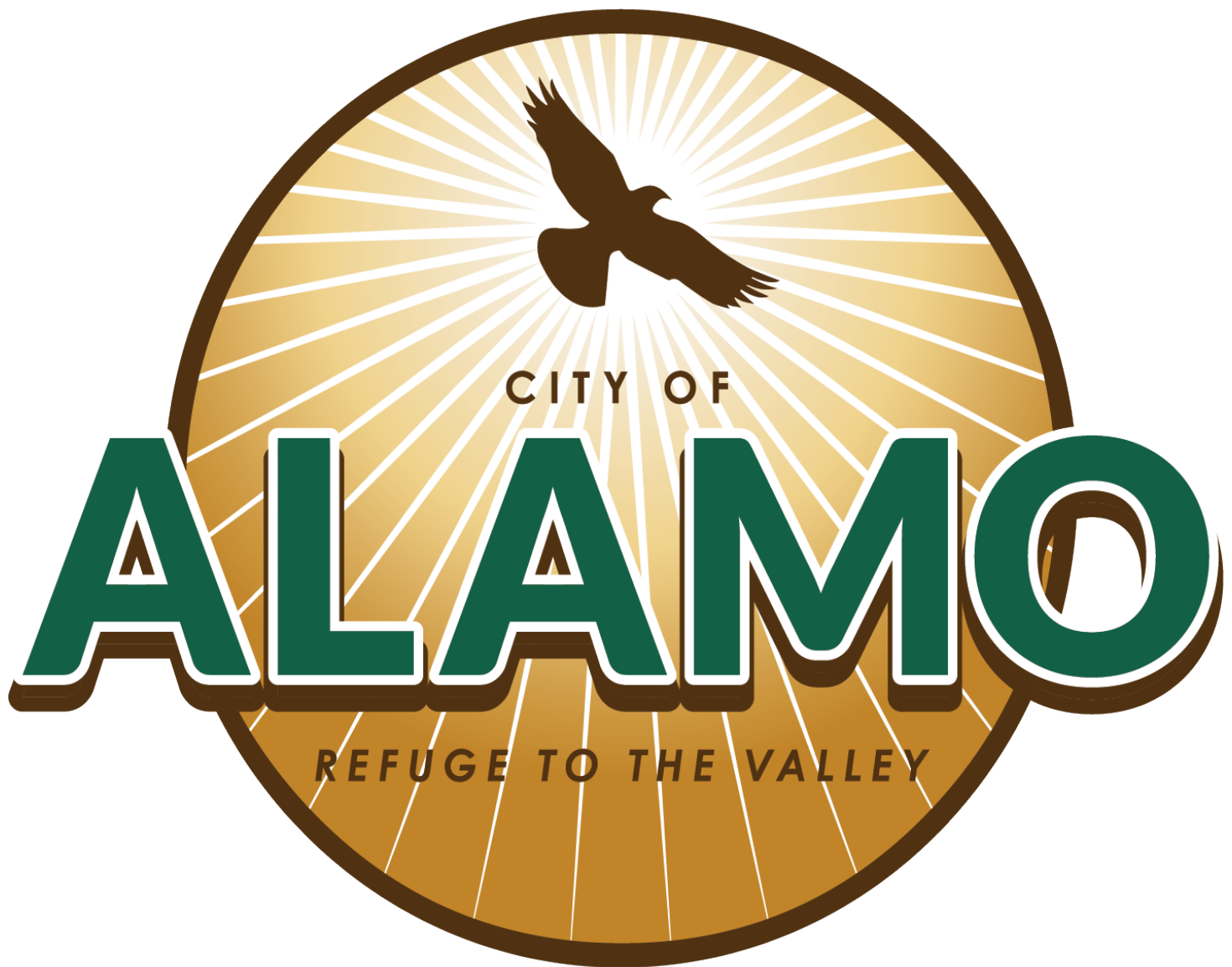


# **TITLE 10**

# **ZONING REGULATIONS**



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# CHAPTER 1

## ZONING PURPOSE AND INTERPRETATION

### SECTION:

10-1-1: Title

10-1-2: Purpose

10-1-3: Interpretation

10-1-4: Future Land Use Map

### 10-1-1: TITLE:

This Title shall be known and may be cited as the ZONING TITLE OF THE CITY. (Ord. 95-04-04, 4-4-1995)

### 10-1-2: PURPOSE:

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 City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid concentration of population; to facilitate the adequate provision 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 peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City. (Ord. 95-04-04, 4-4-1995)

### 10-1-3: INTERPRETATION:

In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements of the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Title to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Title or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Title, nor is it intended by this Title to interfere with, abrogate or annul any easements, covenants or other agreements between parties except, that if this Title imposes a greater restitution, this Title shall control. (Ord. 95-04-04, 4-4-1995)

### 10-1-4: FUTURE LAND USE MAP:

A. Through the public hearing and advisory board process, the City of Alamo has legislatively approved the Future Land Use Map (FLUM) in its efforts to collectively discern and determine the short and long

range land use vision of its jurisdictional properties. It is intended to alert the general public, current and prospective property owners, business owners, developers, engineers, land use consultants, and other economic development agents of what the general development patterns are, or will be, for Alamo properties. The FLUM is universally recognized as a vital mechanism in Alamo's desired direction of planned development. It is also declared that the land use designations are broad land use parameters that may not necessarily coincide with a property's zoning district. It is expected that, heretofore, the FLUM will be intermittently updated no more than every five (5) years from date of last approval. The updating process will always activate the public hearing process.

B. The FLUM reflects acronyms to depict land use designations. These acronyms are shown below, though others may be added hereafter with officially recognizing any new designations during the five (5) year updating cycle through adoption of an amending ordinance:

- LD Low Density Residential; typical single-family residential uses
- MD Moderate Density Residential; typically duplexes and fourplexes; also townhomes, and some mobile home developments
- HD High Density Residential; apartments
- GC General Commercial; retail; general and personal businesses
- HC Heavy Commercial; heavy equipment sales; usually requires large outdoor storage areas; usually fronts railroads and major thoroughfares
- I Industrial; manufacturing and industrial uses; personnel uses shifts; also inclined to be next to railroads and major thoroughfares
- P Public; city/county/state properties; public parks; schools; religious institutions
- NC Neighborhood Commercial; convenience stores; commercial suites serving surrounding residential region

C. Should there be any existing regulation, measure, restriction, or other regulatory criteria that may be in conflict with the terms legislated herein, then the provisions of this section shall govern, and will supersede all conflicting regulation(s).

D. As it relates to this section, should there be any regulation, section, measure, restriction, or other regulatory criteria that may be deemed unconstitutional by a court of competent jurisdiction, then all remaining provisions shall remain in full force and effect, and shall not impair its validity to be uniformly enforced thereby. (Ord. 17-04-21, - -2021)

# CHAPTER 2

## ZONING RULES AND DEFINITIONS

### SECTION:

10-2-1: Word Construction

10-2-2: Definitions

### 10-2-1: WORD CONSTRUCTION:

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "building" shall include the word "structure"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not merely permissive or directory. (Ord. 95-04-04, 4-4-1995)

### 10-2-2: DEFINITIONS:

For the purposes of this Title, certain terms and words are hereby defined as follows:

**ACCESSORY BUILDING AND USE:** A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

**ALLEY:** A public or private thoroughfare which typically affords only a secondary means of access to property abutting thereon.

**APARTMENT:** A room or suite of rooms in a multiple dwelling or in a building in which more than one living unit is established above or on the same floor as a residence by one family and which includes culinary accommodations.

**APARTMENT HOUSE:** A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking in said building, including apartments and hotels.

**BED AND BREAKFAST FACILITY:** An owner-occupied private home which offers lodging for paying guests, and which serves meals only to those guests. One paved off-street parking space per available room shall be required.

**BOARDING HOUSE:** A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons but not exceeding twenty (20) persons.

**BUILDING:** Any structure built on the property designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

**CLINIC:** Any office or group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured.

**COMMERCIAL CORRIDOR - RESTRICTED USE:** The properties having front and/or corner street frontage to commercial corridors of the City of Alamo, Texas; said corridors are the following major streets and thoroughfares: Interstate 2 (U.S. Expressway 83), SH 495, U.S. Business High 83, Alamo Road (F.M. 907), Tower Road, Cesar Chavez Road. It is prohibited to have any car wash operation (of any varying level), or any mobile food vendor/mobile food court, a Smoke, Tobacco, Vaping or Similar Product-Type Store or Shop, or even a retail 'Dollar' type store along the commercial corridor as described herein' however, any such businesses that may currently exist may continue to do so but shall not be permitted to expand or be replaced. Furthermore, this restriction may not apply to temporary mobile food vendors that are part of civic or charitable event(s).

**CONDOMINIUM:** A single dwelling unit within the structural boundaries of a larger building that has adjoining similar dwelling units; where said units may be conveyed fee simple title to different individual parties, with an individual interest in the building's common elements, to include but not be limited to, the property upon which said structure is built on, off-street parking spaces, stairways, elevators, recreational amenities and other such common areas. Such a condominium regime is a private entity, and will have private covenants, conditions and restrictions (CCRs) recorded in the County's deed records.

**DISTRICT:** A section or sections of the City of Alamo, Texas, for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

**DWELLING:** Any building or portion thereof which is designed and used exclusively for residential purposes.

**DWELLING, MULTIPLE:** A building having accommodations for and occupied by more than two (2) families and living independently of each other.

**DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one family.

**DWELLING, TWO-FAMILY OR DUPLEX:** A building having accommodations for and occupied by two (2) families and living independently of each other.

**FAMILY:** One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a "boarding house", "lodging house" or "hotel" as herein defined.

**FILLING STATION OR SERVICE STATION:** Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils. When the dispensing, selling or offering for sale is incidental to the conduct of a public garage or retail store.

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

**GARAGE, PRIVATE:** An accessory building or portion of the main used building, designated for or used for the housing of motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one of the vehicles may be a commercial vehicle and of not more than two (2) tons' capacity.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor driven vehicles.

**HOME OCCUPATION:** A non-residential/commercial use, whereby a resident member of the immediate family conducts the approved activity, and that must meet the controlling and monitoring provisions of Title 10, Chapter 19 - Conditional Use Permits, 10-13-8 (A) (1) (a thru j).

**HOTEL:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a "boarding house", a "lodging house" or an "apartment" which are herein defined.

**LODGING HOUSE:** A building or place where lodging is provided (or which is equipped to provide lodging regularly) by prearrangement for definite periods for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this title and having its principal frontage upon a street or upon an officially approved place.

**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection.

**LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.

**NONCONFORMING USE:** Any building or land lawfully occupied by a use, at the effective date hereof or amendment hereto, which does not conform with the use regulations of the district in which it is situated.

**OPEN CARPORT:** a structure that typically shelters one or more vehicles, that may or may not be attached to an existing building.

**PARKING SPACE:** An area enclosed or unenclosed containing not less than one hundred eighty (180) square feet inclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

**PERSONAL WIRELESS SERVICE FACILITY:** A structure for the provision of personal wireless services, excluding ham radios, such as antennas, towers, poles and equipment buildings.

**SMOKE, TOBACCO, VAPING OR SIMILAR PRODUCT-TYPE STORE OR SHOP:** Typically, a retail store specializing in products for smoking, vaping, ingesting or inhaling similar products such as cigarettes, cigars, e-cigarettes, e-liquids, pipes, hookahs, and other related accessories. Also, should there be a product or device not identified above that, through smoking, inhaling, ingesting or a similar act, results in a 'high' sensation, then such shall also be covered under this definition. It is further declared that, in addition to the commercial corridor regulations, a 'Smoke, Tobacco, Vaping or Similar Product-Type Store or Shop' shall not be permitted within one-thousand feet (1000') of any pre-K, elementary and/or high school grade levels, whether such institutions are public or private; the distance shall be measured from the nearest points between the two properties boundaries. It is noted that should there be such a 'Smoke, Tobacco, Vaping or Similar Product-Type Store or Shop' that currently exists at the time of this ordinance's adoptive date (December 2025), then such shall be a legal non-conformity (grandfathered); but such store/shop shall not be permitted to enlarge its square footage in any capacity.

**STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it.

**STREET:** A public thoroughfare which affords the principal means of access to abutting property.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, posterboards and pergolas.

**STRUCTURE ALTERATIONS:** Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or the exterior walls.

**TOURIST CAMP (AUTO COURTS, MOTELS OR MOTOR LODGES):** A group of attached, semidetached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garages attached for parking space conveniently located to each unit and offering the public daily, as well as other longer term, rental rates and maintaining a register of guests and/or their vehicles.

**TOWNHOUSE:** A single-family dwelling unit constructed in a series, or a group of units having common (fire-rated) walls, but each unit to be on a distinct and separately recorded 'Lot'; thus, the dwelling unit and real property can be separately conveyed fee simple title to different parties.

**TOWNHOUSE CONDOMINIUM:** A single dwelling unit, meeting the townhouse construction requirements within which designated dwelling units are separately conveyed fee simple title to different parties, with an individual interest in a buildings' common areas, off-street parking spaces, and/or the land upon which the building is constructed on.

**TRAILER:** Any structure used for living, sleeping, business or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car. For the purposes of this title, a trailer is not a single-family dwelling.

**TRAILER OR MOBILE HOME CAMP, TRAILER COACH OR MOBILE HOME PARK 1 :** A lot or tract of land where facilities and accommodations are provided by the day, week, month or for a longer period of time for or without compensation for one or more trailers when such trailers or mobile homes are being used for human habitation.

**VENDORS MARKET:** A CUP-approved location that may be used as a recurring event whereby vendors may sell only fresh food items to the general public. A bona fide vendors market will not include non-food items that may be seen as a 'flea market' effect.

