Sec. 40-78. Yard area requirements.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yard and lot areas are provided and maintained in connection with such building, structure or, enlargement:

- (1) *Rear yard.* The rear yard shall be 20 percent of the depth of the lot, not to exceed 35 feet.
- (2) *Side yard on lots.* On lots 75 feet or under in width, there shall be a side yard on each side of a main building of not less than six feet; and for lots more than 75 feet in width, there shall be a side yard on each side of main building of not less than ten feet.
- (3) *Front yards.* The front yard shall have a depth of not less than 30 feet from the front property line.
- (4) *Utility easements.* All areas designated as utility easements shall not have structures of any type built upon them.

(5) The city shall enforce only the yard area requirements established by the zoning regulations. Setback or yard requirements shown on a plat shall not be enforced by the city.

Sec. 40-79. Off-street parking requirements.

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 any part thereof shall be erected, altered, converted or enlarged for any permitted use in the apartment district, unless two off-street parking spaces are provided for each dwelling unit contained in a building.

Sec. 40-80. Townhouses.

- (a) ~~Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Impervious cover means roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface; this shall include, but not limited to, all streets and pavement within the subdivision. The term "percent impervious cover" is calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed, divided by the total area within the perimeter of such lot, tract, parcel or development.~~

~~(b)~~ *Townhouses permitted.* Townhouses are permitted on the following described lots and blocks within the apartment district:

CB 4038	Block 5	Lots 13, 19, 20, 21, 22, 23, 24, 25, 26
CB 4038	Block 6	Lots 1, 2, 9, 10, 11, 12, 13, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 128
CB 4038	Block 3	Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, P-100
CB 4038	Block 1	Lots 7, 8, 9, 10, 11, 12, 13, 21, 22, 23, 24, 25, 26
CB 4038	Block 4	Lots 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31
CB 4038	Block 2	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
CB 5717	Block 1	Lot 12

A lot listed in this subsection may be used for either an apartment building or a townhouse, but not both such uses at the same time.

~~(eb)~~ *No accessory buildings.* Any accessory ~~building~~ *buildings as defined in section 40-40(3)* shall meet setback requirements as set forth in ~~this section 40-40(3)a.1.- 3.~~

~~(d)~~ *Uses.* ~~Townhouses may be used only for single family residences.~~

~~(ce)~~ *Townhouse height.* No townhouse (nor any enlargement thereof) shall exceed three stories, nor shall its building height exceed 35 feet.

~~(df)~~ *Area requirements.* Area requirements for townhouse lots are as follows:

- (1) Minimum lot area: 3,125 square feet.
- (2) Minimum floor space of living area: 1,750 square feet.
- (3) Minimum depth of lot: 125 feet.
- (4) Maximum density: All impervious cover shall not cover in the aggregate more than 70 percent of the lot.
- (5) Minimum frontage on public street: 25 feet.

~~(eg)~~ *Setback requirements.* Setback requirements for townhouse lots are as follows:

- (1) Minimum depth of front setback from public street: 30 feet;
- (2) Minimum depth of rear setback: 20 feet;
- (3) Minimum width of side setback on corner lot where not abutting a townhouse: ten feet;
- (4) Minimum width of side setback on non-corner lots where not abutting a townhouse: five feet.

~~(5) The city shall enforce only the yard area requirements established by the zoning regulations. Setback or yard requirements shown on a plat shall not be enforced by the city.~~

~~(fh)~~ *Other requirements.* Other requirements for townhouse lots:

- (1) Utility easements. No structure may be built on any designated utility easement.
- ~~(2) Parking or storage. A townhouse lot may not be used solely for parking or storage.~~

~~(i)~~ *Penalty.* ~~A violation of this article shall be punished as provided in section 40-8.~~

Sec. 40-81. Short-term rental use prohibited.

Single-family residences in the Apartment Districts may not be used for short-term rental.

Sec. 40-82. Impervious cover.

- (i) As defined by section 40-45 impervious cover area requirements for the Apartment District lots shall be as follows: All impervious cover shall not cover in the aggregate more than 50 percent of the front yard area of a lot, tract, parcel, or development as defined in section 40-45.

Secs. 40-83—40-105. Reserved.

ARTICLE IV. LOCAL RETAIL DISTRICTS

Sec. 40-106. Description.

The Local Retail District (LR) is intended to create a walkable and vibrant neighborhood environment, emphasizing pedestrian-friendly commercial uses that cater to the daily needs of nearby residents and visitors. This district supports the transformation of Olmos Park's commercial corridor into a gracious, high-quality small-town character compatible with the historic Olmos Park Estates neighborhood. Businesses such as coffee shops, cafés, and neighborhood-serving retail are encouraged to enhance accessibility, community engagement, and economic performance while contributing to an attractive, walkable town center. The LR district promotes the reimagining of McCullough Avenue as a classic small-town main street rather than a highway commercial strip, with revised development standards that encourage new and remodeled buildings reflecting the finest small-town character in South Texas. It supports efforts to attract and recruit new retail and restaurant businesses to expand opportunities for residents to shop, dine, and work. The district also envisions a shared parking system that optimizes parking use, improving the shopper's experience and better supporting a robust range of businesses. This district serves as a transition between adjacent residential areas and more intensive commercial zones, with permitted uses of a less intense nature that aesthetically blend with the residential character while supporting compatible commercial activities.

The lots and blocks or metes and bounds which follow shall consist of the Local Retail District of the City of Olmos Park, Texas:

- (1) Denverside addition: Lots 1 through 19, Block 1; Lots 1 through 6 and 14 through 26 inclusive, Block 3; Lots 1 through 26 inclusive, Block 5, according to the accompanying map and recorded in Volume 5, page 289, of the General Plat Records of the city engineer's office in San Antonio, Bexar County, Texas.
- (2) Block A, Lots 1 to 22, inclusive.
- (3) The west 150 feet of the City of Olmos Park lying between Mariposa Drive West on the north, McCullough Avenue on the east, the corporate limits of the City of San Antonio and the south boundary line of the City of Olmos Park on the south and west boundary line of the City of Olmos Park on the west, and being a strip 150 feet wide lying within the City of Olmos Park west of McCullough Avenue.
- (4) All of that triangular tract lying between McCullough Avenue on the east, Mariposa Drive on the south, and the right-of-way of the Missouri Pacific Railroad on the north and west.
- (5) Lots 1 to 33 inclusive, Block A and Lots 1 to 23 inclusive, Block B, including public arcades, public parking space and walks of a re-subdivision of Block 24 and Block 1 respectively of Olmos Park Estates, said re-subdivision having been filed for record on June 7, 1928, with the County Clerk of Bexar County, Texas.

Commented [AM11]: Previous versions had this information stricken. Based on best practices, planning is still recommending striking this information. It is likely that as zoning changes have been made in the past this information was not updated, making it inaccurate. If we leave it in, further research would be needed to confirm that it is accurate. Additionally any zoning change in the future would also require a text amendment to this section.

If we are not comfortable with taking this out at this time, the recommendation is to leave this in only until a GIS zoning map has been created for the city, then for this language to be removed from the code.

Sec. 40-107. Building and land use restrictions.

- (a) Permitted Uses. ~~No Buildings and/or land in this district shall only be used for and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:~~

- ~~(1) (1) Residential or apartment uses. Any use permitted in an apartment district may only be permitted in the local retail district pursuant to a valid application for, and any subsequent granting of, a special use permit under Chapter 40 Zoning, Article VI Special Use Permits which shall include a portion of the building or land to be used for a "use" not permitted under this section (2) — (9).~~
- ~~(2) Banks, etc. Banks, office, studio, ice delivery station, beauty salon, antique shop, clothing store.~~
- ~~(3) Retail store or shop. Retail store or shop for custom work for the making of articles to be sold at retail on the premises.~~
- ~~(4) Service station. Automobile service station for the sale of gasoline, oil and services connected with these sales only, but not to include the sale or offering for sale of automobiles of any kind.~~
- ~~(5) Bakery. Bakery employing less than six persons; restaurant; retail grocery outlet.~~
- ~~(6) Cleaners. Dyeing or cleaning works, employing less than six persons on the premises.~~
- ~~(7) Garages. Garages for the repair of motor vehicles and services in connection with these services only, but not to include the sales or offering for sale of automobiles or motor vehicles of any kind, nor storage in the open of motor vehicle parts or motor vehicles not in running condition which are not being restored to operation.~~

- ~~(1) (8) Accessory Building/Structure (non-residential).~~

~~Building materials store. Building materials where the major business is in connection with the display and sales of new materials only, but provided that the storage of building materials and lumber shall not be closer than 30 feet from the front line of the building.~~

- ~~(2) (9) Art Gallery or Museum. An institution for the collection, display, or distribution of objects of art or artifacts of cultural, scientific, or historic significance, and is open to the general public or by invitation or appointment.~~
- ~~(3) Bakery or Dessert Shop. A neighborhood-scale retail or food establishment specializing in baked goods or desserts, with optional on-site seating and no drive-through service.~~
- ~~(4) Coffee Shop or Café (no drive-through service). An eating establishment that primarily serves beverages and light refreshments, including baked goods or snacks, consumed on the premises.~~
- ~~(5) Dance studio, Fitness studio or Wellness Center. A Facility offering services such as dance instruction, personal training, group fitness classes, yoga, Pilates, or similar wellness related activities.~~
- ~~(6) Mixed-Use Development. A development in which both residential and non-residential (commercial, office, etc.) uses are required to occupy the same building, with specific limitations on the proportion and location of residential uses.~~
- ~~a. Residential uses in the district shall only occupy a portion of a building.~~
- ~~b. A residential use located on the ground floor of a building in the district may not occupy more than 50% of the gross floor area of the ground floor of the building.~~
- ~~(7) Neighborhood Grocery store. A retail store that is no larger than 8,000 square feet and sells various packaged foods and beverages, household and personal items targeted to a neighborhood-scale market area and that designates a minimum of ten percent (10%) of the floor area for the sale of fresh fruits and vegetables.~~

(8) Personal services. Including but not limited to salons, barbershop, tailors, and similar neighborhood-serving services.

(9) Restaurant (Sit-down and Takeout)(no drive-through service) or Public House. An eating and drinking establishment, where food and beverages are consumed on the premises. Limited take-out service may be provided. The establishment may include on-site brewing of malt beverages and production of cider (brewpub) for consumption on the premises and for lawful off-premise sales as permitted by state and local regulations. Drive-through ordering systems, windows, or service to vehicles are prohibited.

(10) Retail store or shop. A retailer that operates in a space that sells primarily tangible goods or products in a packaged or finished state to an end user for final use or consumption, such as clothing stores, home goods, bookstores, and gift shops. May include services related to or incidental to the retail use.

(11) Shared Parking Facility. A parking structure or lot with a coordinated plan to serve multiple businesses or mixed-use developments, designed to optimize parking use and minimize impact on pedestrian environments.

~~(2) Tasting Room (neighborhood scale).~~ A small-scale establishment offering alcoholic beverages, including beer, wine, cider, or distilled spirits, are offered for on-site consumption through tastings, by the glass, or in sealed containers for off-site consumption. Limited on-site production may occur as an accessory use. Neighborhood-scale tasting rooms are designed to serve nearby residents and visitors, do not include drive-through service, amplified outdoor entertainment, or late-night operations, and shall be compatible in scale, appearance, and intensity with adjacent residential and pedestrian-oriented uses. ~~Sexually-oriented businesses.~~ 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 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 a school, regular place of religious worship or residence to the nearest part of the building in which such sexually-oriented business is conducted.

~~(3)(12)~~

(13) Public Plaza, Pocket Park, or Open Space. A publicly accessible or privately maintained open space designed to enhance the pedestrian environment, provide seating, landscaping, and public art, and support community gathering.

(b) Prohibited Uses. The following uses are expressly prohibited within this district:

(1) Automobile Sales and Services. Including new or used car dealerships, vehicle repair shops, auto body shops, and oil change stations.

(2) Self-Storage Facilities. Including mini-warehouses or other personal storage services.

(3) Heavy Equipment Sales and Rental. Including equipment storage yards.

(4) Industrial or Manufacturing Uses. Including processing, fabrication, assembly, or storage of bulk materials.

(5) Sexually Oriented Businesses.

(6) Pawn Shops and Check-Cashing Facilities. Including payday loan and similar financial services.

(7) Smoke Shops, Vapor Shops, and Head Shops – including stores primarily focused on selling tobacco, vaping products, and related accessories.