**YARD:** An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum distance between the lot line and the main building shall be used.

**YARD, FRONT:** A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies or open porch.

**YARD, REAR:** A yard extending across the rear of a lot, measured between the side of a lot's lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yards generally shall be considered as parallel to the street upon which the lot has its least dimension.

**YARD, SIDE:** A yard between the main building and the side line of the lot and extending from the front lot line to the rear yard line.

(Ord. 95-04-04, 4-4-1995; amd. Ord. 5-16-00, 5-16-2000; Ord. 04-01-21, 1-19-2021; Ord. 22-04-23, 4-4-2023; Ord. 63-11-2023, 11-6-2023; Ord. 73-1-24, 1-2-2024; Ord. 155-12-24, 12-17-2024)

#### Notes

- [1](#) 1. See also title 9, chapter 5 of this code.

# CHAPTER 3

## GENERAL ZONING PROVISIONS

### SECTION:

10-3-1: Height Regulations

10-3-2: Area And Density Regulations

10-3-3: Yard Space

10-3-4: Annexed Territory

10-3-4-1: De-Annexation Process

10-3-5: General Conformance To Provisions

10-3-6: Vehicle Parking

Notes

- <sup>1</sup> 1. See also section 5-9-2 of this Code for location of sexually oriented businesses.

### 10-3-1: HEIGHT REGULATIONS:

A. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, flour mills, monuments, stacks or scenery lofts, tanks, water towers, ornamental towers and spired church steeples, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City; provided, that in the absence of any such ordinance there shall be no height limitation of these structures. (Ord. 95-04-04, 4-4-1995)

### 10-3-2: AREA AND DENSITY REGULATIONS:

**A. Single Use Of Required Yard Space:** No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building.

**B. Sky Space:** Every part of a required yard shall be open to the sky and unobstructed by buildings, except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt courses, cornices and other ornamental features which may project into such yards a distance of not more than two feet (2'). Furthermore, regarding residential buildings and residential accessory structures, it is declared that a maximum of a two-foot (2') roof overhang shall exist when such structure(s) are five feet (5') to the side property's boundary (as it adjoins other private properties). The intended effect is that a roof overhang's furthest edge shall not be less than three feet (3') to any other private property. A longer roof overhang may be permitted if structurally sound, and if its' furthest edge is further than the minimum three feet (3') to the adjoining property. Finally, any previous action by the City that may have been applied in the past to this effect is hereby retroactively approved, and thus moot.



**C. Porches And Platforms:** Open, unenclosed porches, platforms or landing places not covered by a roof or canopy may extend or project into front yards.

**D. Vision Clearance:** On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure or any plant growth shall be permitted or maintained higher than two feet (2') above the curb level within fifteen feet (15') of the property lines.

**E. Minimum Square Footage:** The minimum living area square footage per single family residence shall be no less than eight hundred (800) square feet excluding carports, garages, and porches. (Ord. 95-04-04, 4-4-1995; amd. Ord. 10-03-17, 3-21-2017; Ord. 63-09-22, 9-6-2022)

### 10-3-3: YARD SPACE:

#### A. Front Yard:

The minimum depth of the front yard is as provided under each district, however, where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have not observed a front yard as hereinabove described the front yard shall be the average size of the front yards of such lots.

#### B. Side Yards:

1. The minimum width of a side yard of a corner lot in the R-1, R-2, and **CID** Districts shall be not less than ten feet (10') facing a side street.

2. A side yard shall be provided of not less than ten feet (10') upon a lot in the C District that abuts upon an R-1 or R-2 District.

3. A garage detached or attached to the main use building entering on the side street of a corner lot shall maintain a side yard of twenty feet (20') in front of the garage. A golf cart garage door shall not be less than fifteen feet (15') to the corner side property line; a 'Golf Cart Garage' is defined as an enclosed dedicated space specifically for storing a golf cart; whereby the general size of such could approximately be 8' x 15'.

#### C. Rear Yard:

In the R-1 or R-2 Districts, accessory buildings may be placed five feet (5') from the rear property line, if there are no rear easements. If there are rear easements, the Planning Department may authorize placement of an accessory structure if:

1. There are no existing utilities within the area the accessory structure is to be placed; and
2. The accessory structure is not placed on a permanent cement foundation; and
3. The owner of the property signs and records a hold harmless agreement with the Hidalgo County Clerk's Office.

4. A garage structure, whether new or remodeled, with a garage door facing the alley, alley easement, or rear access way, shall have a minimum rear garage door setback of twenty feet (20') to magnify through traffic maneuverability within said travel lane(s).

In R-1 and R-2 Districts, no accessory building shall be more than one (1) story in height.

(Ord. 95-04-04, 4-4-1995; amd. Ord. 10-03-17, 3-21-2017; Ord. 35-06-22, 6-7-2022; Ord. 36-07-23, 7-11-2023; Ord. 78-2-24, 2-6-2024; Ord. 159-02-25, 2-24-2025)

## D. Open Carports

Open Carports, where permitted, may assimilate within the typical building setbacks applicable under the specified zoning district's Area Regulations. Such a structure may or may not be attached to an existing building and is subject to the following regulations:

- A. **Enclosure Restrictions.** Unless the open carport complies with the applicable residential zoning districts' building setbacks, then all other open carports built within the building setbacks shall be perpetually 'open', un-enclosed, and shall, if possible, have an instrument recorded in the County of Hidalgo's deed records encumbering such perpetual openness. An open carport built without a permit (with no inspections made as to its footing, etc.) should have an Indemnification Agreement signed/recorded in the County of Hidalgo's real estate records if compliant to the terms of these policies.
- B. **Regulations for Newer Subdivisions.** In a subdivision that is no older than twenty (20) years from the date of a carport being proposed within the setbacks and said subdivision has less than 50% of its lots built-out and residentially occupied, then the desired open carport shall follow the typical variance request public hearing process. However, once the subdivision that is less than 20 years old has a built-out occupancy of 50%+, then all subsequent and applicable open carport requests may follow the protocol of subsection ( C ) below.
- C. **Regulations for Older Subdivisions.** For subdivisions older than 20 years where infringement is proposed, an open carport building permit will be subject to the following regulations:
  - 1. **Residential Use.** Lots shall be residentially zoned or residentially used.
  - 2. **Front Setback.** The front yard building setback for open carports shall be no less than 5'.
  - 3. **Side Setbacks.** The side yard building setback shall be, or substantially comply with, the minimum 5' side yard building setback.
    - i. If an open carport is proposed with a side setback less than 5' to 2.5', then the prevailing fire-rating building codes can be administratively imposed, as applicable.
    - ii. If an open carport is proposed at a side setback less than 2.5', then the full variance public hearing process shall be activated to assess appropriateness, regardless of the age of the subdivision.
  - 4. **Rear Setback.** The rear yard building setback for open carports that have rear (alley) access, the minimum setback shall be, or substantially be, five feet (5').

5. **Corner Side Setback.** On corner side yard setbacks, an open carport's support column shall not be less than five feet (5').
  6. **Fire Regulations.** The Board of Commissioners has adopted Building Codes to be applied as structural circumstances warrant. Within said building codes are specific fire-rating regulations to maximize fire protection to Alamo structures, inclusive of structures that may be at, or very near, side property lines. With this backdrop, the Board of Commissioners hereby declares that should there be an open carport, or a portion thereof, which is within the zoning district's setback regulation, the setback may be processed pursuant to prevailing fire-rating regulations and the established policies herein.
  7. **Surface Materials.** Hereafter, any open carport shall be constructed over a concrete or asphalt surface interfacing to either the paved street and/or the residence's primary driveway.
  8. **Construction Materials.** Construction materials and color tones, inclusive of colored steel metal roofs, will match, or substantially match, the primary home's aesthetics. It is declared that a canvas-type roof that is taut to its supporting steel frame may be permitted; however, its color shall match, as much as reasonably possible, the primary color of the residence.
  9. **HOA Notice.** Should the desired open carport be proposed in a subdivision that has a bona fide Homeowners Association (HOA), then the City of Alamo will provide a courtesy 'Notice' to said HOA if the HOA consistently provides up-to-date contact data of who their HOA President/representative is. However, the City of Alamo stresses that private HOA approval is not mandatory toward the City's permit issuance process.
  10. **Pre-fabricated Carports.** No pre-fabricated carports shall be permitted on subdivisions that are less than 10 years old; however, such pre-fab carports may be permitted in older subdivisions. A pre-fab carport, usually made of steel and aluminum sheet-type material, can be approved through the building permit process if sub-sections 1 through 9 above are complied with or the intent of such subsections are substantially complied with; and, when approved, the pre-fab carports' color will match the color of the primary residence.
- D. **Regulations for Duplexes, Multifamily, Townhouses, and Apartments.** In the R-2 Duplex, Multi-Family, Townhouse and Apartment Districts, the following regulations will apply:
1. **Front Yard.** Perpetual open carport shelters for residential apartments may be constructed within the *front* yard with a building setback of no less than ten feet (10').
  2. **Rear Yard.** Perpetual open carport shelters for residential apartments may be constructed within the *rear* yard with a building setback of no less than eight feet (8').
- E. **Open Carports Already Constructed.** Regarding any open carport structure that is already constructed and reflects a measure of setback infringement, authority is delegated to the Planning Director's Office to assess the varying circumstances of each case, and to administratively resolve them using precedence, code intent, years of existence, Indemnification Agreements, etc. If necessary to the particular circumstances encountered, the Planning Director is encouraged to consult with the City Manager's Office as deemed necessary. It is noted that, by approval of this Ordinance, should there be any existing open carport that is substantially compliant to the terms

and provisions of this Ordinance, said open carport structure will be considered retroactively approved so long as the required building permit is secured.

### **10-3-4: ANNEXED TERRITORY:**

All territory hereafter annexed to City shall be classified as R-1 Single-Family Dwelling District until permanently zoned by the Board of Commissioners of the City upon an application to rezone the property, as filed by the property owner or his/her agent. Regarding annexation, to activate the voluntary annexation process, the fee is established at \$400. Should the owner or his/her agent request that any of the required public hearings be 'Tabled', then such request may be honored but shall not be re-activated until said applicant/agent pay the City a fee of \$200 to compensate the City to re-initiate the required publication/notification process. If the annexation process has started and then the owner/agent withdraws the annexation request (in writing) and the annexation process has not been fully consummated, then the City shall retain 50% of the last filing fee paid. Furthermore, in newly annexed areas, the following shall apply:

A. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is situated.

B. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and parking regulations of the district in which the building is situated.

C. The minimum yards and other open spaces, including lot area per family, required by this title for each and every building existing at the effective date hereof or for any building thereafter erected shall not encroach upon or be considered as yard or open space requirements for any other building nor shall any lot area be reduced to an area less than the district requirements of this title.

D. Every building hereinafter erected or structurally altered shall be on a "lot" as herein defined, and in no case shall there be more than one (1) main building on one (1) lot, except as otherwise provided by this title. (Ord. 95-04-04, 4-4-1995; amd. Ord. 120-9-24, 9-3-2024)

### **10-3-4-1: DE-ANNEXATION PROCESS:**

A bona fide and signed petition for de-annexation shall comply with all prevailing Texas statutes as may be specified in Title 2, Subtitle C, Subchapter G 'De-annexation', Chapter 43 of the Local Government Code. It is the inherent duty of the petitioner(s) to examine such statutes, and thereafter file all required documents to the City Secretary's Office. Upon receiving the documents, the City shall date-stamp the documents. Thereafter, they shall be examined by the City of Alamo officials to confirm full compliance. When deemed appropriate, the City shall process the petition to its eventual outcome. Should the petition not be fully compliant, the petitioners' representative shall be informed of this determination. For the administrative services to be comprehensively provided, a de-annexation processing fee rate schedule is hereby established to fairly compensate the City for its review/processing services as follows:

\$400	1 to 10 signatory petitions
\$600	11 to 20 petitions
\$800	21 to 35 petitions
\$1,000	36+ petitioners

(Ord. 168-04-26, 4-1-2025)

### **10-3-5: GENERAL CONFORMANCE TO PROVISIONS:**

A. Use of premises and all buildings in the City shall be in accordance with the minimum standards hereinafter established.

B. Every building shall be on a lot, except where a lot is in C or M Districts where there may be more than one (1) commercial or industrial building on a lot; provided, that the required yards be maintained around the group of buildings.

C. Yards, parking space or lot area required for one (1) building cannot be used for another building nor can the size of a lot be reduced below the requirements of this title, except as provided for in chapter 12 of this title.

D. All inhabited trailers shall conform to Title 9, Chapter 5 of this Code.

E. In all commercial districts and industrial districts, adjacent residential uses and zoning districts shall have the nonresidential user install a minimum 6' to 8' high buffering wall or wood fence between said properties. Dependent on circumstances of compatibility and expected noise generation from the nonresidential user, an appropriate fence buffer may be required by the City even if an intervening alley exists between the residential and nonresidential property especially if said nonresidential user does not plan to actively use the alley.