(8) Warehousing or Distribution Centers

(9) Junkyards or Salvage Yards – including vehicle or material salvage and recycling operations.

(10) Funeral Homes, Mortuaries, or Crematoriums.

(11) Vehicle Fueling Stations or Gas Stations. Including fuel facilities with or without convenience stores.

(12) Warehousing and Storage of Hazardous Materials. Including bulk storage of flammable, combustible, toxic, or hazardous materials.

(c) Special Use Permit Uses. The following uses may be allowed only upon the approval of a Special Use Permit (SUP) by the City Council:

- (1) Drive-through facilities associated with permitted uses.
- (2) Event venues or assembly space.
- (3) Hotels or motels.
- (4) Urgent Care, emergency clinic, or hospital.
- (5) Medical Office or Clinic. A facility offering outpatient healthcare services, including general medicine, dental, chiropractic, or similar services, without overnight stays.
- (6) Office, Professional. An establishment providing professional, consulting, business, or administrative services, such as legal, accounting, design, or similar uses.
- (7) Farmers Markets. An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths and stands located on-site.
- (8) Other uses determined by the City Council to be compatible with the district.

Sec. 40-108. Building height.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained or exceed three stories, nor shall it exceed 45 feet in height.

Sec. 40-109. Yard and lot areas.

No building or structure nor the enlargement of any building or structure shall be hereinafter erected or maintained unless the following yard and lot areas are provided and maintained in connection with such building, structure or enlargement:

- (1) *Rear.* Where ~~the a~~ lot abuts ~~upon~~ a lot ~~not~~ zoned for ~~other than~~ local retail or mixed retail commercial, the rear yard shall not be less than ten feet; in all other cases, a rear yard for a local retail commercial building shall not be required.
- (2) *Side.* Where ~~the a~~ lot abuts ~~upon~~ a lot ~~not~~ zoned for ~~other than local retail or~~ mixed retail commercial ~~or local retail~~, the side yard shall be not less than ten feet in width; in all other cases, a side yard for a local retail commercial building shall not be required. The side yard shall be used for parking and/or landscaping.
- (3) *Front.* There shall be a maximum front yard 35 feet to the front line of the building and from the front property line. There shall be minimum front yard ten feet to the front line of the building and from the front property line, and under no circumstances shall any part of the city right-of-way be used for any such purposes. No part of the city's right-of-way may be used for parking.
- (4) The city shall enforce only the yard area requirements established by the zoning regulations. Setback or yard requirements shown on a plat shall not be enforced by the city.

Sec. 40-110. Off-street parking regulations.

(a) General requirements.

- (1) Off-street parking shall hereafter be provided on each lot or tract upon which a building is erected or ~~on upon~~ a contiguous lot or tract, or ~~on a upon a~~ non-contiguous lot or tract within the city limits and under permanent control of property owner, or upon presentation of an acceptable parking agreement to the city.

(2) No building or structure or any part thereof shall be erected, altered, converted or enlarged for any permitted use in the local retail district unless one off-street parking space is provided for each 200 square feet of gross floor area in the building.

(3) At least 75 percent of the spaces must be standard sized spaces while the remaining spaces may be compact sized spaces. When calculating the number of required parking spaces based on square footage in this section, square footage shall not include storage areas as described below. Storage areas as used in this section means those areas to which the public does not have access; and where the store's 'wares' are not 'on display' to the public.

~~(b) (4) —Area requirements. P~~Such parking requirements shall apply only to additions, enlargements, major renovations, or new constructions; ~~and a~~An off-street parking space shall be defined as an enclosed or unenclosed all-weather surface area not on a public street or alley, and designed and sized in accordance to subsection A- and B.(d), and accessible without maneuvering on a public street of this section. 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 this use.

~~(c)(2) Surface of parking lot and driveways.~~

~~(1) Whenever any lot or part thereof is used for off-street parking purposes incidental to any lawful use of the property, the~~All off-street parking areas and all access drives shall be surfaced with asphalt, concrete, or other all-weather permanent paving materials consistent with this subsection.

~~(2) and the p~~Pavement surfaces shall be maintained in good repair and free of debris, trash, dirt, or similar material.

~~(3) The~~Parking spaces area shall be clearly marked so as to designate the placing of vehicles thereon in a manner and method approved by the city.

~~(4) Maintenance shall be the responsibility of the property owner.~~

~~(5)~~

~~(3) —The building inspector or his/her~~designee, shall conduct an annual inspection of all off-street parking areas and shall make the determination that the paved surfaces are in compliance. ~~good repair and free of debris, trash, dirt, or similar materials. The city will enforce the provisions of this section in the manner prescribed by this Code.~~

~~(d4) —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. An approved agreement with adjoining retail and/or commercial structures for the shared use of a facility for loading and unloading may also satisfy this requirement.~~

~~A. —~~Parking space dimensions and configuration:

~~(1) Standard and Compact Spaces.~~

~~a. —~~Table 40-110.1 (off street vehicle parking space dimensions) sets forth minimum size requirements for individual parking spaces.

~~b. Parking spaces that are parallel and adjacent to a building, fence/wall, property line or other door swing or pedestrian access obstruction, shall be nine and one-half feet wide.~~

~~c. A compact off-street parking space shall measure at least eight feet wide by 16 feet long.~~

~~d. Design standards for handicapped parking stalls shall be provided in compliance with current requirements of the state and the building codes as currently adopted and amended by the City of Olmos Park.~~

(2) Striping and layout.

a. All off-street parking spaces shall be clearly marked in a durable and permanent manner, such as white or yellow painted stripes, or other distinguishable methods. Markings shall be a minimum of four (4) inches wide and shall remain visible and well-maintained at all times.

Design standards for handicapped parking stalls shall be provided in compliance with current requirements of the state and the building codes as currently adopted and amended by the City of Olmos Park.

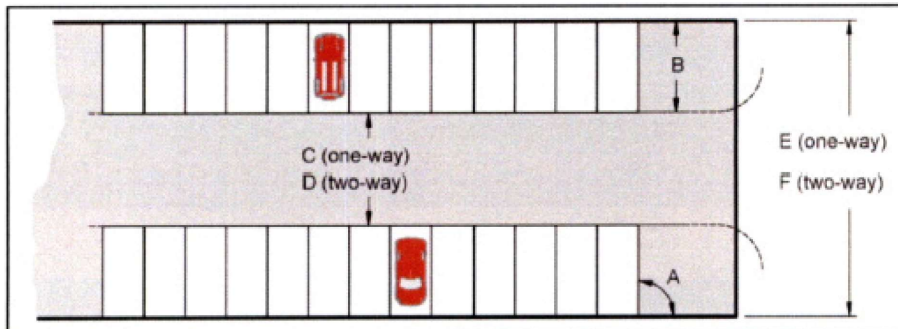
- 2) ~~Parking spaces that are parallel and adjacent to a building, fence/wall, property line or other door swing or pedestrian access obstruction, shall be nine and one-half feet wide.~~
- 3) ~~All off-street parking spaces shall be indicated by white or yellow painted stripes not less than four inches wide.~~
- 4) ~~A compact off-street parking space must measure at least eight feet wide by 16 feet long.~~

Table #40-110.1

Off-Street Vehicle Parking Space Dimensions

Parking Angle ^{1,3}	Stall Depth ²	Min. Aisle One-Way ²	Min. Aisle Two-Way ²	Module One-Way ²	Width Two-Way ²
(A)	(B)	(C)	(D)	(E)	(F)
Parallel	9.0	12.0	20.0	30.0	38.0
30	15.0	11.0	20.0	41.0	50.0
45	17.5	12.0	20.0	47.0	55.0
60	19.0	16.0	20.0	54.0	58.0
90	20.0	20.0	20.0	NA	60.0

- 1. Angle measurements shown in degrees maximum, i. e. 30°[.]
- 2. Dimensional measurements shown in feet, i.e. 9.0'[.]
- 3. Dimensional measurements shall apply to each maximum angle increment as listed. If the angle increment is exceeded, then next greater angle increment shall apply. All compact parking spaces shall be clearly identified.



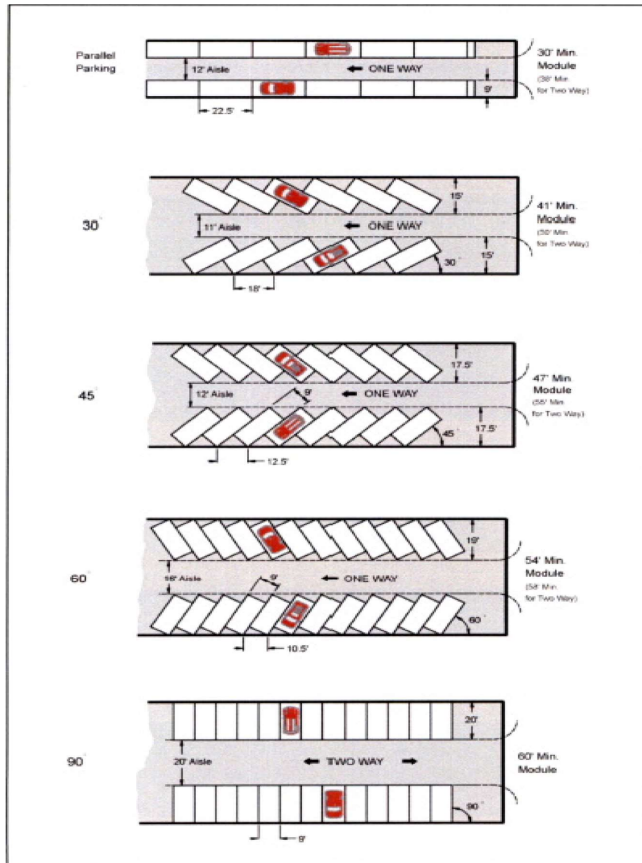


Figure C

(e) B. —Vehicular access/and circulation:

- (1) **Accessibility and usability:** Driveways and/or parking areas shall not be used for any purpose that would prevent vehicles access to parking spaces, or inhibit circulation or emergency service response.
- (2) **Access to adjacent roadways and circulation:** Parking spaces within a designated parking lot shall be designed to provide the minimum required turning and maneuvering areas, so vehicles can enter an abutting street in a forward direction (alleys may be used for maneuvering space). A vehicle shall not enter a public street backwards.
- (3) **Visibility at driveways:** Driveways shall be designed and located in such a manner so as to ensure proper visibility to on-street traffic. Drive design shall take into consideration slopes, curvature, speed, and conflicting turning movements in the area. Clear visibility shall be maintained from the driveway by keeping the designated 'sight distance triangle' free of obstacles such as signs, landscaping, parked vehicles, and structures.

~~4) Except in the case of individual tree well planter, the minimum 20 feet paved depth of a parking space shall not be reduced by an overhang into a planter.~~

~~(45) Double parking, tandem parking, or parking in any other manner which blocks the ingress or egress of other vehicles shall not be permitted.~~

~~The following shall not be granted unless one off-street parking space is provided for each 200 square feet of gross floor area in the building: new construction building permit; accessory structure permit; addition building permit or alteration building permit requiring the seal of a registered engineer or architect; or, the issuance of a storm water pollution prevention plan (SWPPP).~~

~~(f) Loading facilities. 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. An approved agreement by the city with adjoining retail and/or commercial structures for the shared use of a facility for loading and unloading may also satisfy this requirement.~~

~~(g) The following shall not be granted unless one off-street parking space is provided for each 200 square feet of gross floor area in the building: new construction building permit; accessory structure permit; addition building permit or, the issuance of a storm water pollution prevention plan (SWPPP).~~

Sec. 40-111. Landscaping.

No building or structure nor the enlargement thereof shall be permitted unless the following landscaping requirements are met:

- (1) At least five percent ~~(5%)~~ of the total area of each parking ~~space lot~~ area shall be composed of pervious landscaped islands, peninsulas, medians or planters. Perimeter landscaped areas shall not be included in the required percentage.
- (2) The property owner shall maintain all landscaping in ~~a healthy, clean, and orderly condition, including regular watering, mowing, pruning, weeding, removal of dead or diseased plants, and replacement of any dead or dying plant materials with similar species within thirty (30) days, unless the City Manager determines that seasonal conditions are not suitable for planting. In such cases, the replacement shall occur within thirty (30) days of the next appropriate planting season, as determined by the City Manager. a commercially-reasonable manner.~~

Sec. 40-112. Sidewalks, curbs, curb cuts, driveway entrances.