(Ord. 95-04-04, 4-4-1995; amd. Ord. 45-09-23, 9-5-2023)

### **10-3-6: VEHICLE PARKING:**

It is the intent of the vehicle parking regulations to allow in all zoning districts off street parking, also known as on site parking, shall be provided for each of the uses identified hereinbelow at the ratios specified herein at the time any building or structure is: a) erected or b) structurally altered, or at such other time when the use of an existing building is changed, except as otherwise specified by this section. (Ord. 11-06-15, 6-2-2015)

#### **A. Parking Requirements:**

Amusement (indoor):

1 parking space for each 100 square feet of gross floor area for use not listed below

1. Bingo parlors

1 parking space for every 3 seats

2. Bowling alley

6 parking spaces for each alley

3. Racquetball or handball court

3 parking spaces for each court

4. Indoor tennis courts

6 parking spaces for each court

5. Indoor running tracks

1 parking space for every 300 linear feet

6. Indoor swimming pool

1 parking space for every 100 square feet of water surface plus deck area

7. Theaters (motion picture) and auditoriums

1 parking space for every 4 seats

8. Pool hall/room

2 parking spaces per pool/billiards table

Amusement (outdoor):

1. Areas with fixed seating or bleachers

1 parking space for every 4 seats for fixed seating or for every 6 linear feet of benches for bleacher seating

2. Golf course

5 parking spaces per hole, plus requirements for retail, office, and country club parking

3. Golf driving range

1.5 parking spaces per driving tee

4. Sports fields (no fixed seating)

50 parking spaces per field

5. Sports recreation courts (no fixed seating)

6 parking spaces per court

6. Swimming pool (outdoor)

1 parking space for every 100 square feet of water surface plus deck area

Assisted living facility

1 parking space per 1.5 dwelling units

Church or other place of worship

1 parking space for each 3 seats or 6 feet of bench seating in the main auditorium or assembly hall

Community center, library, museum or art gallery

10 parking spaces plus 1 additional space for each 300 square feet of floor area in excess of 2,000 square feet

Contractor's yard

1 parking space for every 5,000 square feet of lot area, with a minimum of 5 spaces

Dwellings:

R-1

2 parking spaces for each unit

R-2, R-MH

2 parking spaces for every unit

Fraternity, sorority, or dormitory

1 parking space for each 2 beds

Hospital

1 parking space for each bed

Hotel/motel or residence hotel

1 parking space for each sleeping room without a kitchen or 1.5 parking spaces for each sleeping room with a kitchen, plus 1 parking space for every 200 square feet of restaurant, retail, conference or office area

Industrial and manufacturing uses

1 parking space for every 1,000 square feet up to 20,000 square feet plus 1 parking space for every 2,000 square feet in excess of 20,000 square feet

Junkyard, recycling center and similar industrial use

1 parking space for every 10,000 square feet of lot area

Lodge, fraternal organization, country club or golf club

1 parking space for each 200 square feet of floor area

#### Lumberyard

1 parking space for every 400 square feet of floor area, plus 1 parking space for every 1,000 square feet of warehouse

#### Machinery/heavy equipment sales

1 parking space for every 400 square feet of gross floor area

#### Miniwarehouse (self-storage only)

4 parking spaces. A 12 foot wide loading zone shall be constructed in front of all access areas for each unit and shall not conflict with required fire lanes. A single loading zone may accommodate units on both sides of fire lane

#### Mortuary or funeral home

1 parking space for each 200 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms

#### Nursing home, skilled nursing facility, convalescent home

1 parking space for every 4 beds

#### Retail uses:

1. Retail store or personal service establishment, except as otherwise specified herein

1 parking space for every 250 square feet of floor space

2. Bank, or similar institution

1 parking space for every 400 square feet plus 5 stacking spaces per drive-through teller or ATM station

3. Bed and breakfast facility

1 parking space for every guestroom plus the parking requirements for a detached single- family dwelling

4. Car wash (full service)

1 parking space for every 250 square feet of floor area plus 7 stacking spaces for each wash, vacuum, or gas pump lane

5. Car wash (self-serve)

1 parking space for each bay or stall (in addition to washing areas or stalls) plus 3 stacking spaces for each wash bay if automated drive- through or 2 stacking spaces for each wash bay if wand type

6. Dance hall, assembly or exhibition hall without fixed seats



1 parking space for every 100 square feet of floor area or 1 parking space for every 3 seats, whichever is greater

7. Drive-through establishments

1 parking space for every 200 square feet of floor area, plus 8 stacking spaces from the point of where the order is made

8. Dry cleaners (with drive-through)

1 parking space for every 250 square feet of floor area plus 3 stacking spaces shall be required per drive-through lane

9. Flea and farmers' market

1 parking space for every 250 square feet of market area

10. Furniture, appliance, hardware and wholesale establishments

1 parking space for every 300 square feet

11. Fitness club, gymnasium, exercise area or similar use

1 parking space for every 150 square feet

12. Motor vehicle/auto sales (new or used)

1 parking space for each 500 square feet of sales floor for indoor uses plus 1 parking space for each 1,000 square feet of outdoor display area in addition to spaces as calculated for office and repair areas at their respective ratio

13. Motor vehicle/auto repair and service

2 parking spaces for each service bay with a minimum of 5 spaces plus parking requirements for office and overnight storage of vehicle. For quick lube or similar services, 3 stacking spaces for each service bay shall also be provided. A minimum of 1 overnight storage parking space must be provided for each service bay

14. Office (business/professional)

1 parking space for each 400 square feet

15. Office (medical/dental/health)

1 parking space for every 300 square feet of floor area

16. Restaurant, private club, nightclub, cafe, or similar recreational/amusement establishment

1 parking space for each 75 square feet of floor area, or 1 parking space for every 3 seats, and 5 stacking spaces from the point where the order is placed

Retirement home (independent living)

1 parking space for each dwelling unit

Rooming house or boarding house

1 parking space for each sleeping room

School:

Elementary (public/private)

2.5 parking spaces for each classroom, plus 1 pick up/drop off lane consisting of at least 10 stacking spaces

Middle (public/private)

2.5 parking spaces for each classroom plus 1 parking space for each 4 seats in the auditorium or gymnasium plus 1 pick up/drop off lane consisting of at least 10 stacking spaces

High (public/private)

8 parking spaces for each classroom or 1 parking space for each 4 seats in the main auditorium or gymnasium whichever is greater

College or university

15 parking spaces per classroom

Truck stops

1 parking space for each 10,000 square feet of site area plus 1 vehicle space for each 250 square feet of building area

Veterinarian clinic

1 parking space for each 300 square feet of floor space

Warehouse type uses

1 parking space for each 4,000 square feet

(Ord. 11-06-15, 6-2-2015; amd. Ord. 02-01-16, 1-19-2016)

## **B. Rules For Computing Number of Parking Spaces:**

In computing the number of parking spaces required for each of the above uses the following rules shall govern:

**1. Definition Of Floor Area:** The term "floor area" means the gross floor area of the specific use.

**2. Fractional Spaces:** Where fractional spaces result, the parking spaces required shall be constructed to be the next higher whole number.

**3. Uses Not Mentioned:** The parking space requirements for use not specifically mentioned herein shall be the same as required for a use of similar nature.

**4. Building Or Use Changes:** Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever any building is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

**5. Mixed Uses:** In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

#### **6. Parking Reductions:**

a. For multi-tenant retail shopping centers or office developments greater than twenty-five thousand (25,000) square feet in floor area, the sum of the total required parking may be reduced with site plan approval. Determination shall be based on the frequency of the anticipated peak parking demands, and location of parking spaces in relation to the building(s).

b. For developments greater than fifty thousand (50,000) square feet in floor area, the sum of the total required parking may be reduced with site plan approval. Determination shall be based on the frequency of the anticipated peak parking demand, and location of parking spaces in relation to the building(s).

### **C. Shared Parking Spaces:**

Under specific circumstances listed below, a limited number of parking spaces may be applied toward parking space requirements for two (2) different uses. Proposed shared parking arrangements shall be considered during the site planning process. Not more than fifty percent (50%) of the required parking spaces for: theaters, bowling alleys, nightclubs, churches or school auditoriums, or similar uses may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed herein.

### **D. Location Of Parking Spaces:**

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

1. Required parking spaces for nonresidential uses not located on the same lot with the building or use served may be located on another lot located no more than five hundred feet (500') from such building or use. Where no parking lot or building is being constructed, staff may approve such off site parking arrangements. If the proposed off site parking proposal is related to or includes construction of a building or parking lot, proposed off site parking arrangements shall be considered during the site plan process.

2. Certain blocks of properties have historically been provided on-street parking by the City of Alamo. A The Board of Commissioners ordained to continue such on-street parking practices for these blocks, which now comprise the DT zone. Parking regulations for these blocks are outlined in Chapter 17 of this Section (see 10-17-7).

## E. Parking Agreements Required:

For any shared parking arrangements or offsite parking arrangements described above, written agreements ensuring retention of such parking spaces for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit.

## F. General Requirements:

**1. Dimensions:** Off street parking spaces shall have minimum dimensions of:

- a. Nine feet (9') in width; and
- b. Eighteen feet (18') in length (depth of stall perpendicular to the aisle).
- c. The minimum width of access aisles (for one-way and two-way operation) internal to a parking lot or structure shall be as follows:

Parking Angle	Width Of Maneuvering Lane
30°, 45° and 60°	15'
90°	24'

**2. Striping:** Each parking stall, accessible aisle, painted island, and loading zone shall be striped using a paint designed to resist weather and abrasions that adheres well to concrete or asphalt. The striping shall be a minimum of four inches (4") wide, with white or yellow paint for stalls and loading zones, and blue or white paint for accessible parking and associated access aisles.

**3. Construction Materials:** All off street parking facilities, inclusive of residential driveways and approaches, shall be constructed with a minimum of concrete or asphalt according to city standards and specifications. The planning director shall have the authority to allow for an extension of time to pave the required off street parking, however shall not be more than sixty (60) calendar days. The city commission may authorize more than sixty (60) calendar days during a conditional use permit process or through the variance process as detailed in section 10-11-1 of this title.

**4. Maintenance And Right To Inspection:** All off street parking facilities, inclusive of residential driveways and approaches must be maintained in good condition and shall constitute a violation of this chapter if said parking is not maintained by the property owner. The city inspector or code enforcement officer shall have the right to enter upon any property in order to inspect the parking facilities or driveway to ensure that the parking facilities or driveway is free of weeds, dust, trash, loose gravel, potholes, faded parking stripes and any other issues that may have a negative aesthetic or impact on the proper use of the parking facility. If the city inspector or the code enforcement officer finds that a parking facility is in need of repair, a notice to correct the violation shall be sent to the owner of the property based on the Hidalgo County appraisal records in order to remedy the violation.

**5. Commercial And Multi-Family Driveways And Parking Facilities:** A commercial/multi-family driveway entrance shall not be more than thirty six feet (36') in width with a ten foot (10') radius along

the driveway approach (cut). The thirty six feet (36') will allow for a maximum of three (3) 12-foot lanes (a left turn, right turn, and entrance). In areas where the parking facilities are adjacent to the boundary or perimeter of a property, wheel guards or a standard concrete curb shall be installed. Businesses that wish to utilize adjoining existing alleys shall provide paving of the alley no less than sixteen feet (16') in width from the property to the nearest existing street or as required by the fire marshal. If the alley is to be used as a maneuvering lane, the minimum paved width shall meet the requirements set out in subsection F1c of this section. Paving shall comply with the minimum standards required by the public works director.

**6. Residential Driveways:** A residential driveway shall be a minimum of either ten feet (10') wide by thirty six feet (36') in length or twenty feet (20') in width by twenty eight feet (28') in length. The driveway shall not be more than twenty feet (20') in width with a five foot (5') radius along the driveway approach (cut). No more than two (2) driveways are permitted along any street frontage. A minimum of twelve inches (12") of open green space is required between driveways and the side property lines or a minimum of a four inch (4") curb will be required in order to prevent stormwater runoff into the neighboring properties.

**7. Requirement Deviations:** In approving a parking plan, the planning director may allow or require minor deviations from the requirements of this section whenever a literal application of a requirement to a premises that would, because of unusual circumstances or situations not generally common to other premises, not achieve the purposes or intent of the regulation or cause an undesired result.

## G. Accessible Parking:

Accessible parking spaces and access routes shall be required in all commercial parking facilities and in multi-family uses with more than four (4) dwelling units per lot. Accessible parking spaces required shall comply with the 2010 ADA "Standards For Accessible Design" manual, which are summarized in the table below:

Total Number of Parking spaces Provided in a Parking Lot of Facility	Minimum Number of Accessible Parking Spaces Permitted
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000
At least one of every six spaces must be van accessible.	

a. Each accessible parking space shall be designated as reserved by a vertically mounted or suspended sign at least twelve inches (12") in width showing the symbol of accessibility. The required signage shall also include below the symbol for accessibility the words, "class C misdemeanor w/o permit". Signage for van accessible spaces shall also display the words "van accessible" below the symbol for accessibility.

b. Post mounted signs shall have a minimum mounting height of seven feet (7') within pedestrian areas. Post mounted signs not within pedestrian areas or wall mounted signs shall have a minimum mounting height of five feet (5').

Curb ramps with a minimum width of three feet (3') and a maximum slope of one to twelve (1:12) shall be provided wherever an accessible route crosses a curb. Maximum slope of one to ten (1:10) shall be provided for flared sides for curb ramps within accessible routes and for built-up curb ramps within parking areas.

## **H. Access Management:**

1. All proposed access points along state roadways shall comply with TxDOT's "Access Management Manual". The city shall review access points along all other roadways in order to provide the safest and best location for proposed access points.

## **I. Common Access And Internal Cross Access:**

1. Separate Ownership; No Common Plan Or Development: Where adjacent properties are separately owned and not part of a common plan of development, the city may require common access or internal cross access as the parcels are developed, substantially improved, or redeveloped. As such, an applicant may be granted temporary individual access if:

a. The applicant demonstrates that a reasonable offer with regard to cross access was refused by the adjacent landowner; and

b. The applicant records a property encumbrance document that will ensure that the connection will be provided and access will be consolidated upon the earlier of:

(1) Approval for development, substantial improvement, or redevelopment of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or

(2) The applicant's parcel and the adjacent parcel coming under common ownership; and

(3) The applicant demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic.

2. Common Ownership Or Common Plan Of Development: Phased development, development sites under the same ownership, or development sites that are consolidated for the purposes of development and comprised of more than one building are considered unified parcels. Unified parcels shall provide access as follows:

a. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for the site's frontage.

b. Access to outparcels shall be internalized using a shared circulation system and designed to avoid excessive movement across parking aisles or queuing across surrounding parking and driving aisles.

3. Terms: The city may require that common and cross access easements include one or more of the following:

a. A continuous drive able to accommodate two-way traffic between properties.

b. Stub-outs and other design features to allow adjoining nonresidential properties an avenue to tie in for future cross access connectivity.

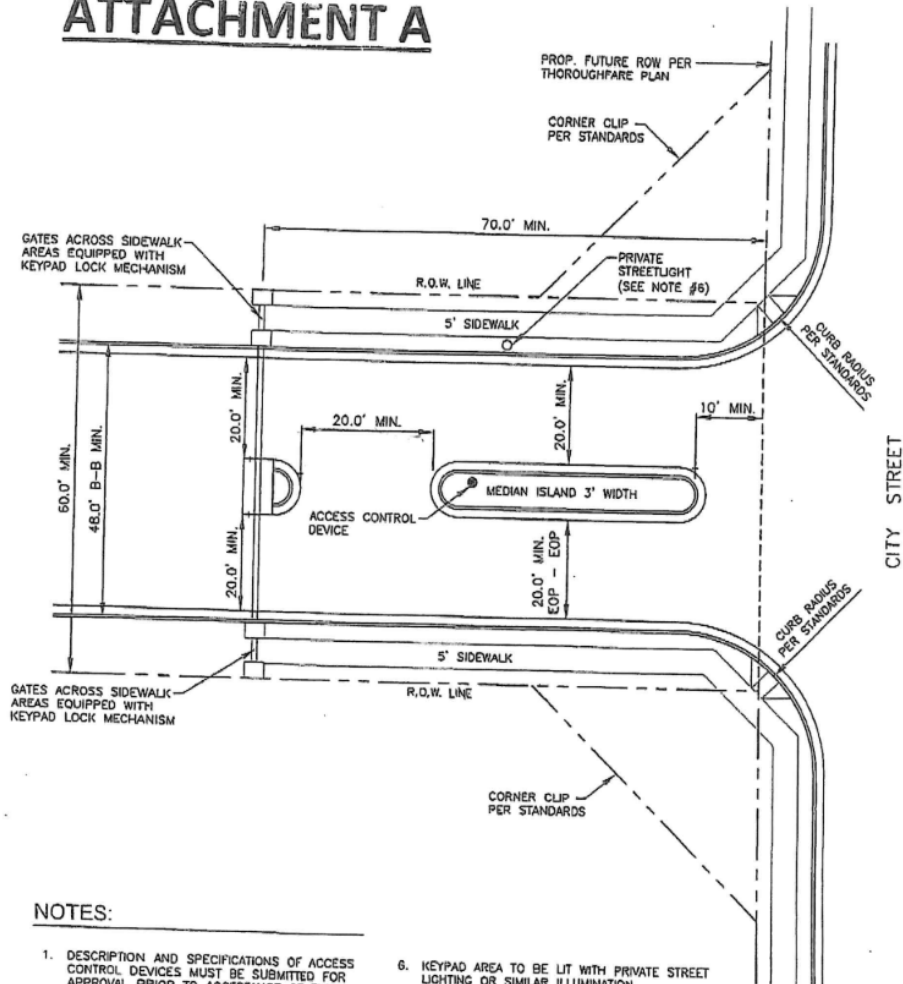
c. Linkage to existing cross access drives in the area.

4. Approval And Recording Of Cross Access Easements: In areas where shared access by adjoining properties is being proposed or required, a common access easement document shall be filed with the county clerk's office in order to ensure continued shared access.

## **J. Median Island in Parking Lot:**

When a property owner/developer desires a median island within the boundaries of a private parking lot affording access to a residential, commercial, industrial, educational, and/or religious development, the median island template as found in Attachment A shall be required. It is declared that any owner/agent proposing deviation from the standards reflected thereon, shall file an application for variance which shall first be acted upon by the Planning & Zoning Commission for advisory action; ultimate action on such a variance shall be tendered by the Board of Commissioners. The non-refundable filing fee for median island deviation shall be \$100. (Ord. 11-06-15, 6-2-2015; amd. Ord. 16-09-18, 9-4-2018; Ord. 69-10-22, 10-4-2022; Ord. 152-12-24, 12-3-2024)

# ATTACHMENT A



## NOTES:

1. DESCRIPTION AND SPECIFICATIONS OF ACCESS CONTROL DEVICES MUST BE SUBMITTED FOR APPROVAL PRIOR TO ACCEPTANCE OF FINAL PLAN.
2. DEVELOPER MUST PROVIDE THE CITY WITH ALL NECESSARY EQUIPMENT TO OPERATE THE ACCESS CONTROL DEVICES.
3. ELECTRIC GATES SHALL BE EQUIPPED WITH A MEANS OF OPENING THE GATE BY FIRE DEPARTMENT PERSONNEL FOR EMERGENCY ACCESS. EMERGENCY OPENING DEVICES SHALL BE APPROVED BY THE CODE OFFICIAL.
4. LOCKING DEVICE SPECIFICATIONS SHALL BE SUBMITTED FOR APPROVAL BY THE CODE OFFICIAL.
5. MEDIAN ISLANDS MUST BE LANDSCAPED WITH IRRIGATION SYSTEM.
6. KEYPAD AREA TO BE LIT WITH PRIVATE STREET LIGHTING OR SIMILAR ILLUMINATION.
7. PLAT NOTE: THE MEDIAN ISLAND, THE GATED ENTRY, ACCESS CONTROL DEVICE, THE PRIVATE STREET AND SIDEWALK AREAS, AND ANY (STREET) LIGHTING IMPROVEMENTS, ARE PRIVATELY OWNED AND SHALL BE PRIVATELY MAINTAINED; THE CITY OF ALAMO SHALL NOT BE LIABLE OR RESPONSIBLE FOR ANY MAINTENANCE OF SUCH PRIVATE IMPROVEMENTS.

**GATED ENTRANCE  
DETAIL**



**CRUZ - HOGAN**

ENGINEERS & PLANNERS

McAllen Harlingen Weslaco  
TYPE FIRM REGISTRATION No. 5-4800



# CHAPTER 4

## ZONING DISTRICTS AND MAP

### SECTION:

10-4-1: Districts Established

10-4-2: Zoning District Map

10-4-3: Boundaries

### 10-4-1: DISTRICTS ESTABLISHED:

A. For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, the city is hereby divided into districts, which shall be known as:

R-1 district	Single-family Residential District
SH/R-1 district	Senior Housing Residential District
SH/R-MH district	Senior Housing Residential Mobile Home District
R-2 district	Multi-family District
R-1T district	Townhome District
R-MH district	Mobile Home and Modular Home District
MDR-1	Medium Density Single-Family Residential
C-1 district	Light Commercial District
C district	Commercial District
M district	Industrial District
DT district	Downtown District
CID district	Civic and Institutional District

B. Any use not listed herein may be placed in a suitable district classification by the governing body, after recommendation of the planning and zoning commission. (Ord. 1-18-2000-02, 1-18-2000; amd. Ord. 122-9-24, 9-3-2024)

### 10-4-2: ZONING DISTRICT MAP:

**A. Map Established:** The boundaries of the districts described above are shown on the map that is on file in the office of the city manager and incorporated herein and made a part hereof by reference, which map is designated as the zoning district map. Said district map and all notations, references and other information shown thereon are made a part of this title and shall have the same force and effect as if said map and said data thereon were fully set forth or described herein. Said map shall, on its face, be identified and verified in the manner following: it shall bear the title "Zoning District Map - Alamo, Texas"; it shall

bear the name of the mayor and it shall be attested by the signature of the city secretary. The original of said map shall be kept in a proper place in the municipal building.

**B. Vacations:** Whenever any street, alley or public way is lawfully vacated by the board of commissioners of the city, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated area thereafter all land included in said districts.

**C. Annexations:** Whenever any property is annexed into the city such property shall be added to the zoning map and be assigned to a district in accordance with the zoning ordinance passed after the effective annexation. If the use of such property cannot be wholly determined then such property shall be given a temporary zoning classification as R-1. (Ord. 95-04-04, 4-4-1995)

### **10-4-3: BOUNDARIES:**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map made part of this title, the following rules apply:

A. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map made a part of this title are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map made part of this title are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.

C. In subdivided property, the district boundary lines on the map made a part of this title shall be determined by the use of the scale appearing on the map. (Ord. 95-04-04, 4-4-1995)

# CHAPTER 5

## R-1 SINGLE-FAMILY DWELLING DISTRICT

### SECTION:

10-5-1: Application Of Provisions

10-5-2: Permitted Uses

10-5-3: Height Regulations

10-5-4: Area Regulations

10-5-5: Intensity Of Use

10-5-6: Conditional Uses

### 10-5-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the R-1 Single-Family Dwelling District. (Ord. 95-04-04, 4-4-1995)

### 10-5-2: PERMITTED USES:

A building or premises shall be used only for the following purposes:

One mobile home or one travel trailer when exclusively used as the primary residential structure if the subject property is within the Multipurpose Area, as defined in Section 9-5-2 (B).

One single-family dwelling per lot.

Churches (except temporary revival).

Farms, nurseries, truck gardens and greenhouses; provided, no sales office is maintained.

Municipal buildings, nonprofit libraries or museums, police and fire stations.

Open Carport. See 10-3-3(D) for regulations.

Public parks, playgrounds, golf courses (except miniature golf), public recreation and community buildings.

Schools, public or private, having a curriculum equal to public elementary, high school or institution of higher learning.

Signs in accordance to Section 9-4-12 (A) Residential Districts.

Accessory buildings and accessory uses, customarily incidental to the above uses (not involving the conduct of a business) when located on the same lot, including a private garage for one or more cars, bona fide servants' quarters not for rent or used for commercial purposes. (Ord. 95-04-04, 4-4-1995; amd. Ord. 61-09-22, 9-6-2022; Ord. 67-10-22, 10-4-2022; Ord. 160-02-25, 2-24-2025)

### 10-5-3: CHAPTER 2210-22 HEIGHT REGULATIONS:

The primary single family residential building shall not exceed two (2) stories or twenty-five feet (25') in height. No accessory building shall be 2-stories in height.

### 10-5-4: AREA REGULATIONS:

A. Front Yard: There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty five feet (25').

B. Side Yards: There shall be a side yard on each side of building of not less than five feet (5').

C. Rear Yard: The depth of the rear yard shall be at least fifteen feet (15'). (Ord. 95-04-04, 4-4-1995)

### 10-5-5: INTENSITY OF USE:

Every lot or tract of land shall have an area of not less than six thousand two hundred fifty (6,250) square feet and an average width of not less than fifty feet (50'); except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on January 1, 1981, and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling. (Ord. 95-04-04, 4-4-1995)

### 10-5-6: CONDITIONAL USES:

A building or premises shall be used for the following only after a permit is issued for such use:

**A dependent travel trailer for temporary residency** of medically/emotionally afflicted family member(s) related to the primary resident(s) which shall be subject to:

1. City Staff to monitor the health care need at the site, which may be on-or-about every 6 months, to assure that the vigilant need by the primary resident's household is still evident - such reports to be made part of the applicants' CUP file;

2. The travel trailer shall be only for temporary residency, and shall not ever be used to generate any type of rental fee and/or service value of the occupants;

3. This CUP shall not ever be transferable to any new property owner;

4. Applicable building permits, plus other incidental permits, shall be required according to protocol;
5. No renewed approval of such a CUP shall ever be beyond two (2) years to thus assure continual monitoring by the City in a public hearing setting;
6. A 6' buffer (wood framed fence may be required to obscure the travel trailer from area single family homes; dependent on neighborhood circumstances;
7. If determined that the usage is no longer needed, the travel trailer shall either be removed from the property within 30-calendar days' written notice by the City or be entirely de-activated from utility connections and simply be 'stored' on the premises; and/or
8. other reasonable measures may be imposed during the public hearing process to assure gentle assimilation into the residential neighborhood.

**A family-oriented events facility with predominantly outdoor activity stations.**

Such a CUP must be on a minimum sized tract of 1.5 acres; only have access to an arterial type street; must not have live music; must be buffered to residential adjoiners; must have sufficient off-street parking areas; shall not have operable hours after 9:00 pm; and there shall be no selling of alcoholic refreshments at any time. The maximum occupancy capacity will be determined by the City's Fire Marshal.

**Bed and Breakfast Facility;**

such an approved conditional use shall have the pre-clearance from the City's Building Inspector and Fire Marshal as to safety and overall Code compliance; each available B&B room shall require 1 unobstructed paved parking space. A business license shall be issued prior to an approved CUP and shall be required prior to any B&B occupancy. An instrument shall be recorded citing the City of Alamo's approval and the conditions of approval which shall include that such conditional uses are not transferable to new owners, heirs, and/or assigns.

**Home occupations.**

**Parking facilities for nonresidential uses.**

**Centers that provides basic, social, daily living and learning services to people with disabilities, special needs (physical, emotional, etc.), or similar conditions to magnify independent living abilities;**

such use(s) must have its primary access to a collector street classification or of higher intensity; must be a minimum one and a half (1.5) acres in size, must be certified/cleared by the appropriate State of Texas agency for such services to receive the required city business license; and have paved off-street parking to be compliant to typical day-care parking regulations found in Section 10-3-6 (A). Also, any CUP may be required to provide additional fire hydrant(s), pave perimeter five foot (5') sidewalks, provide minimum six foot (6') fence buffering, and meet the most prevailing building/fire codes. Finally, landscaping for such a use will be one (1) shade tree (seven feet (7') tall at three inch (3") caliper) for every thirty feet (30') of street frontage inclusive of corner lot frontage; and any signage must comply with prevailing regulations for residential districts as found in Section 9-4-12 (A).