Pedestrian safety shall be the primary consideration in designing sidewalks, curbs, curb cuts and driveway entrances. Sidewalks, curbs, curb cuts and driveway entrances shall be provided by the property owner subject to the following requirements; however, nothing herein shall relieve the owner from satisfying Americans with Disabilities Act (ADA) minimum standards:

- (1) Property owners shall be responsible for the installation, maintenance, and repair of sidewalks, curbs, curb cuts, and driveway entrances adjoining and abutting the front, side and rear property lines.
- (2) The property owner shall install new sidewalks, curbs, curb cuts and driveway entrances adjacent to any public right-of-way as a condition to being granted any of the following: new construction building permit; accessory structure permit; addition building permit or alteration building permit requiring the seal of a registered engineer or architect; or, the issuance of a storm water pollution prevention plan (SWPPP).
- (3) For any new construction or for an expansion ~~constituting that increases the size or appraised value of the existing structure by more than fifty (50) percent of the size of an existing structure~~, the property owner shall be required to install and maintain a six-foot ~~(6')~~ minimum width sidewalk on any side of

the property abutting a public right-of-way. Sidewalk must be located in the public right-of-way and the six feet shall commence at the private property line into the public right-of-way.

- (4) Such sidewalk shall be a continuous connection from one side of the property to the other, generally parallel to the public right-of-way. Such sidewalks shall link with existing sidewalks on adjoining properties, if such adjacent sidewalks exist.
- (5) Sidewalks shall be paved with a slip-resistant surface such as brush-finished concrete and all construction shall conform to the latest criteria of the Americans with Disabilities Act.
- (6) The curbing on sidewalks on the right-of-way facing the building or structure shall meet the curbing height requirements as provided in section 8-32.
- (7) To protect the safety of pedestrians, city-approved barriers must be installed to separate off-street parking from sidewalks. Barriers such as fences and curbs prevent vehicles from encroaching into pedestrian walkways.
- (8) Driveway entrances must be at least 16 feet and no more than 32 feet in width as measured between curb cuts along the line of convergence of the driveway approach and the street. In no instance, may one property owner have more than 32 feet in curb cuts on the property.
- (9) It is the intent of Olmos Park to relocate curb and gutters along McCullough Avenue further into the city right-of-way in a calculated orderly fashion, creating a narrower, 33-foot street, and wider pedestrian area (parkway) to allow a more walkable city. For any new construction or for an expansion ~~constituting that increases the size or appraised value of the existing structure by more than fifty (50) percent of the size of an existing structure:~~
 - a. Curb and gutter shall be installed on McCullough Ave. such that the face of the curb shall be 33 feet from the face of curb opposite of McCullough (on the East side of McCullough) or as more specifically shown in the Roadway Plan documents attached as Attachment "A", attached for general illustrative purposes only and requiring confirmation of all information therein contained.
 - b. Any storm sewer inlets shall be reconstructed or modified to accept water from the newly constructed curbside and gutter without ponding or excessive slope within the roadway. Leaving storm sewer inlet in place and adjusting curb and gutter to deposit runoff is acceptable.

Sec. 40-113. Limited use of right-of-way.

In order to achieve pedestrian safe parking standard, businesses shall be required to meet the standards for angled parking as required by section 40-110 (table #40-110.1). If a business property is unable to meet any of the parking angles required by section 40-110, the city shall grant use of the public right-of-way for the sole purpose of egress and ingress.

Sec. 40-114. Driveways.

A. Driveways

- a. Driveway ramps shall be constructed of concrete and according to city design standards.

B. Driveway Cuts

- a. Considering conditions of topography, traffic flow, traffic and pedestrian safety, each business property with a lot width of 50 feet or less shall be permitted one driveway cut. Business property with a lot width of 60 feet or more may be permitted two driveway cuts.

Sec. 40-115. Shared driveways and cross-access drives

- A. *Driveway approaches and shared driveways.* Shared access driveways are ~~encouraged and may be required by the city manager or designee in order to~~ ensure public safety access by providing mutual/common access,

Commented [AM12]: Change Accepted - Regulation that "Driveway ramps shall be constructed of concrete and according to city design standards." was removed from Subdivision Ordinance so it needs to be here.

to minimize the number of driveway cuts on streets, ~~thereby maintaining street mobility,~~ and to facilitate traffic flow between adjacent lots.

~~1. A development plat shall be required when any person proposes crossing lot lines to develop a tract of land located within the limits or in the extraterritorial jurisdiction of the city. A development plat of the tract shall be prepared in accordance with the requirements of the Local Government Code Chapter 212, subchapter B (Local Government Code § 212.041 et seq.), as now existing or hereafter amended and in accordance with the applicable plans, rules, and ordinances of the city. (Section 22-260).~~

12. A shared mutual access easement(s) for driveways(s) ~~may~~shall be required between adjacent lots fronting on ~~to~~ McCullough Avenue when the lots are connected and can utilize a shared driveway. The location and dimensions of such easement(s) shall be determined by the city.

23. Easement on plat. Such easements shall be noted on the preliminary plat and final plat with the language specified as part of the city's application requirements. If the property has been legally platted, an easement may also be established via a separate instrument recorded and approved by the city.

B. *Driveway approaches and cross access internal driveways.* Cross access easements for internal driveways are encouraged and may be required as part of the preliminary and final plat approval by the city manager, or designee in order to minimize the number of driveway cuts on streets, thereby maintaining street mobility, and to facilitate traffic flow between adjacent lots.

1. A cross access easement(s) for internal driveways(s) may be required. Such easement shall be required between adjacent lots within the same plat, phases of plats or ownership when the following conditions exist:

- a. On McCullough Avenue frontages between adjacent parking lots;
- b. Between lots when one or more lots do not have direct access to the thoroughfare; and
- c. When accessing shared driveways.

2. Location and dimension. The location and dimensions of such easements(s) shall be determined by the city.

3. Easement on plats. Such easements shall be noted on the preliminary plat and final plat with the language specified as part of the city's application requirements. If the property has been legally platted, an easement may also be established via a separate instrument recorded and approved by the city.

Sec. 40-116. Electrical service equipment.

Service-entrance conductors, metering equipment, or service equipment shall not be located on front building face or in any location between the front building face and McCullough Avenue, except as required by subsection 3. Any new electric service connections shall be located and installed as follows:

1. Underground installation of the service lateral shall be required as a condition to the granting of the following: new construction building permit; accessory structure permit; addition building permit or alteration building permit requiring the seal of a registered engineer or architect; or the issuance of a storm water pollution prevention plan (SWPPP).
2. For new electric service connections other than those identified in subsection 1. herein, the new electric service connection shall only be made using one of the following options:
 - a. A meter pole installed wholly outside of any city right-of-way; and no less than 50 feet from the lot property line immediately adjacent to McCullough Avenue;

- b. A padmount transformer located immediately adjacent to any side of the building not constituting the front building face, and shall be reasonable shielded from view from any city street;
- c. An underground service lateral; or
- d. Service drop which shall not be located on the front building face.

All terms used in this section not defined in section 40-113, shall have the meaning ascribed to them by the CPS Energy Electric Service Standards, 2012 Edition, or as amended and superseded therein.

3. For any construction activity that is subject to the requirements of subsection 40-112(9) and subsection 40-264(2), property owner shall be required to install electrical conduits, wiring, light fixture(s), anchor bolts and mounting base for pole-mounted lighting fixtures which shall be installed in accordance with the following provisions, subject to approval by the building official:
 - a. The property owner shall be responsible for installation of electrical underground PVC conduits along the entire frontage of McCullough Avenue from the lot's north property line to the south property line. At each property line, the conduit should terminate at an accessible grassy area for future light or connection, and a pull string and cap should be installed along with marking conduit stub up location with building official. Conduits shall be installed 30 inches below finished grade, tight to the edge of the required sidewalk within the interior parkway as defined and required in section 40-264(2) or as amended, and sleeves must be installed at all roadway/drive crossings. Conduits shall be size 1½" and type EMT. Sleeves shall be size 3" and type Sch 40. Conduits not connected to abutting properties or installed to light fixture shall be capped with appropriate PVC cap and pull string. Property owner shall install appropriate wiring based on the loading and in general conformance with Exhibit A and strict conformance with all applicable codes and regulations and sound electrical workmanship.
 - b. The property owner shall be responsible for installation of the required unpainted concrete pole base with galvanized anchor bolts, rebar, conduits and, grounding wire/conduit/ground rod as generally shown in Detail 1, page ES200 of Exhibit A entitled "City of Olmos Park, McCullough Phase 1", dated 8/18/2020 and all necessary engineering and design provided by property owner or developer. Such poles bases shall be installed in the following location(s):
 - i. At 70-foot intervals beginning at each block's northern corner at the city right-of-way. In the event such location is in conflict (located within or closer to ten feet) with proposed facilities such as sidewalks, street signs, monument signs or drives, the location will be identified by building official with the intent of creating generally uniform spacing on each lot and block.
 - ii. Generally centered (east to west) within the interior parkway as defined and required in section 40-264(2) or as amended.
 - c. The property owner shall be responsible for furnishing, installing, and wiring the lighting fixture, lamp and a photocell in in substantial conformance with that which is specified in the Lighting Fixture Schedule on, page ES200 of Exhibit A. In the event such light fixture is unavailable or delayed; building official will provide a list of suitable substitutions. Property owner shall cause the lighting fixture to be wired and connected pursuant to all applicable codes and requirements and as generally shown in Exhibit A.
 - d. The property owner shall be required to maintain all equipment and improvements required in this section in good operating condition.
 - e. A property owner who complies with this section may request reimbursement for costs incurred due to compliance with this section, and the city or economic development corporation of the city may make such reimbursement payments available at the city's or city economic development corporation's sole discretion.

- f. A property owner or other person obligated by law to maintain surface conditions, including landscaping requirements, shall be required to maintain electrical utility service to each light fixture once such fixture has been installed by the city upon said property. The property owner shall run a conduit and wiring suitable for electrical service from the lighting conduit required in section 3.a., above, to their metered service drop, or a service drop at a location with coordination of CPS and building official.
- g. The building official shall coordinate with the city engineer to facilitate, to the extent practicable, the installation of pedestals and lighting fixtures along McCullough Corridor in a manner that results in uniform distribution, height, and appearance of all pedestals and lighting fixtures required to be installed under this section.

Sec. 40-117. Aesthetic requirements.

- (1) *Purpose, scope and enforcement.* The purpose of these regulations are to provide a uniform aesthetic using building materials and screening to enhance the appearance of the City of Olmos Park and its main corridor, McCullough Avenue, by creating certain standards for design and development of property that is consistent with the culture, history and architectural style of Olmos Park.
 - (a) The standards in this section apply only to property in the local retail district and mixed retail commercial district immediately abutting McCullough Avenue.
 - (b) The standards in this section apply to any new construction or structures painted after the effective date of this article.
 - (c) The provisions of this section shall be administered by the building official or ~~his/her~~ designee.
 - (d) No permits shall be issued for building or construction until a detailed site plan is submitted and approved by the building official or ~~his~~ designee. A conceptual or generalized screening plan and schedule of materials on exterior elevations shall be shown as part of the site plan as required in [Article XI Chapter 8](#) of this Code. Prior to the issuance of a certificate of occupancy for any building or structure, all screening shall be in place in accordance with the requirements herein with the exception of vegetative screening which shall be allowed 12 months to mature and comply.
 - ~~(e) For all the requirements of this section, alternative design options and materials of comparable quality, function and appearance may be approved by the zoning board of adjustments if the intent of this section is not met.~~
- (2) *Utility equipment and structures.* Outdoor storage, dedicated loading areas, refuse or recycling storage areas, air conditioning, ventilation and heating equipment, utility boxes, solar panels, and antennas shall be placed in the rear of the property where possible and shall be completely screened from public view when viewed from the McCullough Road right-of-way. Screening may be achieved by a solid screen or wall consistent with permitted building materials, evergreen plant materials with irrigation, or landscaped earthen berm.
Illustration:



- (3) *Exterior wall and roof colors.*

- a. The use of high intensity colors, metallic colors, or fluorescent colors are prohibited in excess of five percent on any exterior wall face.
- b. The following regulations apply to any exterior wall (or roof) that is wholly or partially visible from the McCullough Road right-of-way. For the purposes of this subsection, the primary wall finish color shall refer to the color applied to ten percent or more of a building elevation.
 - i. *Allowable primary wall finish colors:*
 1. When painted, exterior surfaces (including roofs) may only be painted in muted colors (including shades of white) compatible with the historical character of Olmos Park.