**Temporary Religious RV Residency on Church Premises for Charitable Purposes.**

An approved CUP will impose the following requirements:

1. No more than 2 RV spaces may be permitted - such spaces shall be within a paved area; and,
2. The placement of RV residency shall not cause a reduction of available paved parking spaces for the church's main assembly during regular worship services; and,
3. Such RV use shall not be contingent, directly or indirectly, as rentable property or premises for a short-term lease; and,
4. The primary purpose of the RV's occupants are purely charitable; and,
5. The CUP approved for RV residency may be approved for 1 year or lengthier intervals subject to random monitoring by the City of Alamo; however, each RV resident/tenant shall not be more than 3 months each - any lengthier stay per tenant will require the approval of the City Manager, based on unique relief circumstances that may warrant a higher measure of sensitive consideration by the City; and,
6. Other reasonable requirements imposed by the City based on the property's special circumstances. (Ord. 95-04-04, 4-4-1995; amd. Ord. 13-08-18, 8-7-2018; Ord. 22-04-23, 4-4-2023; Ord. 40-08-23, 8-1-2023; Ord. 75-1-24, 1-2-2024; Ord. 133-10-2024, 10-1-2024; Ord. 158-02-25, 2-24-2025; Ord. 176-05-25, 5-6-2025)

#### Notes

- <sup>1</sup> 1. See Chapter 13 of this Title for conditional use permits.

# CHAPTER 6

## SH/R-1 SENIOR HOUSING RESIDENTIAL DISTRICT

### SECTION:

10-6-1: Application Of Provisions

10-6-2: Permitted And Conditional Uses

10-6-3: Height Regulations

10-6-4: Area Regulations

10-6-5: Intensity Of Use

10-6-6: Nonconforming Use Status

### 10-6-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the SH/R-1 Senior Housing Residential District. (Ord. 4-15-97A, 4-15-1997)

### 10-6-2: PERMITTED AND CONDITIONAL USES:

#### A. Permitted Uses:

A building or premises shall be used only for the following purposes:

1. Single-family dwellings for senior citizens where at least one occupant of the premises is fifty-five (55) years of age or older.
2. Accessory buildings, structures, and/or surface improvements designed to be primarily used by the senior residents of the affected development.
3. Signs in accordance to Section 9-4-12 (A) Residential Districts.
4. On-premise signs, including illuminated, portable, or animated signs; on common lots approved for recreational or temporary commercial facilities in accordance with adopted city ordinances.
5. All other permitted uses for R-1 Single-Family Dwelling zoning district.

#### B. Conditional Uses:

A building or premises shall be used for the following, only after a permit is issued for such use:

**Home occupations.** (Ord. 4-15-97A, 4-15-1997; amd. Ord. 34-06-22, 6-7-2022; Ord. 61-09-22, 9-6-2022; Ord. 67-10-22, 10-4-2022)

Notes

- 1 See Chapter 13 of this Title for conditional use permits.

### **10-6-3: HEIGHT REGULATIONS:**

No building shall exceed two (2) stories or twenty five feet (25') in height. (Ord. 4-15-97A, 4-15-1997)

### **10-6-4: AREA REGULATIONS:**

#### **A. Front Yard:**

There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five feet (25').

#### **B. Side Yards:**

There shall be a side yard on each side of building of not less than five feet (5').

#### **C. Rear Yard:**

The depth of the rear yard shall be at least fifteen feet (15'). (Ord. 4-15-97A, 4-15-1997)

### **10-6-5: INTENSITY OF USE:**

Every lot or tract of land shall have an area of not less than six thousand two hundred fifty (6,250) square feet and an average width of not less than fifty feet (50'); except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on January 1, 1981, and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling. (Ord. 4-15-97A, 4-15-1997)

### **10-6-6: NONCONFORMING USE STATUS:**



Notwithstanding any other provision relating to nonconforming use status as set out in this Zoning Title for the City, for the purposes of the SH/R-1 District, a "nonconforming use status" shall be limited to the period of occupation of a single-family residence by a person or persons not including a person fifty five (55) years of age or older, who resides in such residence on the date of the adoption of this Chapter and applying this District to such single-family residential structure, provided however, thereafter when such residence becomes unoccupied by sale, lease or otherwise, then the nonconforming status is extinguished and the single-family premises must thereafter be occupied by at least one person who is fifty five (55) years of age or older. (Ord. 4-15-97A, 4-15-1997)

# CHAPTER 7

## SH/R-MH SENIOR HOUSING RESIDENTIAL MOBILE HOME DISTRICT

### SECTION:

10-7-1: Application Of Provisions

10-7-2: Permitted And Conditional Uses

10-7-3: Height Regulations

10-7-4: Area Regulations

10-7-5: Intensity Of Use

10-7-6: Nonconforming Use Status

### 10-7-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the SH/R-MH senior housing residential mobile home district.  
(Ord. 1-18-2000-02, 1-18-2000)

### 10-7-2: PERMITTED AND CONDITIONAL USES:

#### A. Permitted Uses:

A building/mobile home or premises shall be used only for the following purposes:

1. Single-family dwellings for senior citizens where at least one occupant of the premises is fifty-five (55) years of age or older.
2. Accessory buildings, structures, and/or surface improvements designed to be primarily used by the senior residents of the affected development.
3. Signs in accordance to Section 9-4-12 (A) Residential Districts.
4. On-premise signs, including illuminated, portable, or animated signs; on common lots approved for recreational or temporary commercial facilities in accordance with adopted city ordinances.
5. Open Carports. See 10-3-3(D) for regulations.
6. All other permitted uses for R-MH Single-Family Dwelling zoning district.

## **B. Conditional Uses:**

A building or premises shall be used for the following only after a permit is issued for such use:

**Home occupations.** (Ord. 1-18-2000-02, 1-18-2000; amd. Ord. 34-06-22, 6-7-2022; Ord. 61-09-22, 9-6-2022; Ord. 67-10-22, 10-4-2022)

## **10-7-3: 10-5B-3: HEIGHT REGULATIONS:**

No building shall exceed two (2) stories or twenty five feet (25') in height. (Ord. 1-18-2000-02, 1-18-2000)

- A. Minimum size of tract or development      10 lots
- B. Maximum number of single-family dwelling units per lot   1 only

## **10-7-4: AREA REGULATIONS:**

- C. Minimum depth of front setback      10 feet
- D. Minimum depth of rear setback      5 feet
- E. Minimum width of side setback:
  - Internal lot   5 feet
  - External lot (abutting street)   10 feet
- F. Minimum distance between separate structures on same lot including appurtenances      10 feet
- G. Minimum distance from the public right of way to the required parking area whether open, covered, or enclosed      18 feet
- H. Minimum height of structure   25 feet

(Ord. 1-18-2000-02, 1-18-2000)

## **10-7-5: INTENSITY OF USE:**

Every lot or tract of land shall have an area of not less than six thousand two hundred fifty (6,250) square feet and an average width of not less than fifty feet (50'); except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on January 1, 1981, and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling. (Ord. 1-18-2000-02, 1-18-2000)

## **10-7-6: NONCONFORMING USE STATUS:**

Notwithstanding any other provision relating to nonconforming use status as set out in the zoning ordinance for the city of Alamo, for the purposes of the SH/R-MH district, a "nonconforming use status" shall be limited to the period of occupation of a single-family residence by a person or persons not including a person fifty five (55) years of age or older, who resides in such residence on the date of the adoption hereof and applying this district to such single-family residential structure, provided however, thereafter when such residence becomes unoccupied by sale, lease or otherwise, then the nonconforming status is extinguished and the single-family premises must thereafter be occupied by at least one person who is fifty five (55) years of age or older. (Ord. 1-18-2000-02, 1-18-2000)

## CHAPTER 8

# MDR1 MODERATE DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

### SECTION:

10-8-1: Application Of Prevailing Regulations

10-8-2: Permitted Uses

10-5C-3: Area Regulations

10-8-3: Conditional Uses

10-8-4 Height Regulations

10-8-5: Area Regulations

### 10-8-1: APPLICATION OF PREVAILING REGULATIONS:

In the proposed development of a MDR1 development, the applicable provisions from the Subdivision Ordinance relating to streets, sidewalks, fire hydrant interval spacing, etc., shall be applied as deemed appropriate. MDR1 Subdivisions shall have paved streets, whether public or private, of not less than 38' B-B. (Ord. 177-05-25, 5-6-2025)

### 10-8-2: 10-5C-2: PERMITTED USES:

A building or premises shall be used only for the following purposes:

One Moderate Density Single-Family Residence per recorded Lot; such a residence shall have a minimum 1400 square feet of living area.

Signs that are permitted in the R-I zoning district shall also be permitted in the MDR1 zoning district, in accordance to prevailing Sign Code Regulations.

Accessory uses and/or structures; inclusive of detention ponds which shall be perpetually privately maintained (via the recorded CCRs).

Common improvements such as private recreational amenities, or similar type structures, are permitted; and shall be subject to building setbacks and parking regulations as set forth in the recorded plat notes or, if none exist, then pursuant to the recorded deed restrictions (the latter to be privately enforced). (Ord. 177-05-25, 5-6-2025)

### 10-8-3: AREA REGULATIONS:

Building setbacks for MDR1 primary residential structures shall be as follows subject to adjustment via recorded plat notes, recorded easements, and/or bona fide and binding orders from the Zoning Board of Adjustments (ZBA).

#### A. Minimum Lot Area

1. Minimum Lot Area for internal lots: 4,000 square feet.
2. Minimum Lot Area for corner lots: 4,500 square feet.

#### B. Maximum Structures

One MDR1 primary residential structure per lot. A MDR1 residence may be built on Two lots should there not be a viable easement at the common side lot line.

#### C. Minimum Lot Dimensions

1. Minimum lot width for internal lots: 40'
2. Minimum lot width for corner lots: 45'

D. Minimum lot length: 100'

E. Minimum front yard building setback: 20'

F. Minimum rear yard building setback: 10'

Accessory structure building setback: 4'

G. Minimum side yard building setback - Inner lot: 5'

Minimum corner side yard building setback: 10'

H. Garage Door setback to right-of-way: 18'

I. Minimum paved off-street parking spaces: 2\*

\*Driveway to be minimum 18' width

J. Minimum of 1 shade or decorative tree in the front setback area, as categorized in Title 9, Chapter 6 of the City of Alamo's Code of Ordinances. (Ord. 177-05-25, 5-6-2025)

### 10-8-4: CONDITIONAL USES:

Reserved for possible future modification (Ord. 177-05-25, 5-6-2025)

# CHAPTER 9

## R-2 MULTI-FAMILY DISTRICT

### SECTION:

10-9-1: Application Of Prevailing Regulations

10-9-2: Permitted Uses

10-9-3: Height Regulations

10-9-4: Setback Regulations

10-9-5: Intensity Of Use - Multi-Family Use

### 10-9-1: APPLICATION OF PREVAILING REGULATIONS:

In the proposed development of an R-2 development, the applicable provisions from the Subdivision Ordinance relating to streets, paved alleys, 5' sidewalks, fire hydrant interval spacing, etc., shall be applied as deemed compliant. (Ord. 95-04-04, 4-4-1995; amd. Ord. 63-11-23, 11-6-2023; Ord. 115-8-24, 8-6-2024)

### 10-9-2: 10-6-2: PERMITTED USES:

A building or premises shall be used only for the following purposes:

Any use categorized as 'Permitted' in the R-1 single-family dwelling district.

Apartments, multi-family dwellings, a duplex or triplex building, a fourplex structure; such structures shall be built on one R-2 zoned lot and are subject to compliance to prevailing building setbacks, minimum paved off-street parking, landscaping, detention requirements, 5' sidewalks, fire-hydrant protection regulations, and similar regulations via enforced policies.

Bed and Breakfast Facility in an owner-occupied residential structure; such a use shall have the pre-clearance approval from the City's Building Inspector and the Fire Marshal s to safety and overall Code compliance; each available B&B room shall require one (1) unobstructed paved parking space.

Boarding, Lodging and rooming houses; one (1) un-obstructed paved off-street parking space will be required for each available room for residency.

Condominium development; requires recorded CCRs.

Institutions of religious, educational or philanthropic nature.

Signs in accordance to prevailing Sign Code Regulations.

All condominium developments require recorded CCRs.

Accessory uses and/or structures may be made available for use by tenants, guests, or property owners.

### **10-9-3: HEIGHT REGULATIONS:**

No building shall exceed three stories in height. (Ord. 95-04-04, 4-4-1995; Ord. 115-8-24, 8-6-2024)

### **10-9-4: SETBACK REGULATIONS:**

Building setbacks for structures shall be as follows subject to adjustment via recorded plat notes, recorded easements, and/or bona fide and binding orders from the Zoning Board of Adjustments (ZBA).

- A. Front yard building setback: 25'
- B. Open carport front yard setback: 10'
- C. Side yard building setback: 5'
- D. Corner side yard building setback: 10'
- E. Rear building setback (primary bldg.): 10'
- F. Rear building setback (accessory): 5'
- G. Open carport rear yard setback: 7'
- H. Side/Rear Garage Door Setback: 18'

(Ord. 95-04-04, 4-4-1995 4-4-2023; amd. Ord. 63-11-23, 11-6-2023; Ord. 93-4-24, 4-2-2024; Ord. 115-8-24, 8-6-2024)

### **10-9-5: INTENSITY OF USE - MULTI-FAMILY USE:**

A. Structures for a single-family use, a duplex, triplex, fourplex or multiple family dwelling structures shall have an area of not less than six thousand two-hundred and fifty (6250) square feet.