2. Approved Olmos Park color palette.
3. The colors included in the Olmos Park approved color palette as kept at Olmos Park City Hall from the Sherwin Williams color-palette, or their match in other paint company palettes.

Secs. 40-118—40-133. Reserved.

ARTICLE V. MIXED RETAIL COMMERCIAL DISTRICTS

Sec. 40-134. Description.

~~The lots and blocks or metes and bounds which follow shall constitute the Mixed Retail Commercial District of the City of Olmos Park, Texas: Hazelwood addition, County Block 4048, Block 14, Bexar County, Texas:~~

~~The Mixed Retail Commercial District (MRC) is intended to support a broader range of commercial activities that serve both local and regional needs, while maintaining the high-quality small-town character compatible with the historic Olmos Park Estates neighborhood. This district encourages a thoughtfully integrated mix of retail, service, office, and light commercial uses that enhance economic vitality and expand opportunities for residents and visitors to shop, dine, and work. Typical businesses may include neighborhood grocery stores, hardware shops, salons, small offices, casual dining establishments, and other pedestrian-friendly commercial services.~~

~~The MRC district is strategically located along key corridors, including McCullough Avenue and other community crossroads, and is designed to function as a classic small-town main street rather than a highway commercial strip. It promotes a walkable, vibrant environment with buildings oriented toward the street, active storefronts, high-quality architecture, and cohesive design standards that reflect the Olmos Park aesthetic. Shared parking facilities and pedestrian amenities, such as wide sidewalks, street trees, and gathering spaces, are encouraged to support an engaging and accessible public realm.~~

~~While accommodating slightly more intensive commercial uses than the Local Retail District, the MRC district ensures compatibility with surrounding residential areas by requiring careful attention to building scale, massing, and transitions, preserving the community's intended "town center" and "main street" environments. Development in this district shall balance commercial flexibility with thoughtful design and stewardship, reinforcing Olmos Park's image as the finest small town in South Texas.~~

Sec. 40-135. Building and land use restrictions.

~~(a) Permitted Uses. No buildings or land in this district shall only be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the for the following uses purposes:~~

~~(1) (1) —Retail district use.~~ Any use permitted in a local retail district.

~~(2) Boutique Hotels or Inns (Small-scale).~~ Limited to a maximum of 30 guest rooms, designed to complement the architectural character of the area, with no external signage or amplified outdoor entertainment, and with ground-floor retail or restaurant use encouraged.

~~(3) Event Venues (Small-Scale).~~ Including meeting spaces for community events, art exhibits, workshops, and similar gatherings, which is comparable in size and scale to surrounding buildings or typical structures within the zoning district and is limited in occupancy and hours of operation to minimize impacts on adjacent properties, with operations generally restricted to the hours of 8:00 a.m. to 10:00 p.m., unless otherwise approved by a special use permit (SUP).

~~(4) Cultural or Educational Facilities.~~ Including small libraries, tutoring centers, or music schools that contribute to the community's cultural vibrancy.

~~(5) (2) —Veterinary or Small animal boarding facilities.~~ Kennel facilities for the overnight boarding of dogs, cats, and smaller animals shall be allowed in conjunction with an on-premises veterinary office under the following conditions:

- a. Use of any outdoor facilities by boarded animals shall be restricted to the hours of 8:00 a.m. to 8:00 p.m. No boarded animals shall be allowed outside an enclosed building between the hours of 8:00 p.m. and 8:00 a.m.
- b. No more than four outside runs shall be allowed in conjunction with any single boarding facility.
- c. No more than 12 animals shall be allowed outside the enclosed building of a boarding facility at any one time.
- d. All outside runs shall be separated by solid material fencing.
- e. Animals must be attended by a kennel facility employee at all times when outdoors.
- f. Outdoor facilities shall be maintained at all times in a clean and odor-free condition.
- g. All animal waste shall be disposed through the municipal sanitary sewer system and shall not be deposited in solid waste disposal containers.

~~h.~~ The exterior walls for kennel facilities shall be ~~of masonry construction. They shall to~~ provide a ~~minimum level of~~ airborne sound insulation ~~sufficient to mitigate noise impacts on adjacent properties. Specifically, the building design shall achieve a equal to that required to meet a field-~~ tested sound transmission class of 55 according to ASTM (American Society for Testing and Materials) standard E336. Field testing shall be performed under the supervision of a professional acoustician who shall be experienced in acoustical testing and engineering. The acoustician shall forward certified test results to the ~~building official~~ City Manager that minimum sound insulation requirements stated herein have been met.

~~h.i. Veterinary or Small animal boarding facilities shall be located at least 1,500 feet from another veterinary or small animal boarding facility.~~

~~Pawnshops.~~ A pawnshop as defined by V.T.C.A., Finance Code § 371.003.

~~(6) Sexually oriented businesses.~~ 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 1,000 feet of any school, regular place of religious worship or residence, nor within 500 feet of another sexually oriented business. Measurements shall be made in a straight line from the nearest boundary of

the property used for a school, regular place of religious worship or residence to the nearest part of the building in which such sexually oriented business is conducted.

~~(4)~~(7) Smoke Shops, Vapor Shops, and Head Shops – including stores primarily focused on selling tobacco, vaping products, and related accessories.

Commented [AM13]: State Law Changes Accepted:
Allowance added for pawn shops, SOBs and Hemp sales.

(b) Prohibited Uses. The following uses are expressly prohibited within this district:

- (1) Automobile Sales and Services. Including new or used car dealerships, vehicle repair shops, auto body shops, and oil change stations.
- (2) Self-Storage Facilities. Including mini-warehouses or other personal storage services.
- (3) Heavy Equipment Sales and Rental. Including equipment storage yards.
- (4) Industrial or Manufacturing Uses. Including processing, fabrication, assembly, or storage of bulk materials.
- (5) Warehousing or Distribution Centers
- (6) Junkyards or Salvage Yards – including vehicle or material salvage and recycling operations.
- (7) Funeral Homes, Mortuaries, or Crematoriums.
- (8) Vehicle Fueling Stations or Gas Stations. Including fuel facilities with or without convenience stores.
- (9) Warehousing and Storage of Hazardous Materials. Including bulk storage of flammable, combustible, toxic, or hazardous materials.

(c) Special Use Permit Uses. The following uses may be allowed only upon approval of a special use permit (SUP) by the City Council:

- (1) Drive-through facilities associated with permitted uses.
- (2) Event venues or assembly space.
- (3) Hotels or motels.
- (4) Urgent Care, emergency clinic, or hospital.
- (5) Medical Office or Clinic. A facility offering outpatient healthcare services, including general medicine, dental, chiropractic, or similar services, without overnight stays.
- (6) Office, Professional. An establishment providing professional, consulting, business, or administrative services, such as legal, accounting, design, or similar uses.
- ~~(4)~~(7) Other uses determined by the City Council to be compatible with the district.

Sec. 40-136. Building height.

No building or structure nor the enlargement of any building or structure shall be hereinafter erected or maintained or exceed three stories, nor shall it exceed 45 feet in height.

Sec. 40-137. Yard and lot areas.

No building or structure nor the enlargement of any building or structure shall be hereinafter erected or maintained unless the following yard and lot areas are provided and maintained in connection with such building, structure or enlargement:

- (1) *Rear.* Where the lot abuts upon a lot zoned for other than local retail or mixed retail commercial, the rear yard shall not be less than ten feet; in all other cases, a rear yard for a mixed retail commercial building shall not be required.
- (2) *Side.* Where the lot abuts upon a lot zoned for other than mixed retail commercial or local retail, the side yard shall be not less than ten feet in width; in all other cases, a side yard for a mixed retail commercial building shall not be required. The side yard shall be used for parking and/or landscaping.
- (3) *Front.* There shall be a maximum front yard of not less than 35 feet to the front line of the building and from the front property line. There shall be minimum front yard of ten feet to the front line of the

building and from the front property line, and under no circumstances shall any part of the city right-of-way be used for any such purposes. No part of the city's right-of-way may be used for parking.

- (4) The city shall enforce only the setback or yard area requirements established by the zoning regulations. Setback or yard requirements shown on a plat shall not be enforced by the city.

Sec. 40-138. Off-street parking regulations.

(a) General Requirements.

- (1) Off-street parking shall hereafter be provided on each lot or tract upon which a building is erected or ~~upon on~~ a contiguous lot or tract, or ~~upon on~~ a non-contiguous lot or tract within the city limits and under permanent control of property owner, ~~and/or~~ upon presentation of an acceptable parking agreement to the city.
- (2) No building or structure or any part thereof shall be erected, altered, converted or enlarged for any permitted use in the mixed retail district unless one off-street parking space is provided for each 200 square feet of gross floor area in the building.
- (3) At least 75 percent of the spaces must be standard sized spaces while the remaining spaces may be compact sized spaces. When calculating the number of required parking spaces based on square footage in this section, square footage shall not include storage areas as described below. Storage areas as used in this section means those areas to which the public does not have access; and where the store's 'wares' are not 'on display' to the public.
- ~~(b) Area requirements. Such parking requirements shall apply only to additions, enlargements, major renovations, or new constructions. A standard off-street parking space shall be defined as an enclosed or unenclosed all-weather surface area not on a public street or alley, and designed and sized in accordance with according to subsections (d), and accessible without maneuvering on a public street. A and B. of this section. 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 this use.~~
- ~~(2c) Surface of parking lot and driveways.~~
- ~~(1) Whenever any lot or part thereof is used for off-street parking purposes incidental to any lawful use of the property, All off-street the parking areas and all access drives shall be surfaced with asphalt, concrete, or other all-weather permanent paving materials consistent with this subsection.~~
- ~~(2) and the pavement surfaces shall be maintained in good repair and free of debris, trash, dirt, or similar material.~~
- ~~(3) The Parking spaces area shall be clearly marked so as to designate the placing of vehicles thereon in a manner and method approved by the city.~~
- ~~(4) Maintenance shall be the responsibility of the property owner.~~
- ~~(5) The building inspector or his/her designee, shall conduct an annual inspection of all off-street parking areas and shall make the determination that the paved surfaces are in good repair compliance, and free of debris, trash, dirt, or similar materials. The city will enforce the provisions of this section in the manner prescribed by this Code.~~
- ~~(4) 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. An approved agreement with adjoining retail and/or commercial structures for the shared use of a facility for loading and unloading may also satisfy this requirement.~~
- ~~(d) A. Parking space dimensions and configuration:~~
- ~~(1) Standard and compact spaces.~~

a. ~~Table 40-138.1 (off street vehicle parking space dimensions) sets forth minimum size requirements for individual parking spaces.~~

~~Design standards for handicapped parking stalls shall be provided in compliance with current requirements of the state and the building codes as currently adopted and amended by the City of Olmos Park.~~

2b.) Parking spaces that are parallel and adjacent to a building, fence/wall, property line or other door swing or pedestrian access obstruction, shall be nine and one-half feet wide.

3) ~~All off street parking spaces shall be indicated by white or yellow painted stripes not less than four inches wide.~~

4c.) A compact off-street parking space ~~must shall~~ measure at least eight feet wide by 16 feet long.

d. ~~Design standards for handicapped parking stalls shall be provided in compliance with current requirements of the state and the building codes as currently adopted and amended by the City of Olmos Park.~~

(2) Striping and layout.

a. All off-street parking spaces shall be indicated by white or yellow painted stripes not less than four (4) inches wide.

Table #40-138.1

Off-Street Vehicle Parking Space Dimensions

Parking Angle ^{1,3}	Stall Depth ²	Min. Aisle One-Way ²	Min. Aisle Two-Way ²	Module One-Way ²	Width Two-Way ²
(A)	(B)	(C)	(D)	(E)	(F)
Parallel	9.0	12.0	20.0	30.0	38.0
30	15.0	11.0	20.0	41.0	50.0
45	17.5	12.0	20.0	47.0	55.0
60	19.0	16.0	20.0	54.0	58.0
90	20.0	20.0	20.0	NA	60.0

1. Angle measurements shown in degrees maximum, i. e. 30°[.]

2. Dimensional measurements shown in feet, i.e. 9.0'[.]

3. Dimensional measurements shall apply to each maximum angle increment as listed. If the angle increment is exceeded, then next greater angle increment shall apply. All compact parking spaces shall be clearly identified.