- B. Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on January 1, 1981, and have not since been changed, such parcel of land may be used for a single-family dwelling only. (Ord. 95-04-04, 4-4-1995; amd. Ord. 63-11-23, 11-6-2023; Ord. 115-8-24, 8-6-2024)



# CHAPTER 10

## R-1T TOWNHOUSE DISTRICT

### SECTION:

10-10-1: Application Of Prevailing Regulations

10-6A-2: Permitted Uses

10--3: Height Regulations

10-10-4: Townhouse Use Requirements”

### 10-10-1: APPLICATION OF PREVAILING REGULATIONS:

In the proposed development of an R-1T Townhouse development, the applicable provisions from the Subdivision Ordinance relating to streets, required/paved alleys, sidewalks, fire hydrant interval spacing, etc., shall be applied as deemed appropriate. (Ord, 115-8-24, 8-6-2024)

### 10-10-2: 10-6A-2: PERMITTED USES:

A building or premises shall be used only for the following purposes:

One Townhouse per recorded lot.

All townhouse condominiums require recorded CCRs to perpetually maintain the common elements in such a condominium regime.

Accessory uses and/or structures; including detention ponds shall be perpetually privately maintained (via the recorded CCRs).

### 10-10-3: HEIGHT REGULATIONS:

No building shall exceed two and one-half stories (21Z) stories or thirty-five (35') in height. (Ord, 115-8-24, 8-6-2024)

### 10-10-4: TOWNHOUSE USE REQUIREMENTS:

Building setbacks for structures shall be as follows subject to adjustment via recorded plat notes, recorded easements, and/or bona fide and binding orders from the Zoning Board of Adjustments (ZBA).

A. 1. Minimum Lot Area for internal lots: 2000 square feet

- 2. Minimum Lot Area for corner lots: 3000 square feet
- B. One Townhouse per lot platted for Townhouse use.
- C. 1. Minimum lot width for internal lots: 30'
  - 2. Minimum lot width for corner lots" 35'
- D. Minimum lot length: 80'
- E. Minimum front yard building setback: 20'
- F. Minimum rear yard building setback: 5'
- G. 1. Minimum side yard building setback - Inner lot 5'; however, townhouses separated by approved firewalls may build to the side lot line where other neighboring structures may abut. In no instance shall a portion of a structure's eaves, etc., encroach over the neighboring property or cross (the air space) of a platted lot.
  - 2. Minimum corner side yard building setback: 10'
- H. Garage Door setback to right-of-way: 18'
- I. Maximum height of structures: 35'

NOTE: Section 11-3-5 (A) requires paved alleys in townhouse developments (Ord, 115-8-24, 8-6-2024)

# CHAPTER 11

## R-MH MOBILE HOME AND MODULAR HOME DISTRICT

### SECTION:

10-11-1: Application Of Provisions

10-11-2: Permitted Uses

10-11-3: Development Requirements

10-11-4: Setbacks

10-11-5: Conditional Uses

### 10-11-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the R-MH Mobile Home and Modular Home District. (Ord. 95-04-04, 4-4-1995)

### 10-11-2: 10-7-2: PERMITTED USES:

A building or premises shall be used only for the following purposes:

- A. One mobile home; or one travel trailer; or one modular home per lot for residential purposes.
- B. Accessory buildings to mobile home/recreational vehicle parks or subdivisions.
- C. Associated recreation to mobile home/recreational vehicle parks or subdivisions.
- D. Commercial facilities shall be designed primarily for the occupants of mobile home/recreational vehicle parks or subdivisions.
- E. Single Family Dwellings shall be permitted under certain threshold conditions. One single family residential dwelling may be permitted but only after, at least, one of the following is applicable:
- F. Portable buildings or storage buildings shall not be used for living quarters.
  - 1. The percentage of lots used and/or occupied in the subject R MH subdivision reflects a minimum twenty percent (20%) of single family residential structures; or
  - 2. If a minimum twenty percent (20%) single family dwellings are evident on the same street at a minimum distance of two hundred feet (200') on either side of where the subject lot is located; or

3. If a single family residential dwelling exists on at least one side adjoining the subject lot.

If anyone or combination of these qualifying conditions exist, then no conditional use permit is necessary to process assimilation of the desired single family residential structure.

Signs:

A. Signs in accordance to Section 9-4-12 (A) Residential Districts.

B. On-premises signs, including illuminated, portable, or animated signs, on common lots approved for recreational or temporary commercial facilities in accordance with adopted City ordinances.

(Ord. 95-04-04, 4-4-1995; amd. Ord. 37-07-21, 7-6-2021; Ord. 61-09-22, 9-6-2022; Ord. 67-10-22, 10-4-2022)

### 10-11-3: DEVELOPMENT REQUIREMENTS:

A development designed as a mobile home, modular home or recreational vehicle park or subdivision shall meet all requirements of the mobile home and recreational vehicle park provisions and any applicable sections of the subdivision provisions in Title 9 of this Code. At no time may an existing mobile home, modular home or recreational vehicle park be converted to a mobile home, modular home or recreational vehicle subdivision without first meeting all the requirements of the subdivision provisions in Title 9 of this Code and receiving approval by the Board of Commissioners. (Ord. 95-04-04, 4-4-1995)

Notes

1. See also Title 9, Chapter 5 of this Code.

### 10-11-4: SETBACKS:

All setbacks shall be as required under Title 9 of this Code. (Ord. 95-04-04, 4-4-1995)

### 10-11-5: CONDITIONAL USES:

**Single-family residential structure** on mobile home lots only; must meet minimum square footage requirements for a single-family residential dwelling. (Ord. 22-04-21, 4-20-2021)

# CHAPTER 12 CHAPTER 8

## C-1 LIGHT COMMERCIAL DISTRICT

### SECTION:

10-12-1: Application Of Provisions

10-12-2: Permitted Uses

10-12-3: Conditional Uses

10-8-4: Business Establishments

10-8-5: Development Requirements

10-12-6: Type Of Building Facility Permitted

10-12-7: Gasoline Service Stations And Retail Outlets - Generally

10-12-8: Gasoline Service Stations And Retail Outlets - Location Of Curb Cuts Restricted

10-12-9: Gasoline Service Stations And Retail Outlets - Front Yard Setbacks, Etc.

10-12-10: Gasoline Service Stations And Retail Outlets - Lighting; Buffer Requirement

10-12-11: Gasoline Service Stations And Retail Outlets - Minimum Lot Area

### 10-12-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the C-1 light commercial district. (Ord. 95-04-04, 4-4-1995)

### 10-12-2: PERMITTED USES:

A building or premises shall be used only for the following purposes:

Anything in category R-2.

A single-family residential structure existing on or before April 1, 1995, or enlargement or improvement to any such structure provided that the structure before and after the enlargement or improvement meets the setback requirements for a residential structure as set out in chapter 5 of this title.

Laundromats, laundry/dry cleaning pick-up stations, and laundry/dry cleaning establishments dealing directly with consumers.

Loan companies, insurance and real estate offices.

Medical offices for general practice physicians, dentists, chiropractors, and other similar nonspecialized medical professionals.

Parking facilities associated with uses permitted within any residential or commercial districts.

Personal services which perform services on the premises such as repair shops (watches, radios, TV stores, etc.), tailor shops, beauty parlors or barbershops, photographic studios, daycare centers, florists, gift stores, pharmacies, books/newspapers/magazines and similar uses, but not including automotive parts or repair services.

Retail business that sells products for consumption at restaurants, taquerias, delicatessens, coffee shops, convenience stores, meat markets, produce markets, bakeries, tortillerias, ice cream stores, and similar uses.

Signs:

- A. Signs in accordance with Section 9-4-1 (B) Light Commercial District.
- B. On premises signs, including those that are animated or illuminated. (Ord. 18-09-08, 9-9-2008; amd. Ord. 67-10-22, 10-4-2022)

### 10-12-3: CONDITIONAL USES :

The conditional uses requiring a conditional use permit permitted in the C-1 light commercial districts are as follows:

**A single-family residence.**

**Flea markets.**

**Gasoline service stations** or retail outlets where gasoline products are sold.

**Mobile food vendor;** mobile food court; said uses must comply with Title 3, shall be governed by the Land Use Tables in Chapter 17 regulations, as well as applicable provisions of Title 10, Chapter 13 'Conditional Use Permits' and be strictly compliant with the 'Commercial Corridor - Restricted Use' provision declared in Section 10-2-2.

**Neighborhood Bars;** a pre-existing 'bar' that historically has served a neighborhood for a minimum of five (5) continuous years and has assimilated well within the fabric of its (mixed use) neighborhood, but which may be desired to operate under new ownership (w/CUP approval/compliance); said 'bars' must erect and perpetually maintain a minimum six foot (6') buffer from any adjoining residential uses; such a proposed CUP will comply, if possible, with the city's prevailing landscaping codes; the CUP grantee must buffer any dumpster trash bin via prevailing ordinances, and must have paved and striped parking where, if needed, such should be re-furnished via the city's property maintenance codes; if additional street lighting is needed to maximize security, such shall be assessed to be required during the CUP process; if paved sidewalks are needed to maximize pedestrian security, such may also be assessed to be imposed during the CUP process; the bar's ownership/management shall also be responsible to have the exterior premises and perimeter street areas free from any littering that was seemingly induced by the bars' patrons; and the City reserves its right under its police powers to require on-site security if circumstances are confirmed that such a measure will restore safety to the site/general area. No 'Neighborhood Bar' CUP

shall be operated by any new owner(s) without first securing his/her own city business license which may impose a fire hydrant (if needed); furthermore, no such CUP shall be transferable to new owner(s) without first undergoing the prevailing CUP process.

(Ord. 95-04-04, 4-4-1995; amd. Ord. 15-07-06, 7-18-2006; Ord. 14-03-21, 2-16-2021; Ord. 73-1-24, 1-2-2024; Ord. 82-2-24, 2-27-2024)

#### Notes

1. See chapter 13 of this title for conditional use permits.

### **10-12-4: BUSINESS ESTABLISHMENTS:**

All business establishments in the C-1 light commercial districts shall be retail services establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail prices on premises where produced. (Ord. 95-04-04, 4-4-1995)

### **10-12-5: DEVELOPMENT REQUIREMENTS:**

#### A. Building Setbacks:

1. Front: 0'
2. Sides: 0' with fire rated wall except as required by the prevailing fire code
3. Corner Side: 10'
4. Rear: 5'

If a recorded plat note or active easement reflects a higher distance, then the higher distance criteria will prevail and be the official setback to be required.

### **10-12-6: TYPE OF BUILDING FACILITY PERMITTED:**

All business servicing or processing in the C-1 light commercial districts shall be conducted within a completely enclosed building, except for off street parking or loading, excluding drive-in businesses or gasoline service stations or retail outlets where gasoline products are sold. No building shall exceed thirty feet (30') in height. (Ord. 95-04-04, 4-4-1995)

### **10-12-7: GASOLINE SERVICE STATIONS AND RETAIL OUTLETS - GENERALLY:**

Gasoline service stations or retail outlets in the C-1 light commercial district, where gasoline products are sold at retail prices, are limited in their activity to the sale of gasoline, oil and minor accessories only, and incidental service. Repair work, steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glasswork and such other activities whose external effects could adversely extend beyond the property line are not permitted. (Ord. 95-04-04, 4-4-1995)

### **10-12-8: GASOLINE SERVICE STATIONS AND RETAIL OUTLETS - LOCATION OF CURB CUTS RESTRICTED:**

The curb cut, or ingress and egress to gasoline service stations, retail outlets for gasoline products and/or drive-in business in the C-1 light commercial districts shall not be permitted at locations where it will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty five feet (25') from any street intersection, measured from the right of way. (Ord. 95-04-04, 4-4-1995)

### **10-12-9: GASOLINE SERVICE STATIONS AND RETAIL OUTLETS - FRONT YARD SETBACKS, ETC.:**

A front yard setback of sixty feet (60') from the right of way of any existing or proposed street shall be maintained by gasoline service stations or retail outlets where gasoline products are sold in the C-1 light commercial districts unless otherwise approved by the planning and zoning commission. Gas pumps and canopies may be placed within the setback not less than nine feet (9') from the property line, or ten feet (10') from the curb, whichever is greater. Otherwise no front yard or side yard setback is required. Rear yard setback of not less than fifteen feet (15') is required. (Ord. 95-04-04, 4-4-1995)

### **10-12-10: GASOLINE SERVICE STATIONS AND RETAIL OUTLETS - LIGHTING; BUFFER REQUIREMENT:**

In all commercial districts, all lighting shall be shielded as best as possible from adjacent residential zoning districts and residential uses. A minimum 6' to 8' high wall or wood fence shall be provided by all gasoline service stations, retail outlets where gasoline products are sold, drive-in businesses, or other commercial user when abutting or adjacent to either a residential zone or residential land use. Dependent on circumstances of compatibility and expected noise generation from the commercial user, such fence buffer may also be required by the City even if an intervening alley exists between the residential and nonresidential property, especially if said nonresidential user does not plan to actively use the alley.

(Ord. 95-04-04, 4-4-1995; amd. Ord. 45-09-23, 9-5-2023)

### **10-12-11: GASOLINE SERVICE STATIONS AND RETAIL OUTLETS - MINIMUM LOT AREA:**

The minimum lot area of a gas service station or a retail outlet where gasoline products are sold in the C-1 light commercial districts should be thirteen thousand (13,000) square feet and so arranged that ample space is available for motor vehicles which are required to wait, except that gasoline service stations, and



minor accessories having no facilities for repair or servicing automobiles may be permitted on lots of less than thirteen thousand (13,000) square feet subject to all other provisions required in this chapter. The minimum lot area is six thousand two hundred fifty (6,250) square feet, the minimum depth is one hundred feet (100') and the minimum average width is fifty feet (50'); except, that if a lot or track should have less area or width than is herein required and its boundary lines along their lengths should touch lands under other ownership on January 15, 1981, and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling. (Ord. 95-04-04, 4-4-1995)

# CHAPTER 13

## C COMMERCIAL DISTRICT

### SECTION:

10-13-1: Permitted/Conditional Uses

10-13-2: Height Regulations

10-13-3: Building Setback Regulations

10-13-4: Intensity Of Use

### 10-13-1: PERMITTED/CONDITIONAL USES:

#### A. Permitted Uses:

A building or premises shall be used only for the following purposes:

All non-residential uses in the C-1 district.

A grandfathered residential structure is, in effect, a 'permitted use' with vested rights and may be permitted to expand its structural boundaries subject to compliance to prevailing section on residential building setbacks or, if evident, the specific building setbacks recorded on its subdivision plat.

Any retail business; provided that such use is not noxious or offensive by reason of vibrations, smoke, odor, dust, gas or noise. A retail 'Dollar' type store shall be strictly compliant with the 'Commercial Corridor - Restricted Use' provision declared in Section 10-2-2.

Automobile parking lots.

Automobile repair garage.

Automobile sales and accompanying service facilities; such auto sales properties shall be a minimum size of 30,000 square feet; must front a commercial corridor street to magnify traffic safety and not be disruptive to its neighborhood; the auto sales display area shall be professionally paved; must have engineered-designed detention improvements constructed prior to business license issuance; and adjoining alley shall be paved if used as part of the business' traffic plan; paved 5-foot sidewalks shall be provided along all street frontages; plant minimum 7' tall with 3" caliper shade/ornamental trees shall be provided at thirty foot intervals along all streets, plus 2-foot hedging along said streets; and fire hydrants shall be provided should there not be an existing hydrant within 300 feet from each other.

Bank.

Billiard or pool hall.

Car Wash businesses shall be strictly compliant with the 'Commercial Corridor - Restricted Use' provision declared in Section 10-2-2.

Cleaning, pressing and dyeing plants.

Clinic.

Dance hall and skating rink.

All filling stations or service stations shall have their storage tanks for gasoline shall be below the surface of the ground.

Frozen food locker plant.

Garage, public.

Hospitals, and Animal hospitals.

Hotel.

Ice retail distributing stations; no manufacturing.

Job printing.

Laundries.

Lodge halls.

Mortuaries.

Movie, cinema and/or performing arts theater.

Outdoor sales; subject to title 3, chapter 11 of this code.

Radio repair and sales shops.

Radio studios.

Retail businesses provided that such use is not noxious or offensive by reason of vibrations, smoke, odor, dust, gas or noise. A retail 'Dollar' type store shall be strictly compliant with the 'Commercial Corridor - Restricted Use' provisions declared in Section 10-2-2. It is noted that a 'Smoke, Tobacco, Vaping or Similar Product-Type Store or Shop' shall only be permitted pursuant to the restrictions imposed in its Definition in Section 10-2-2 of this Chapter.

Restaurants.

Signs in accordance to Section 9-4-12 (C) Commercial and Industrial Districts.

Storage facility (individually leased/rented units).

Stores and shops for the sale of products at retail only.

## B. Conditional Uses:

A building or premises shall be used only for the following purposes:

### **Bars and nightclubs.**

**Business recycling facility** (prohibited in the commercial corridor) (see Sec. 10-13-8(A)(8)).

**Businesses, such as restaurants, that desire to sell alcoholic beverages** for on-site consumption. Such restaurants may be within 300' of a residence, church, school, or publicly owned property.

### **Flea markets.**

**Mobile food vendor**; mobile food court; said uses must comply with Title 3, Chapter 17 regulations, as well as applicable provisions of Title 10, Chapter 13 'Conditional Use Permits' and be strictly compliant with the 'Commercial Corridor - Restricted Use' provision declared in Section 10-2-2.

### **Single-family residences; multi-family units or condominiums.**

### **Vendors Market.**

**Wrecker services**; (See Section 10-13-8 A. 6. on applicable wrecker regulations to abide by). (Ord. 95-04-04, 4-4-1995; amd. Ord. 1996-04-16, 4-16-1996; Ord. 15-07-06, 7-18-2006; Ord. 28-11-09, 11-10-2009; Ord. 03-01-21, - -2021; 04-01-21, 1-19-2021; Ord. 14-03-21, 2-16-2021; Ord. 46-09-21, 9-7-2021; Ord. 10-02-22, 2-1-2022; Ord. 62-09-22, 9-6-2022; Ord. 67-10-22, 10-4-2022; Ord. 62-11-23, 11-6-2023; Ord. 73-1-24, 1-2-2024; Ord. 155-12-24, 12-17-2024; Ord. 174-04-25, 4-15-2025)

## Notes

- <sup>1</sup> 1 See chapter 13 of this title for conditional use permits.

## 10-13-2: HEIGHT REGULATIONS:

No building shall exceed seventy-five feet (75') in height. (Ord. 95-04-04, 4-4-1995)

## 10-13-3: BUILDING SETBACK REGULATIONS:

A. Front Yard: None required; unless recorded plat note mandates otherwise.

B. Side Yards: None required; unless recorded plat note mandates otherwise; also, the minimum corner side yard building setback is ten feet (10'); if building the structure with 0' side setback or hardly any side setback, the prevailing building and fire-safety codes shall be applied.

C. Rear Yard: Five-feet (5')

(Ord. 95-04-04, 4-4-1995; amd. Ord. 62-11-23, 11-6-2023)

#### **10-13-4: INTENSITY OF USE:**

The minimum lot area is six thousand two hundred fifty (6,250) square feet, the minimum depth is one hundred feet (100') and the minimum average width is fifty feet (50'); except, that if a lot or track should have less area or width than is herein required and its boundary lines along their lengths should touch lands under other ownership on January 15, 1981, and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling. (Ord. 95-04-04, 4-4-1995)

# CHAPTER 14

## M INDUSTRIAL DISTRICT

### SECTION:

10-14-1: Application Of Provisions

10-10-2: Permitted

10-10-2A: Conditional Uses

10-14-3: Height Regulations

10-14-4: Yard Regulations

10-14-5: Intensity Of Use

### 10-14-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the M industrial district. (Ord. 95-04-04, 4-4-1995)

### 10-14-2: 10-10-2: PERMITTED USES :

A. Business recycling facilities are prohibited in the commercial corridor (see Sec. 10-13-8(A)(8)).

Cement or lime manufacture.

Distillation of bones.

Fat rendering.

Grain elevators and/or cotton gins.

Manufacture of acid, fertilizer or glue.

Outdoor sales shall be subject to title 3, chapter 11 of this code.

Petroleum refinery.

Signs in accordance to Section 9-4-12 (C) Commercial and Industrial Districts.

Wholesale storage of gasoline or other petroleum products in carload lots or more above ground.

Any other non-hazardous use that would typically be found in an industrially zoned property. (Ord. 95-04-04, 4-4-1995; amd. Ord. 28-11-09, 11-10-2009; Ord. 10-02-22, 2-1-2022; Ord. 67-10-22, 10-4-2022; Ord. 116-8-24, 8-6-2024; Ord. 174-04-25, 4-15-2025)

## Notes

1. See chapter 13 of this title for conditional use permits.

### **10-14-3: CONDITIONAL USES:**

The following conditional uses shall be subject to the CUP regulations found in Title 10, Chapter 13; as deemed applicable:

Explosives manufacture or storage

Junkyards or automobile wrecking yards

Slaughter, dressing and processing of animals such as poultry, etc.; also, stockyards

Any other use that is generally considered to be potentially hazardous to nearby structures, residences, and/or property may be allowed under conditional use permit approval. (Ord. 116-8-24, 8-6-2024)

### **10-14-4: HEIGHT REGULATIONS:**

No building shall exceed a height of six (6) stories or seventy five feet (75'). (Ord. 95-04-04, 4-4-1995)

### **10-14-5: YARD REGULATIONS:**

The building setbacks shall be subject to the Fire Marshal's safety access regulations which shall supersede the following typical setbacks:

- A. Front: 0'
- B. Side: 0' with fire-rated wall; or via Fire Code
- C. Corner Side: 10'
- D. Rear Yard: 5'

(Ord. 95-04-04, 4-4-1995; amd. Ord. 116-8-24, 8-6-2024)

### **10-14-6: INTENSITY OF USE:**

- A. Minimum lot size: 12,000 square feet
- B. Minimum lot width: 150'

C. Minimum lot depth: 200'

(Ord. 95-04-04, 4-4-1995; amd. Ord. 116-8-24, 8-6-2024)



# CHAPTER 15 CID CIVIC AND INSTITUTIONAL DISTRICT

## 10-15-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the CID Civic District.

## 10-15-2: LAND USE:

The land uses that are permitted, prohibited, and allowed by conditional use permit shall be governed by the Land Use Tables in Chapter 22 (10-22) of this title. Conditional use permits shall also be governed by Chapter 20 (10-20) of this title.

## 10-15-3: HEIGHT REGULATIONS:

Public, semipublic or public service buildings, hospitals, institutions or schools, may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy five feet (75') if the building is set back from each yard line at least one foot (1') for each two feet (2') additional height above the height limit otherwise provided in the district in which the building is located.

## 10-15-4: SETBACK REGULATIONS:

Building setbacks for structures shall be as follows subject to adjustment via recorded plat notes, recorded easements, and/or bona fide and binding orders from the Zoning Board of Adjustments (ZBA).

- A. Front yard building setback: 25'
- B. Side yard building setback: 5'
- C. Side yard building setback from lots zoned R-1 or R-2: 25'
- D. Corner side yard building setback: 10'
- E. Rear building setback (primary bldg.): 10'
- F. Rear building setback (accessory): 5'
- G. Side/Rear Garage Door Setback: 18'

(Ord. 95-04-04, 4-4-1995 4-4-2023; amd. Ord. 63-11-23, 11-6-2023; Ord. 93-4-24, 4-2-2024; Ord. 115-8-24, 8-6-2024)

### **10-15-5: INTENSITY OF USE:**

- A. Minimum lot size: 21,780 square feet (1/2 acre).

# CHAPTER 16 PUD PLANNED UNIT DEVELOPMENT DISTRICT

## 10-16-1: APPLICATION OF PROVISIONS:

The following regulations shall apply to the PUD District.

## 10-16-2: PURPOSE AND INTENT

The purpose of the Planned Unit Development (PUD) District is to encourage innovative and well-designed developments that provide benefits to the community. This district provides flexibility in development standards, allowing for a mix of uses and creative site layouts that may not be achievable under conventional zoning districts. The intent is to facilitate the best use of the land, preserve natural features, and promote a harmonious relationship with surrounding areas while ensuring the proposed development provides adequate amenities, safety, and other public benefits.

## 10-16-3: APPLICATION AND APPROVAL PROCESS

A Planned Unit Development (PUD) may be established as a new zoning district by the Board of Commissioners. The application shall include a master plan and proposed development standards, along with any other descriptive materials or proffers necessary to fully describe the development. A subdivision plat must also be submitted if required.

## 10-16-4: GENERAL STANDARDS FOR PLANNED UNIT DEVELOPMENT

A proposed development may not comply with all dimensional and use requirements of a conventional zoning district, provided the following standards are met:

- A. **Unified Plan:** The development shall be governed by a master plan and proposed development standards that are sufficiently detailed to ensure compliance with the purpose and intent of this section. The plan must show a comprehensive and unified design for the entire development. At a minimum, a viable PUD shall have no less than four (4) land uses master designed.
- B. **Comprehensive Plan.** The development must substantially align with the comprehensive plan.
- C. **Sufficient Size:** The project must be of a size and in a location that permits the creation of an internal environment that will not adversely affect existing and future development in the surrounding area; in this regard, the minimum size for any PUD shall not be less than forty (40) acres.
- D. **Harmonious Design:** The development shall be designed to promote a harmonious relationship with adjacent properties. This can be achieved through techniques such as:
  - 1. Thoughtful building placement and orientation

2. Appropriate building heights, spacing, and setbacks
  3. Preservation of natural vegetation and topography
  4. Effective landscaping, screening, and grading
  5. Strategic location of recreation areas, open spaces, and parking lots.
- E. **Maintenance:** Satisfactory provisions must be made to ensure that all private and common areas of the development are maintained without expense to the general taxpayer. This must be a legally binding agreement approved by the City Attorney.
- F. **Industrial Uses:** To ensure a harmonious relationship between uses and protect public health and safety, no industrial land uses will be permitted within five hundred feet (500') of an existing residential district or an existing/developed residential neighborhood. This buffer distance is intended to mitigate potential negative impacts such as noise, vibration, heavy truck traffic, and odors.
- G. **Resilience and Stormwater Management.** All Planned Unit Developments shall adhere to the town's stormwater management regulations, with a focus on mitigating potential impacts to adjacent properties and public infrastructure. Applicants are encouraged to incorporate green infrastructure and Low Impact Development (LID) principles into their stormwater plans. While not required, these practices, such as bioretention areas, permeable pavements, and green roofs, are a key consideration for approval, as they contribute to climate resiliency by reducing runoff and improving water quality.