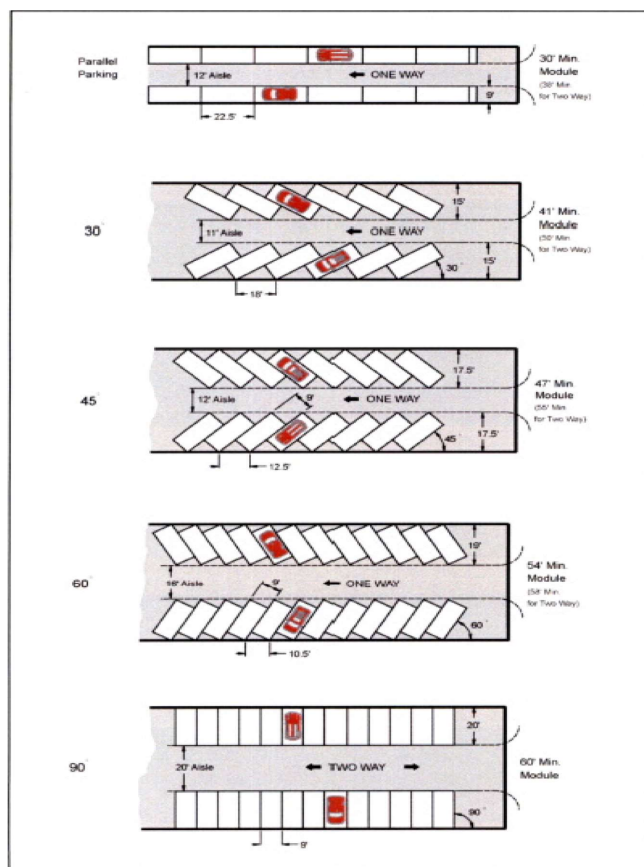
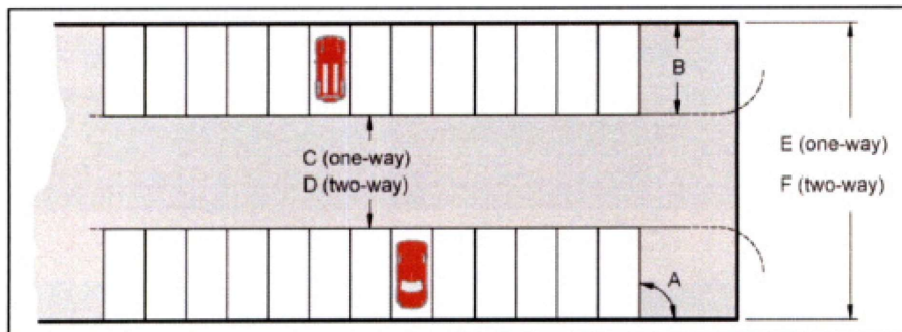


Figure C

~~(e)B.~~ **Vehicular access/and circulation:**

- (1) ~~Accessibility and usability:~~ Driveways and/or parking areas shall not be used for any purpose that would prevent vehicles access to parking spaces, or inhibit circulation or emergency service response.
- (2) ~~Access to adjacent roadways and circulation:~~ Parking spaces within a designated parking lot shall be designed to provide the minimum required turning and maneuvering areas, so vehicles can enter an abutting street in a forward direction (alleys may be used for maneuvering space). A vehicle shall not enter a public street backwards.
- (3) ~~Visibility at driveways:~~ Driveways shall be designed and located in such a manner so as to ensure proper visibility to on-street traffic. Drive design shall take into consideration slopes, curvature, speed, and conflicting turning movements in the area. Clear visibility shall be maintained from the driveway by keeping the designated 'sight distance triangle' free of obstacles such as signs, landscaping, parked vehicles, and structures.
- ~~4) Except in the case of individual tree well planter, the minimum 20-foot paved depth of a parking space shall not be reduced by an overhang into a planter.~~
- (45) Double parking, tandem parking, or parking in any other manner which blocks the ingress or egress of other vehicles shall not be permitted.

(f) Loading facilities. 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. An approved agreement by the city with adjoining retail and/or commercial structures for the shared use of a facility for loading and unloading may also satisfy this requirement.

(g) The following shall not be granted unless one off-street parking space is provided for each 200 square feet of gross floor area in the building: new construction building permit; accessory structure permit; addition building permit or alteration building permit requiring the seal of a registered engineer or architect; or, the issuance of a storm water pollution prevention plan (SWPPP).

Sec. 40-139. Landscaping.

No building or structure nor the enlargement thereof shall be permitted unless the following landscaping requirements are met:

- (1) At least five percent (5%) of the total area of each parking ~~space~~ lot area shall be composed of pervious landscaped islands, peninsulas, medians or planters. Perimeter landscaped areas shall not be included in the required percentage.
- (2) The property owner shall maintain all landscaping in a healthy, clean, and orderly condition, including regular watering, mowing, pruning, weeding, removal of dead or diseased plants, and replacement of any dead or dying plant materials with similar species within thirty (30) days, unless the City Manager determines that seasonal conditions are not suitable for planting. In such cases, the replacement shall occur within thirty (30) days of the next appropriate planting season, as determined by the City Manager. a commercially-reasonable manner.

Sec. 40-140. Sidewalks, curbs, curb cuts, driveway entrances.

Sidewalk, curb, curb cuts and driveway entrances shall be provided by the property owner subject to the following requirements; however, nothing herein shall relieve the owner from satisfying Americans with Disabilities Act (ADA) minimum standards:

- (1) Property owners shall be responsible for the installation, maintenance, and repair of sidewalks, curbs, curb cuts, and driveway entrances adjacent to any public right-of-way.

- (2) The property owner shall install new sidewalks, curbs, curb cuts and driveway entrances adjacent to any public right-of-way as a condition to being granted any of the following: new construction building permit; accessory structure permit; addition building permit or alteration building permit requiring the seal of a registered engineer or architect; or, the issuance of a storm water pollution prevention plan (SWPPP).
- (3) Pedestrian safety shall be the primary consideration in designing and building sidewalks within the mixed retail commercial district.
- (4) For any new construction or for an expansion ~~constituting that increases the size or appraised value of the existing structure by~~ more than fifty (50) percent ~~of the size of an existing structure~~, the property owner shall be required to install and maintain a six-foot (6') minimum width sidewalk on any side of the property abutting a public right-of-way. Sidewalk must be located in the public right-of-way and the six feet shall commence at the private property line into the public right-of-way.
- (5) Such sidewalk shall be a continuous connection from one side of the property to the other, generally parallel to the public right-of-way. Such sidewalks shall link with existing sidewalks on adjoining properties, if such adjacent sidewalks exist.
- (6) Sidewalks shall be paved with a slip-resistant surface such as brush-finished concrete and all construction shall conform to the latest criteria of the Americans with Disabilities Act.
- (7) The curbing on sidewalks on the right-of-way facing the building or structure shall meet the curbing height requirements as provided in section 8-32.
- (8) To protect the safety of pedestrians, City-approved barriers must be installed to separate off-street parking from sidewalks. Barriers such as fences and curbs prevent vehicles from encroaching into pedestrian walkways.
- (9) Driveway entrances must be at least 16 feet and no more than 32 feet in width as measured between curb cuts along the line of convergence of the driveway approach and the street. In no instance, may one property owner have more than 32 feet in curb cuts on the property.
- (10) It is the intent of Olmos Park to relocate curb and gutters along McCullough Avenue further into the city right-of-way in a calculated orderly fashion, creating a narrower, 33-foot street, and wider pedestrian area (parkway) to allow a more walkable city. For any new construction or for an expansion ~~constituting that increases the size or appraised value of the existing structure by~~ more than fifty (50) percent ~~of the size of an existing structure~~:
 - a. Curb and gutter shall be installed on McCullough Ave. such that the face of the curb shall be 33 feet from the face of curb opposite of McCullough (on the East side of McCullough) or as more specifically shown in the Roadway Plan and Typical Sections documents attached as Attachment "A", attached for general illustrative purposes only and requiring confirmation of all information therein contained.
 - b. Any storm sewer inlets shall be reconstructed or modified to accept water from the newly constructed curbside and gutter without ponding or excessive slope within the roadway. Leaving storm sewer inlet in place and adjusting curb and gutter to deposit runoff is acceptable.

Sec. 40-141. Electrical service equipment.

Service-entrance conductors, metering equipment, or service equipment shall not be located on front building face or in any location between the front building face and McCullough Avenue, except as required by subsection 3. Any new electric service connections shall be located and installed as follows:

1. Underground installation of the service lateral shall be required as a condition to the granting of the following: new construction building permit; accessory structure permit; addition building permit or alteration building permit requiring the seal of a registered engineer or architect; or the issuance of a storm water pollution prevention plan (SWPPP).

2. For new electric service connections other than those identified in subsection 1. herein, the new electric service connection shall only be made using one of the following options:
 - a. A meter pole installed wholly outside of any city right-of-way; and no less than 50 feet from the lot property line immediately adjacent to McCullough Avenue;
 - b. A padmount transformer located immediately adjacent to any side of the building not constituting the front building face, and shall be reasonable shielded from view from any city street;
 - c. An underground service lateral; or
 - d. Service drop which shall not be located on the front building face.

All terms used in this section not defined in section 40-141, shall have the meaning ascribed to them by the CPS Energy Electric Service Standards, 2012 Edition, or as amended and superseded therein.

3. For any construction activity that is subject to the requirements of subsection 40-140(9) and subsection 40-264(2), property owner shall be required to install electrical conduits, wiring, light fixture(s), anchor bolts and mounting base for pole-mounted lighting fixtures which shall be installed in accordance with the following provisions, subject to approval by the building official:
 - a. The property owner shall be responsible for installation of electrical underground PVC conduits along the entire frontage of McCullough Avenue from the lot's north property line to the south property line. At each property line, the conduit should terminate at an accessible grassy area for future light or connection, and a pull string and cap should be installed along with marking conduit stub up location with building official. Conduits shall be installed 30 inches below finished grade, tight to the edge of the required sidewalk within the Interior Parkway as defined and required in section 40-264(2) or as amended, and sleeves must be installed at all roadway/drive crossings. Conduits shall be size 1½" and type EMT. Sleeves shall be size 3" and type Sch 40. Conduits not connected to abutting properties or installed to light fixture shall be capped with appropriate PVC cap and pull string. Property owner shall install appropriate wiring based on the loading and in general conformance with Exhibit A and strict conformance with all applicable codes and regulations and sound electrical workmanship.
 - b. The property owner shall be responsible for installation of the required concrete pole base with anchor bolts, rebar, conduits and, grounding wire/conduit/ground rod as generally shown in Detail 1, page ES200 of Exhibit A "City of Olmos Park, McCullough Phase 1", dated 8/18/2020 attached hereto and incorporated by reference for general illustrative purposes only and requiring confirmation of all information therein contained, and all necessary engineering and design provided by property owner or developer. Such poles bases shall be installed in the following location(s):
 - i. At 70-foot intervals beginning at each block's northern corner at the city right-of-way. In the event such location is in conflict (located within or closer to ten feet) with proposed facilities such as sidewalks, street signs, monument signs or drives, the location will be identified by building official with the intent of creating generally uniform spacing on each lot and block.
 - ii. Generally centered (east to west) within the interior parkway as defined and required in section 40-264(2) or as amended.
 - c. The property owner shall be responsible for furnishing, installing, and wiring the lighting fixture, lamp and a photocell in in substantial conformance with that which is specified in the Lighting Fixture Schedule on page ES200 of Exhibit A. In the event such light fixture is unavailable or delayed; building official will provide a list of suitable substitutions. Property owner shall cause the lighting fixture to be wired and connected pursuant to all applicable codes and requirements and as generally shown in Exhibit A.

- d. The property owner shall be required to maintain all equipment and improvements required in this section in good operating condition.
- e. A property owner who complies with this section may request reimbursement for costs incurred due to compliance with this section, and the city or economic development corporation of the city may make such reimbursement payments available at the city's or city economic development corporation's sole discretion.
- f. A property owner or other person obligated by law to maintain surface conditions, including landscaping requirements, shall be required to maintain electrical utility service to each light fixture once such fixture has been installed by the city upon said property. The property owner shall run a conduit and wiring suitable for electrical service from the lighting conduit required in section 3.a., above, to their metered service drop, or a service drop at a location with coordination of CPS and building official.
- g. The building official shall coordinate with the city engineer to facilitate, to the extent practicable, the installation of pedestals and lighting fixtures along McCullough Corridor in a manner that results in uniform distribution, height, and appearance of all pedestals and lighting fixtures required to be installed under this section.

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- (1) *Purpose, scope and enforcement.* The purpose of these regulations are to provide a uniform aesthetic using building materials and screening to enhance the appearance of the City of Olmos Park and its main corridor, McCullough Avenue, by creating certain standards for design and development of property that is consistent with the culture, history and architectural style of Olmos Park.
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 - (d) No permits shall be issued for building or construction until a detailed site plan is submitted and approved by the building official or ~~his~~ designee. A conceptual or generalized screening plan and schedule of materials on exterior elevations shall be shown as part of the site plan as required in ~~Article XI~~Chapter-8 of this Code. Prior to the issuance of a certificate of occupancy for any building or structure, all screening shall be in place in accordance with the requirements herein with the exception of vegetative screening which shall be allowed 12 months to mature and comply.
 - (e) For all the requirements of this section, alternative design options and materials of comparable quality, function and appearance may be approved by the zoning board of adjustments ~~if~~ if the intent of this section is not met.
- (2) *Utility equipment and structures.* Outdoor storage, dedicated loading areas, refuse or recycling storage areas, air conditioning, ventilation and heating equipment, utility boxes, solar panels, and antennas shall be placed in the rear of the property where possible and shall be completely screened from public view when viewed from the McCullough Road right-of-way. Screening may be achieved by a solid screen or wall consistent with permitted building materials, evergreen plant materials with irrigation, or landscaped earthen berm.
Illustration:



(3) *Exterior wall and roof colors.*

- a. The use of high intensity colors, metallic colors, or fluorescent colors are prohibited in excess of five percent on any exterior wall face.
- b. The following regulations apply to any exterior wall (or roof) that is wholly or partially visible from the McCullough Road right-of-way. For the purposes of this subsection, the primary wall finish color shall refer to the color applied to ten percent or more of a building elevation.
 - i. *Allowable primary wall finish colors:*
 1. When painted, exterior surfaces (including roofs) may only be painted in muted colors (including shades of white) compatible with the historical character of Olmos Park.



2. Approved Olmos Park color palette.
3. The colors included in the Olmos Park approved color palette as kept at Olmos Park City Hall from the Sherwin Williams color-palette, or their match in other paint company palettes.

Secs. 40-143—40-159. Reserved.

ARTICLE VI. SPECIAL USE PERMITS

Sec. 40-160. Definition and purpose.

- (a) In addition to the uses specifically permitted in this district, certain uses may be allowed by the granting of a special use permit (SUP). A special use permit authorizes the use of land in a zoning district for the purpose not otherwise allowed by right in that district. Special use permits may be granted to allow compatible and orderly uses that are suitable only in certain locations and under certain conditions.
- (b) A special use permit is a zoning action to consider granting an particular use to a specific piece of property but not to change the underlying zoning of the land. A special use permit is subject to the same procedures for an amendment and change in zoning as specified in state law and city ordinances.

- (c) Every special use permit granted as provided herein shall be considered a change to the zoning applicable only to the property to which granted.
- (d) The city council may authorize the development of uses not otherwise permitted in the zoning district where the property in question is located, subject to this article.
- (e) A special use permit is a land use entitlement granted to a specific property or location. It may be transferred from owner to owner as long as the special use permit remains in compliance and is not expired.

Sec. 40-161. Application.

- (a) *Content of application and concept plan.* An application for a special use permit shall be filed with the city manager. The application shall be accompanied by a concept plan drawn to scale showing:
 - (1) The arrangement of the proposed uses;
 - (2) Location of off-street parking facilities to include dimensions, number of spaces, arrangement, landscaping, and finish materials;
 - (3) Location of all buildings, improvements, fences, signs, and dumpsters;
 - (4) Means of ingress and egress to public streets and adjacent properties;
 - (5) Visual screening;
 - (6) The location and area of coverage of all outside lighting, including spill-over onto adjacent public and private properties;
 - (7) Drainage and any modifications to existing drainage characteristics, existing and proposed surface water entry and discharge locations, and any detention or retention facilities;
 - (8) Uses to be permitted;
 - (9) Setbacks from lot lines; and
 - (10) Any other information requested by city staff, the zoning commission, or the city council.
- (b) *Action by city manager.* The city manager shall file the application and provide a staff report on the application to the zoning commission.

Sec. 40-162. Action on application.

- (a) *Adverse impact.* The zoning commission shall recommend denial of a special use permit and the city council shall deny any special use permit as submitted and pending before it, unless it finds the proposed use will not adversely affect traffic, public health, public utilities, public safety, and the general welfare.
- (b) *Incompatibility.* The zoning commission shall recommend denial and the city council shall deny a special use permit application if it finds:
 - (1) The proposed use, alone or in conjunction with existing uses, results in a change of the character of use, or in the level of density or intensity of use, not compatible with the adjacent property; or
 - (2) Would contribute to the loss, deterioration, destruction, or degradation of existing neighborhood integrity.
- (c) *Council discretion.* The city council has the discretion to approve, approve with conditions, or deny any application for a special use permit.

Sec. 40-163. Conditions.

Conditions imposed by the city council at the time of approving a special use permit shall be stated in the special use permit. If an Applicant does not withdraw their special use permit request prior to City Council

approval, that shall constitute evidence of the applicant's willingness to accept and agree to be bound by and comply with the ordinance adopting the special use permit, and all supporting documentation including business and operational plans, floor plans, required improvements and conditions of approval and the minimum requirements of the zoning district in which the property is located.

Sec. 40-164. Time limit.

- (a) Unless otherwise specified by ordinance adopted by the City Council, any special use permit will expire under the following scenarios:
 - (1) If a building permit or certificate of occupancy is required but not obtained within one year from the grant of a special use permit by the city council; or
 - (2) After six (6) months of continuous disuse or vacancy of the building or property associated with the special use permit.

Sec. 40-165. Conditions precedent to occupancy.

The city council may impose conditions on any special use permit. All conditions imposed in a special use permit that can be satisfied before initial occupancy shall be satisfied before a certificate of occupancy is issued by the city for the use of the premises included in the special use permit. Such conditions as are articulated in writing at the time the special use permit is granted shall not be construed as conditions precedent of the grant of the special use permit, but shall be construed as conditions precedent of the issuance of a certificate of occupancy. Any special use permit issued by the city without the written specification of the conditions upon which it was granted shall be revocable by the city council unless the special use permit was specifically granted with no conditions.

Sec. 40-166. Note on map.

The final action taken by the city council shall be noted, as soon as practicable, on the official zoning map, and on any other administrative copies, as to the location of the property and the type of use permitted by each special use permit granted.

Secs. 40-167—40-187. Reserved.

ARTICLE VII. NONCONFORMING USES

Sec. 40-188. Land Use.

The lawful use of the land existing at the time of the passage of the ordinance from which this article is derived, although such use does not conform to the provisions herein, may be continued, but if such nonconforming use is discontinued for longer than six (6) months it will be considered permanently abandoned and any future use of said premises shall be in conformity with the provisions of this Code.

Sec. 40-189. Buildings and Structures Use.

The lawful use of any building or structure existing at the time of the passage of the ordinance from which this article is derived may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building or structure with approval of a special exception granted by the Zoning Board of Adjustment, provided no structural alterations except those required by law or ordinance, are made therein. ~~If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.~~

Commented [AM14]: State Law Change Accepted - longer than 6 months permanently abandoned.

Sec. 40-190. Conditions of operation.

The right of nonconforming uses to continue shall be subject to such regulations regarding maintenance of the premises and conditions of operation, as ~~deemed reasonably necessary by~~ may in the judgment of the zoning board of adjustment ~~be reasonably required~~ for the protection of adjacent property.

Sec. 40-191. Partial destruction of building.

Nothing in this article shall be taken to prevent the restoration of a building destroyed to the extent of not more than ~~fifty (50)~~ percent of its reasonable value, by fire, explosion or other casualty, or act of God, or a public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. The building may be restored to its former condition and use; provided that such restoration is permitted by the Building Code and is started within eighteen (18) months of the damage and is completed within one (1) year from the start of construction.

Secs. 40-192—40-220. Reserved.

ARTICLE VIII. ZONING BOARD OF ADJUSTMENT

Commented [AM15]: Procedural Changes Accepted

Sec. 40-221. Membership, terms, and removal.

- (1) There shall be a zoning board of adjustment consisting of five members and two (2) alternate members appointed by the mayor and confirmed by the city council, each member appointed for a term of two (2) years. The members shall hold office and the zoning board of adjustment shall be governed and controlled by the provisions of state law.
- (2) The Board will elect a Chairperson and Vice-Chairperson from among its membership, with each officer holding office for one (1) year or until replaced by simple majority vote.
- (3) An alternate member may serve in the absence of one or more regular members when requested to do so by the City Secretary.
- (4) City Council may remove a member for cause found on a written charge after a public hearing. Vacancies should be filled by approval of the City Council for the unexpired term.

Sec. 40-222. Powers.

- (1) The board shall have the authority, granted under the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
 - a. *Hear and decide appeals.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
 - b. *Hear and decide zoning special exceptions.* To hear and decide special exceptions to the terms of this chapter upon which the board is required to pass herein.
 - c. *Grant zoning variances.* To authorize, upon appeals and specific cases, variances from the terms of this chapter as will not be contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done .
- (2) Any combination of four (4) regular and alternate members of the Board constitutes a quorum and the concurring vote of a quorum of members is necessary to:
 - a. Reverse an order, requirement, decision or determination of an administrative official;

- b. Decide in favor of an applicant on a matter that the board is required to consider under the zoning ordinance;
- c. Authorize a variance or special exception from the zoning ordinance.

Sec. 40-223. Conduct of meetings.

- (1) The Board holds meetings at the call of the Chairperson or City Secretary.
- (2) The Chairperson or acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board are open to the public.
- (3) Board meetings are conducted according to Texas Government Code Ch. 551.
- (4) The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed in the office of the City Secretary and shall be a public record.

Sec. 40-224. Variances.

- (1) The purpose of a variance is to vary from zoning standards made applicable to a use authorized under the zoning ordinance. A variance application shall not be used as a means of amending the text of the City's zoning regulations, of changing a zoning district classification of the property for which the variance is sought, or of granting a use otherwise not permitted in a district. A variance application cannot be used as a means to contest the applicability of a standard to a development application, an exemption determination, or a decision on a development application.
- (2) Criteria for granting a variance
 - a. No variance shall be granted unless the Board finds:
 - i. There are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of the zoning ordinance would deprive the applicant of the reasonable use of the land;
 - ii. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - iii. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
 - iv. The granting of the variance constitutes a minimal departure from the zoning ordinance;
 - v. The subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and
 - vi. Granting the variance is in harmony with the spirit, general purpose, and intent of the zoning ordinance so that:
 - 1. The public health, safety and welfare may be secured; and
 - 2. That substantial justice may be done.
 - b. Such findings of the Board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such variance is granted.

- c. When exercising the authority described in the above subsection, the zoning board of adjustment may, but is not required to, consider any of the following as possible grounds in determining whether a requested variance is necessary to avoid an unnecessary hardship:
 - i. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under V.T.C.A. Tax Code § 26.01;
 - ii. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - iii. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - iv. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - v. The municipality considers the structure to be a nonconforming structure.

Sec. 40-225. Special exceptions.

- (1) The purpose of a special exception shall be to authorize a modification of zoning standards applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning ordinance and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.
- (2) When, in its judgment, the public convenience and welfare will not be substantially or permanently injured, the Board of Adjustment may, in specific cases and subject to appropriate conditions and safeguards, authorize special exceptions to the regulations, but only where the code explicitly provides for the granting of a special exception.

Sec. 40-226. Appeals to the Zoning Board of Adjustment.

- (1) A decision or interpretation by an administrative official in the enforcement of this ordinance may be appealed to the Board of Adjustment by any of the following persons that is not related to a specific application, address, or project:
 - a. A person aggrieved by the decision; or
 - b. Any officer, department, board, or bureau of the municipality affected by the decision.
- (2) A decision or interpretation by an administrative official in the enforcement of this ordinance may be appealed to the Board of Adjustment by any of the following persons that is related to a specific application, address, or project:
 - a. A person who filed the application that is the subject of the decision;
 - b. A person who is the owner or representative of the owner of the property that is the subject of the decision; or
 - c. Any person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
 - d. Any officer, department, or board of the city affected by the decision.
- (3) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed not later than the 20th day after the date the decision is made. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

- (4) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- (5) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide on the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

Sec. 40-227. Public notice of hearings.

Public notice of hearings before the zoning board of adjustment shall be given for each separate appeal or variance thereto by publication in a newspaper of general circulation in the city, stating the time and place of such hearing, which shall not be earlier than ten days from the first date of publication, and in addition thereto, the zoning board of adjustment shall mail notices of such hearing to the petitioner and to the owners of property lying within 200 feet of any point of the lot or portion thereof on which a variation is desired.. Such owners and persons shall be determined according to the current tax rolls of the city. The published notice and the mailed notice may contain notice of a hearing on more than one matter.

Sec. 40-228-40-244. Reserved.

ARTICLE IX. PLANNING AND ZONING COMMISSION

Sec. 40-245. Creation and purpose.

A planning and zoning commission is hereby created in order to accomplish the following purposes:

- (1) To identify community needs and to advise the city council of their short-range and long-range implications to the total development of the city;
- (2) To recommend achievable community goals as a basis for long-range planning and development programs;
- (3) To recommend plans, programs, and policies that will aid the entire community in achieving its defined goals; and
- (4) To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

Sec. 40-246. Membership and appointment.

- (a) *Composition.* The planning and zoning commission shall be composed of seven qualified electors of the city. The city council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent of the city council that members shall, by reason of the diversity of their individual occupations, constitute a commission which is broadly representative of the community.
- (b) *Term of office.* The terms of four of the members shall expire on December 31 of each odd-numbered year and the terms of three of the members shall expire on December 31 of each even-numbered year. The members of the commission shall be identified by place numbers one through seven. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Commission members may be appointed to succeed themselves. Vacancies shall be filled for expired

terms, but no member shall be appointed for a term in excess of two years. Newly appointed members shall be installed at the first regular commission meeting after their appointment.

- (c) *Organization.* The commission shall hold an organizational meeting at the first meeting of each year and shall elect a chairperson and vice-chairperson from among its members, before proceeding to other matters of business. The commission shall elect a secretary and other officers as it deems necessary either from its membership or from staff representatives assigned by the chief executive of the city to work with the commission. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this chapter and the requirements of law.
- (d) *Alternate member.* The city council may appoint one alternate commissioner being a qualified elector of the city who shall serve in the absence of one or more of the regular commissioners. This alternate commissioner, when appointed, shall serve for the same period as the regular commissioners, which is for a term of two years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members, and shall expire on December 31 of each even-numbered year. An alternate may, but is not required to, attend meetings of the commission. During an open meeting at which a quorum is present, an alternate commissioner may participate in discussion but may not cast a vote unless another commissioner is absent. When a regular commissioner will be absent from a meeting for any reason, the alternate commissioner shall be notified so that they may participate in the meeting in place of the absent commissioner.

Sec. 40-247. Duties and powers.

The planning and zoning commission is hereby charged with the duty and vested with the authority to:

- (1) *Inspect property.* Inspect property and premises at reasonable hours when required in the discharge of its responsibilities under the laws of the state and of the city.
- (2) *City planning.* Formulate and recommend to the city council for its adoption a city plan for the orderly growth and development of the city and its environs, and from time-to-time recommend such changes in the plan as it finds will facilitate the movement of people and goods and the health, recreation, safety, and general welfare of the citizens of the city.
- (3) *Zoning plan.* Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation amendment, and implementation of zoning regulations and districts as provided in state law, authorizing cities and incorporated villages to pass regulations; and powers granted under said act are specifically adopted and made a part hereof.
- (4) *Review power.* Exercise all the powers of a commission as to review of plans, plats, or replats and vacations of plans, plats or replats set out in state law and make recommendations to the city council regarding disposition of same.
- (5) *Public ways.* Study and make recommendations on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of same.
- (6) *Public structures.* Study and make recommendations on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances. Study and make recommendations on the design, alteration, location or relocation of works of art which are, or may become, the property of the city.
- (7) *Initial proposals.* Initiate, in the name of the city, for consideration at public hearings all proposals:
 - a. For the opening, vacating, or closing of public right-of-way, parks or other public places;
 - b. For the original zoning of annexed areas; and
 - c. For the change of zoning district boundaries on an area-wide basis.

No fee shall be required for the filing of any such proposal in the name of the city.

- (8) *Utilities and facilities.* Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities and services owned or under the control of the city.
- (9) *Current developments.* Keep itself informed with reference to the progress of city planning in the United States and other countries and recommend improvements in the adopted plans of the city.
- (10) *Progress report.* Submit each year, a progress report to the city council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain the attendance record of all members and the identity of commission officers for the year.

Sec. 40-248. Conduct of business.

- (a) *Meeting and quorum.* A quorum for the conduct of business shall consist of four members of the commission. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.
- (b) *Commission actions.* A motion may be made by any member other than the presiding officer. A motion to approve any matter before the commission or to recommend approval of any request requiring council action shall require four favorable votes of the members present. When fewer than all the members are present for the voting and when all motions to recommend on a given application fail to carry by four votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present; provided further, that no request or application shall be continued under this rule beyond the next regular meeting. Failure of the commission to secure four concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.
- (c) *Disqualification from voting.*
 - (1) A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or that he will be directly affected by the decision of the commission.
 - (2) A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing.

Secs. 40-249—40-258. Reserved.

ARTICLE X. LANDSCAPE REQUIREMENTS

Commented [AM16]: Procedural Changes Accepted

Sec. 40-259. Purpose.

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. Therefore, landscaping is hereafter required of new development adjacent to public streets.

Sec. 40-260. Scope and enforcement.

- (1) The landscape standards in this article apply only to local retail districts and mixed retail commercial districts.
- (2) The standards and criteria contained within this article are deemed to be minimum standards and shall apply for any new construction or for an expansion constituting more than 50 percent of the size of an existing structure.
- (3) The provisions of this article shall be administered by the City Manager.

The standards and criteria contained within this article are deemed to be minimum standards and shall apply in the event any one of the following are required: new construction building permit; accessory structure permit; addition building permit or alteration building permit requiring the seal of a registered engineer or architect; or, the issuance of a storm water pollution prevention plan (SWPPP).

Sec. 40-261. Permits.

- (1) No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the City Manager. A conceptual or generalized landscape plan shall be shown as part of the site plan as required in Article XI of this Ordinance. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
- (2) In any case in which a certificate of occupancy is sought at a season of the year in which the City Manager determines that it would be impractical to plant trees, shrubs or grass, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is provided stating when the installation shall occur. All landscape required by the landscape plan shall be installed within six months of the date of the issuance of the certificate of occupancy.

Sec. 40-262. Landscape plan.

- (1) Prior to issuance of a building, paving, grading or construction permit in the local retail districts and mixed retail commercial districts exceeding the requirements in section 40-260(2), a landscape plan shall be submitted to the planning department. The City Manager shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
- (2) Landscaping plans shall be prepared by a landscape architect, landscape contractor, and/or landscape designer, knowledgeable in plant material usage and landscape design, and shall contain the following minimum information:
 - a. Minimum scale of one inch equals 50 feet;
 - b. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
 - c. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
 - d. Species of all plant material to be used.
 - e. Size of all plant material to be used.
 - f. Spacing of plant material where appropriate.
 - g. Layout and description of irrigation, sprinkler, or water systems including placement of water sources.
 - h. Description of maintenance provision.
 - i. Person(s) responsible for the preparation of the landscape plan.
 - j. Mark indicating North.
 - k. Date of the landscape plan.

Sec. 40-263. General standards.

The following criteria and standards shall apply to landscape materials and installation:

- (1) All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants.
- (2) Plant materials shall conform to the standards of the approved plant list for the City of Olmos Park (see Appendix A for the approved tree list) and the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (3) Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature spread of crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet spread of crown. Large trees shall be a minimum of two inches in caliper (measured four and a half (4.5) feet above the ground) and seven feet in height at time of planting. Small trees shall be a minimum of one inch in caliper and five feet in height at time of planting.
- (4) Shrubs not of the dwarf variety, shall be a minimum of two feet in height when measured immediately after planting. Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded. Solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- (5) Ground covers used in lieu of grass, in whole and in part, shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- (6) Each tree designated as a heritage tree as defined in article X, tree preservation in chapter 32 of the City Code of Ordinances preserved on a site may be counted as two large trees when calculating the large tree requirement of any landscaping provision of this section.
- (7) Earthen berms shall have side slopes not to exceed 33.3 percent (three feet) of horizontal distance for each one foot of height).

Sec. 40-264. Minimum landscaping requirements for local retail districts and mixed retail commercial districts.

- (1) *Front yard.* For all local retail districts and mixed retail commercial districts with less than 100 feet of frontage adjacent to a dedicated public right-of-way at least 15 percent of the front yard shall be permanent landscape area. Local retail districts and mixed retail commercial districts having 100 feet or more of frontage shall have at least 20 percent of the front yard in permanent landscape area. Developers shall be required to plant one large tree and two shrubs per 35 linear feet or portion thereof of street frontage, and any plantings used in the interior parkway shall not be used to satisfy this requirement. Interior Parkway and parking landscaping areas may be included in the required landscape area percentage.
- (2) *Interior parkway.* This interior parkway is defined as the area of varying width located in the public right-of-way starting at the back of curb adjacent to the street and ending at the edge of the sidewalk required under section 40-112 or section 40-140 of the City Code of Ordinances. Lots fronting two major thoroughfares, such as McCullough, El Prado, and Olmos, shall be required to install the interior parkway on both street frontages. Interior parkways shall contain a minimum of one understory tree and two shrubs per 35 linear feet or portion thereof of street frontage. These required trees shall be evenly spaced throughout the length of the landscape buffer. The interior parkway shall have continuous living material cover consisting of grasses and groundcover and/or vines.
 - a. To provide a uniform aesthetic, only plants from the following list may be used in the interior parkway:
 - i. *Understory trees*
 1. Texas Redbud (*Cercis canadensis x texensis*)
 2. Thornless Retama (*Parkinsonia microphylla*)
 3. Crape Myrtle 'Osage' (*Lagerstroemia 'Osage'*)
 - ii. *Shrubs*
 1. Esperanza, Yellow Bells (*Tecoma stans var. augustata*)

2. Mexican Bush Sage (*Salvia leucantha*)
3. Dwarf Yaupon Holly (*Ilex vomitoria*)
4. Hummingbird Bush (*Anisacanthus quadifidus x wrightii*)
5. Texas sage (*Leucophyllum frutescens*)

iii. Grasses

1. Gulf Muhly (*Muhlenbergia capillaris*)
2. Lindheimer's Muhly (*Muhlenbergia lindheimeri*)
3. Pink Flamingos Muhly (*Muhlenbergia 'Pink Flamingos'*)
4. Mexican Feather Grass (*Nessella tenuissima*)

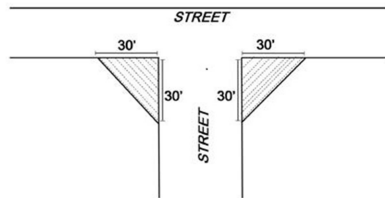
iv. Groundcovers and vines

1. Asian Jasmine (*Treche/ospermum asiaticum*)
2. 'New Gold' Lantana (*Lantana 'New Gold'*)
3. Giant Liriope (*Liriope muscari*)
4. Bougainvillea (*Bougainvillea spp.*)

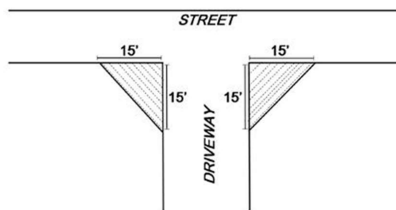
- (3) **Parking landscaping.** At least five percent of the total area of each parking lot area (parking landscaping) shall be composed of pervious landscaped islands, peninsulas, medians or planters. Perimeter landscaped areas shall not be included in the required percentage for this parking landscaping. There shall be a minimum of one medium tree and two shrubs planted in the parking area for every ten parking spaces (or fraction thereof) within parking lots with at least five spaces. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.
- (4) All existing trees which are to be preserved shall be provided with a permeable surface under the existing dripline of the tree or as required by article X, tree preservation in chapter 32 of the City Code of Ordinances. All new trees shall be provided with a permeable surface under the dripline a minimum of four feet by four feet.
- (5) A minimum of 50 percent of the total trees required for the property shall be large trees as specified on the approved plant list. Small trees or understory trees shall be used under existing or proposed overhead utility lines at a ratio of two small/understory trees per one large tree.
- (6) Necessary driveways penetrating the public right-of-way shall be permitted through all required landscaping in accordance with city regulations.

Sec. 40-265. Sight distance and visibility.

- (1) Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections or driveways. Landscaping within the sight distance triangle area shall be designed to provide unobstructed cross-visibility at a level between three and six feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area.
 - a. The areas of property located at a corner formed by the intersection of two or more public rights-of-way shall have a sight distance triangle with two sides of each triangle being a minimum of 30 feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.



- b. The areas of property on both sides of the intersection of an alley or driveway accessway and public right-of-way shall have sight distance triangle with two sides of each triangle being a minimum of 15 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.



- (2) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the building official, the requirements set forth herein may be adjusted to the extent to remove the conflict.

Sec. 40-266. Maintenance.

- (1) The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass of six inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- (2) Plant materials which die shall be replaced with plant material of similar variety and size, within 90 days. Trees with a trunk diameter in excess of four (4) inches measured four and a half (4.5) feet above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches measured four and a half (4.5) feet above the ground, or as required by article X, tree preservation in chapter 32 of the City Code of Ordinances.
- (3) A time extension may be granted by the building official if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

- (4) Failure to maintain any landscape area in compliance with this section is considered a violation of this section.

APPENDIX A: TREE LIST
LIST OF APPROVED TREES FOR PLANTING IN
THE CITY OF OLMOS PARK

Common Name	Scientific Name
Large Trees (mature height 40 feet or more)	
American Elm	<i>Ulmus American</i>
Bald Cypress	<i>Taxodium distichum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Chinese (Lacebark) Elm	<i>Ulmus parvifolia</i>
Chinquapin Oak	<i>Quercus muehlenbergii</i>
Deodar Cedar	<i>Cedrus deodara</i>
Eastern Black Walnut	<i>Juglans nigra</i>
Italian Stone Pine	<i>Pinus pinea</i>
Live Oak	<i>Quercus virginiana (fusiformis)</i>
Mexican Sycamore	<i>Platanus mexicana</i>
Monterey (Mexican white) Oak	<i>Quercus polymorpha</i>
Montezuma Cypress	<i>Taxodium mucronatum</i>
Post Oak	<i>Quercus stellata</i>
Shumard Red Oak	<i>Quercus shumardii</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Weeping Willow	<i>Salix babylonica</i>
Medium Trees (mature height 25—40 feet)	
Arizona Cypress	<i>Cupressus arizonica</i>
Bigtooth Maple	<i>Acer grandidentatum</i>
Callery Pear "Aristocrat"	<i>Pyrus calleryana cultivar 'Aristocrat'</i>
Carolina Cherry Laurel	<i>Prunus caroliniana</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Eldarica (Afghan) Pine	<i>Pinus elderica</i>
Escarpment Black Cherry	<i>Prunus serotina ssp. eximia</i>
Goldenrain Tree	<i>Koeleruteria paniculata</i>
Lacey Oak	<i>Quercus laceyi</i>
Texas (Little) Walnut	<i>Juglans microcarpa</i>
Texas (Spanish) Red Oak	<i>Quercus buckleyi</i>
Western Soapberry	<i>Sapindus drummondii</i>
Small Trees (mature height 8—25 feet)	
American Smoke Tree	<i>Cotinus obovatus</i>
Blanco Crab Apple	<i>Pyrus ioensis</i>
Carolina Buckthorn	<i>Rhamnus caroliniana</i>
Chitalpa	<i>Chilopsis x Catalpa</i>
Crape Myrtle	<i>Lagerstromia indica</i>
Desert Willow	<i>Chilopsis linearis</i>
Eve's Necklace	<i>Sophora affinis</i>
Flameleaf Sumac	<i>Rhus copallina</i>
Loquat	<i>Eriobotrya japonica</i>

Mexican Buckeye	<i>Ungnadia speciosa</i>
Mexican Plum	<i>Prunus mexicana</i>
Mountain Laurel	<i>Sophora secundiflora</i>
Possumhaw Holly	<i>Ilex decidua</i>
Rough-Leaf Dogwood	<i>Cornus drummondii</i>
Texas Madrone	<i>Arbutus xalapensis</i>
Texas Persimmon	<i>Diospyros texana</i>
Texas Pistache	<i>Pistacia texana</i>
Texas Redbud	<i>Cercis canadensis</i>
Vitex	<i>Vitex spp.</i>
Wax Myrtle	<i>Myrica cerifera</i>
Yaupon Holly	<i>Illex vomitoria</i>

Sec 40-267- 40-280 Reserved

ARTICLE XI. Site Plan Review ~~RESERVED~~

Sec 40-280. Purpose.

The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and requirements, including the requirement of this Zoning Ordinance and Subdivision Ordinance, prior to commencement of construction. The purpose of this article is to establish a process to ensure that existing ordinance requirements are met and to promote the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of landscaping, parking, screening, and lighting.

Sec 40-281. Applicability.

(1) This section outlines when new development or an expansion to an existing, developed property is required to submit a site plan for review.

- a. No permit for construction or expansion of a building or other structure shall be issued until a site plan, if required, including any required engineering or construction plans, has been submitted and approved in accordance with this Section.
- b. No certificate of occupancy, or other final approvals, shall be issued for such buildings or structures until all site improvements, as shown on the approved site plan or established in conditions of approval for the site plan, have been completed or otherwise guaranteed, as approved by the City Manager.
- c. Unless otherwise excepted herein, nothing in this section shall preclude a new development occurring on previously undeveloped property from having to comply with any applicable requirements within the Zoning Ordinance and Subdivision Ordinance, or any other City code, ordinance, or construction standard.
- d. Triggers. New construction or expansions to an existing property that meet any of the following criteria shall trigger the requirement for a site plan and all of the improvements outlined in this Section, unless otherwise specified:
 - i. Construction of a new structure;
 - ii. The conversion of a residential use or structure to a nonresidential use.
 - iii. Expansion of an existing structure or expansion in land area of a use.

- iv. Expansion of impervious cover, including but not limited to the addition of paved surfaces, rooftops, or other materials that increase the total impervious area on the property.
- v. Any other development where the City's Zoning Ordinance and Subdivision Ordinance specifically require site plan approval.
- e. Exceptions. A site plan shall not be required for single-family or two-family residential development, including associated accessory structures. However, proposed non-residential structures, such as a clubhouse, private recreation facility, gated entrance or guardhouse, etc. will require site plan review and approval for those facilities if triggered above.
- f. Required Improvements. Any development that triggers a site plan must comply with all relevant city ordinance, standards, and specifications, where required by ordinance. This includes, but is not limited to, a review of the following in a Site Plan:
 - i. Drive approaches, curb cuts, and driveway spacing
 - ii. Parking, including layout, striping, and surfacing requirements
 - iii. Curb and gutter
 - iv. Sidewalks and related pedestrian amenities
 - v. Fire code requirements, including fire hydrants
 - vi. Screening, buffering, landscaping, and tree preservation
 - vii. Designated outdoor storage and outdoor display areas
 - viii. Fencing
 - ix. Lighting
 - x. Stormwater management
 - xi. Floodplain management

Sec 40-282. Application.

A complete application, fees, and any other required information for site plan review shall be submitted to the City Manager or designee.

- (1) Area to be included on a site plan. When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed/constructed. However, any excluded area must be separately developable as a stand-alone site in the future. This provision shall not be interpreted to allow portions of a property to be excluded so as to avoid development standards, other requirements, or otherwise required improvements to the site.
- (2) Submittal and Timing. A Site Plan shall be submitted prior to a building permit application.
- (3) Submission and Contents. The purpose of site plan review is to ensure compliance with all relevant city ordinance, codes, and other requirements. To ensure the submission of adequate information, the City Manager shall maintain and distribute a checklist of specific requirements for Site Plan review applications. All applications and related contents shall be submitted consistent with these requirements. The authorized reviewer may request additional information to complete the application for review to meet the site plan requirements.

Sec 40-283. Review Criteria.

The City Manager, in consultation with relevant City staff in other City departments, shall review the Site Plan for compliance with all applicable City ordinances including the site plan's compliance with all provisions of the City's

development ordinances, including this Zoning Ordinance, Subdivision Ordinance, and other applicable City ordinances.

Sec 40-284. Review and Approval.

- (1) The City Manager or designee shall be the responsible official for reviewing Site Plan applications. The City Manager shall consult with relevant staff from City departments for review and comments on a proposed Site Plan. Based on the review from all relevant departments, the City Manager shall make the final decision on Site Plan approval.
- (2) The City Manager, or designee, based on input from relevant staff, may reject review of a Site Plan until adequate information for its review is provided by the applicant. Resubmission of a Site Plan, in this instance, shall not require an additional application fee.
- (3) Upon completing the review of a Site Plan, the City Manager, or designee, may take one of the following actions:
 - a. If the Site Plan contains errors or requires corrections, notify the applicant of the deficiencies and provide instructions for resubmitting corrected plans.
 - b. If the application meets all requirements, the City Manager may approve the Site Plan. If it does not meet requirements, the City Manager may deny the Site Plan or approve it with conditions to ensure compliance.
 - c. The City Manager may, for any reason, elect to present the Site Plan for action to the Planning and Zoning Commission.
- (4) If a site plan requires a variance from the Zoning Board of Adjustment, an applicant is required to obtain approval for the variance before an application for a Site Plan can be approved by the City Manager.
- (5) The City Manager, or designee, may approve issuance of permits following conditional Site Plan approval when it is deemed that the required corrections to the Site Plan are minor in nature. However, no Certificate of Occupancy shall be issued until an amended site plan meeting all conditions has been submitted and approved.
- (6) Prior to the issuance of a Certificate of Occupancy the City Manager, or designee, shall inspect the site to ensure compliance with the Site Plan and any conditions imposed with the approval.

Sec 40-285. Revisions to an approved Site Plan.

- (1) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. Such minor modifications shall be shown on an "amended Site Plan." For a revision/amendment to be considered minor, the changes shall meet the following criteria:
 - a. Adjustments are no more than ten percent (10%) or fifty (50) feet in any direction, whichever is less, to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, ponds, or any other improvements depicted on the Site Plan.
 - b. Adjustments are no more than five percent (5%) to the building square footage of any individual building to be constructed within the area of the Site Plan.
 - c. Adjustments are no more than five percent (5%) to the number of required parking spaces within the area of the Site Plan.
 - d. Adjusts flat work such as curbs, sidewalks, streets, decks, parking areas, and other paved areas if there is no net increase in impervious coverage within the area of the Site Plan.
 - e. Revisions may not authorize changes that would result in a violation of any building code or city ordinance.

- (2) Major Revisions/Amendments: In the event of revisions that do not constitute minor revisions as set out in section 40-285(1), a new Site Plan application must be submitted, reviewed, and approved.

Sec 40-286. Expiration.

- (1) An approved Site Plan shall be valid for a period of two (2) years. An application for a building permit for the site, consistent with the site plan, will extend the validity of the site plan for 18 months from the date of the approved permit.

Sec 40-287. Compliance & Responsibilities.

- (1) Duties and Responsible Parties.

- a. It shall be incumbent upon the Building Official, or designees, to make all inspections and certifications necessary to ensure that a structure is built in accordance with the approved Site Plan.
- b. In the event that the Building Official, or designees, finds that a condition or modification of the approved Site Plan or a provision of City Codes and Ordinances has not been met, they may issue a stop work order.
 - ii. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume.
 - ii. In the event that the structure has been completed, a Certificate of Occupancy shall not be issued by the Building Official until the conditions of the Site Plan or City Codes and Ordinances, as applicable, have been substantially fulfilled.
 - iii. All action required in order to bring a structure into compliance with the approved Site Plan shall be the responsibility of the property owner.
- c. Following issuance of the Certificate of Occupancy, it shall be the continuing duty of the owner and occupant of the site, or their successors in interest, to maintain compliance with the approved Site Plan and amendments thereto. Failure to maintain compliance shall constitute a violation of this Zoning Ordinance and may result in revocation of the Certificate of Occupancy.
- d. Site may not become less conforming. Any site that is not subject to an approved site plan, or is governed by a pre-existing site plan that does not conform to the current standards of this Chapter, must maintain compliance with the standards within this Chapter to the extent that the site currently complies with those standards.