## 10-16-5: LAND USE

Permitted uses within a Planned Unit Development (PUD) are not predefined but will be determined on a case-by-case basis as part of the PUD plat approval process. The Planning Commission and Board of Commissioners have the sole discretionary authority to approve, deny, or modify the proposed list of land uses for the development. Their decision will be based on the overall intent of the PUD District, the specific context of the proposed development, and its compatibility with the surrounding area.

## 10-16-6: PROCEDURES

Procedures for the approval of a Planned Unit Development (PUD) application shall be the same as those for a Plat being discussed/approved. No development shall commence, and no permits shall be issued until the master plan and the plat(s) have been approved by the P&Z Commission and the Board of Commissioners. Final site plan approval by the city's Planning Director, and the Fire Marshal for non-single family structures, is also required before any permanent building can be erected.

# CHAPTER 17 DT DOWNTOWN

## 10-17-1: PURPOSE AND INTENT

The Downtown District (DT) aims to create a more vibrant and walkable downtown Alamo. The city wants to achieve this by allowing a mix of uses, including commercial, financial, professional, and cultural activities. This encourages a compact arrangement of businesses and buildings. The DT also promotes housing options that are conveniently located near shopping and workplaces.

## 10-17-2: LAND USE:

The land uses that are permitted, prohibited, and allowed by conditional use permit shall be governed by the Land Use Tables in Chapter 22 (10-22) of this title. Conditional use permits shall also be governed by Chapter 20 (10-20) of this title. The provisions of said chapter are summarized below:

### Permitted Uses:

- A. Accessory Buildings & Uses; Non-Residential
- B. Accessory Buildings & Uses; Residential
- C. Automobile Repair Garage
- D. Automobile Sales & Accompanying Facilities
- E. Banks
- F. Bed & Breakfast
- G. Billiard or Pool Hall
- H. Clinic
- I. Dance Hall
- J. Garage, Public
- K. Hospitals
- L. Hotel
- M. Ice Retail Distributing Stations; No Manufacturing
- N. Job Printing
- O. Laundries

P. Laundromats

Q. Lodge Halls

R. Medical Offices, General

S. Mobile Home, Single

T. Mortuaries

U. Movies, Cinema, and/or Performing Arts Center

V. Multifamily Dwelling, Apartment

W. Multifamily Dwelling, Duplex

X. Multifamily Dwelling, Fourplex

Y. Multifamily Dwelling, Townhouse

Z. Multifamily Dwelling, Triplex

AA. Personal Services

BB. Plant Cleaning & Pressing

CC. Playgrounds

DD. Public Parks

EE. Radio Repair/Sales Shop

FF. Radio Studies

GG. Real Estate Offices

HH. Recreation, Private

II. Recreation, Public

JJ. Restaurants

KK. Retail, Consumption

LL. Retail, Stores/Shops

MM. Single Family Dwelling; Existing before April 1, 1995

NN. Skating Rink

**Permitted, provided additional requirements are met :**

A. Condominiums

1. All townhouse condominiums; requires require recorded OCRs to perpetually maintain the common elements in such a condominium regime.

B. Outdoor Sales

1. Outdoor sales shall be subject to title 3, chapter 11 of this code.

C. Parking Lots, Surface; Non-Residential

1. Pursuant to 10-17-7(B)

D. Parking Lots, Surface; Residential

1. Pursuant to 10-17-7(B)

E. Retail, Other

1. Stores and shops shall be for the sale of products at retail only.

F. Signs

1. Pursuant to Chapter 10-17-8 of this code.

## Conditional Uses:

**A. Alcoholic Sales, On-Site Consumption**

**B. Bars & Nightclubs**

**C. Vendor Markets**

**D. Mobile Food Vendor(s)**

**E. Neighborhood Bars**

**F. Parking Structure, Non-Residential**

**G. Parking Structure, Residential**

**H. RV Residency, Temporary Religious**

## 10-17-3: AREA

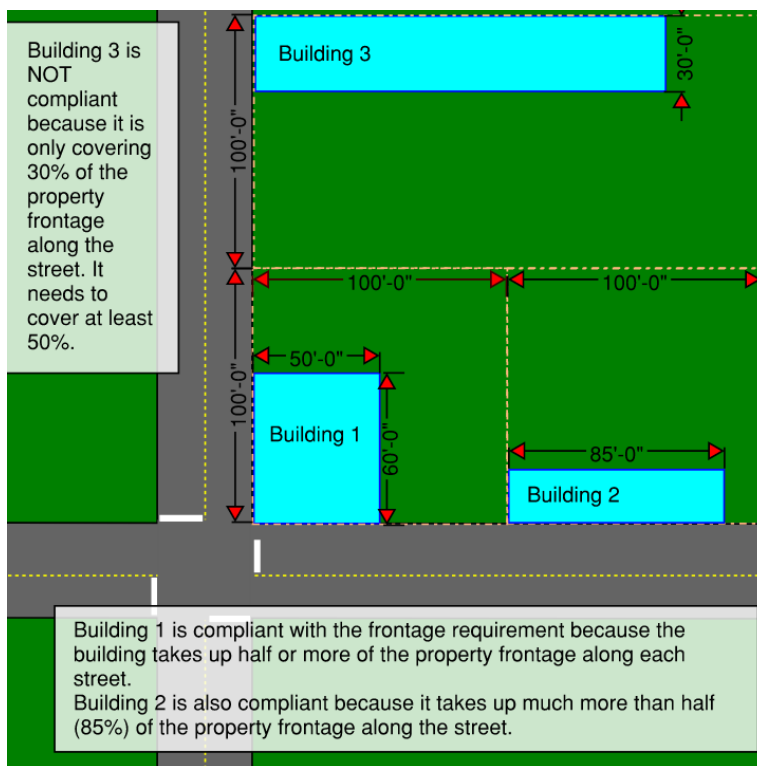
There shall be no minimum lot area or width.

## 10-17-4: SETBACKS

- A. **Minimum Setback:** Except for the minimum 5' rear building setback, there shall be no minimum setback requirements. Buildings may be constructed up to the property line. However, no building or structure shall be located within any easement or right-of-way. Also, on corner lots, there shall be a minimum 10' corner side yard building setback.
- B. **Maximum Setback:** For all new construction, the maximum setback from the public street right-of-way shall be zero feet (0'). This mandate requires the front building façade of all new development to be situated on the front property line abutting the public right-of-way. The intention of this mandate is to create a consistent and walkable streetscape with a solid continuous line of buildings along the street.

## 10-17-5: FRONTAGE

A minimum of half (50%) of each property's frontage along public rights-of-way shall be covered by the primary structure.



## 10-17-6: HEIGHT

There shall be no height regulation with the exception that structures greater than 45 feet shall require conditional use permit approval where special emphasis will be given to full compliance to prevailing Fire and Life Safety regulations.

## 10-17-7: PARKING



- A. The Downtown District is intended to include blocks of properties that have historically been provided with on-street parking by the City of Alamo. All land uses shall be exempt from off-street parking minimum regulations within this district except for residential uses with more than 5 residential units, which shall be subject to their standard parking rate enumerated in Chapter 3 of this ordinance (10-3-6).

**B. Surface Parking Lots:**

- 1. If provided, surface parking lots in the DT district must follow the requirements of Title 9-6-5. (Nonresidential Use Landscaping in Parking Lots)
- 2. Between the primary structure and public streets, except that it may be provided between the principal building and a secondary street frontage on a corner lot if such location is screened and fully compliant with all screening and landscaping requirements of Title 9-6-5 (Nonresidential Use Landscaping in Parking Lots).

## **10-17-8: SIGNS**

Unless specified below, regulations from Title 9-4 shall apply to signs in the DT district.

### **Prohibited Signs**

The following signs are prohibited from the DT district:

- A. Changeable Copy Sign
- B. Billboard Sign
- C. Off-Premise Sign, except as allowed below.

### **Permitted Signs**

#### **Accessory Signs:**

- A. Minimum setback: Property line.
- B. Maximum size: Sixteen (16) square feet.
- C. Maximum height: Ten feet (10').

#### **Canopy Signs:**

- A. Shall be limited to one permanent sign per business and shall comply with the prevailing building code. Canopy signs may project into a right-of-way no more than six feet (6') to provide cover for a pedestrian walkway and provided they are a minimum of eight feet (8') high. This provision shall not be construed to allow a canopy sign to project over vehicle parking space(s) or vehicle drive lanes.

**Directory Signs:**

- A. Shall be designed on a pedestrian scale.
- B. Minimum setback: Property line.
- C. Maximum size: Twenty (25) square feet.
- D. Maximum height: Ten feet (10').

**Ground/Tenant Signs:**

- A. Shall be limited to one permanent sign per site. In the case of a multi-unit building, one ground or tenant sign capable of including all businesses located within the multi-tenant building will be allowed per site along with a wall sign, canopy sign or roof sign for each business as permitted in this subsection. Shall be designed on a pedestrian scale.
- B. Minimum setback: Property line, except that it shall not be constructed in right-of-way or easements.
- C. Maximum size: Ten (10) square feet per tenant.
- D. Maximum height: Six feet (6').
- E. Maximum size and maximum height requirements can be amended on a case-by-case basis by Conditional Use Permit.

**Home Occupation Signs:**

- A. Home occupation signs shall be permitted through an approved conditional use permit for a home occupation of a ground-floor residential dwelling to be no more than two feet by two feet (2' x 2') and shall be attached to the building of the home on the exterior portion of the building in the area for that residential unit. These signs may be projected over a pedestrian walkway at a minimum height of eight feet (8'), provided building code is followed.

**Marquee Signs:**

- A. Shall be limited to one permanent sign per site and shall comply with the prevailing building code. Size of marquee cannot exceed eight feet (8') in width and thirty two feet (32') in length. Marquee signs may project into a right-of-way no more than six feet (6') to provide cover for a pedestrian walkway and provided they are a minimum of eight feet (8') high.

**Roof Signs:**

- A. Shall be limited to one permanent sign per site, and shall comply with the standard building code. Size of roof sign cannot exceed four feet (4') in height and sixteen feet (16') in length.

**Projecting Signs:**

- A projecting sign shall not project more than four (4) feet from the building face. The lowest point of a projecting sign shall be no less than eight (8) feet above the grade of the sidewalk or pedestrian walkway immediately below it. No sign shall project over a street or alleyway.

The maximum sign face area for a projecting sign shall not exceed sixteen (16) square feet.

The sign face area of a projecting sign shall not be included in the calculation of the total allowable sign area for the building facade.

A maximum of one (1) projecting sign shall be permitted per business or storefront, or per public street-facing facade of a building.

No business or storefront shall have both a projecting sign and a wall sign on the same facade.

Illumination of a projecting sign is permitted, provided the light source is shielded and directed downward.

Flashing, intermittent, or moving lights are prohibited.

#### **Wall Signs:**

- A. Shall be limited to one (1) per public street-facing wall, of which there shall be no more than one facing each direction. No business or storefront shall have both a projecting sign and a wall sign on the same facade. Wall signs shall comply with the prevailing building code.

Maximum five percent (5%) of wall face but no more than fifty (50) square feet; any wall sign over fifty (100) square feet but at five percent (5%) of the wall face shall require the planning and zoning commission's site plan approval.

Maximum setback: Attached or painted to wall.

## **Temporary Signs**

#### **Banner Signs:**

- A. Shall be limited to one temporary banner per site. Such signs may be displayed for a period of no more than thirty (30) consecutive days, after which the sign will be removed and may not be replaced.

#### **Construction Signs:**

- A. Shall be limited to one temporary sign per site and shall comply with subsection 9-4-10D.
- B. May be erected no more than thirty (30) days prior to construction. After completion of the building or project, such signs shall be removed within thirty (30) calendar days.
- C. Minimum setback: Property line.
- D. Maximum size: Forty (40) square feet.
- E. Maximum height: Ten feet (10').

#### **Political Signs:**

- A. Shall comply with subsection 9-4-10D of this code including their placement at twenty five foot (25') intervals from each other and their removal within fifteen (15) days following the election for which the sign is posted.

- B. Minimum setback: Property line.
- C. Maximum size: Six (6) square feet.
- D. Maximum height: Two feet (2').

#### **Portable Signs:**

- A. "A-Frame" and similar pedestrian-oriented portable signs shall be permitted near the main entrance of a business during business hours. These may be placed in a right-of-way, but shall not block or inhibit vehicular and pedestrian traffic flow, including being placed in a parking space. Upon the close of business, the portable sign shall be removed.
- B. Vehicle-oriented portable signs shall be permitted on an "on premises" basis and only during the business's grand opening date which commences from the date the city issues a business permit for such business. Vehicle-oriented portable signs shall be removed no later than thirty (30) calendar days from the grand opening date. No vehicle-oriented portable signs shall be otherwise permitted. Vehicle-oriented portable signs existing at the time of the passage of this chapter shall be allowed and remain as is; however, once six (6) months elapse, such signs shall be removed from the property where it is not visible to the public. Shall comply with subsection 9-4-10D of this chapter.
  - 1. Minimum setback: Property line.
  - 2. Maximum size: Twenty-five (25) square feet.
  - 3. Maximum height: Six feet (6').

#### **Real Estate Signs:**

- A. Shall comply with subsection 9-4-10D of this code including their removal within fifteen (15) days following the sale or lease of the premises upon which the sign is posted.
- B. Minimum setback: Property line.
- C. Maximum size: Ten (10) square feet.
- D. Maximum height: Two square feet (2').

### **Off-Premise Signs**

#### **Bench Signs:**

Bench signs shall be permitted subject to approval of the Planning Director. Bench signs shall be allowed in DT district only at sites along a bus route or at locations characterized by substantial pedestrian traffic and shall not be placed on public property. The city shall consider the placement, number and spacing of bench signs prior to any approval.

# CHAPTER 18

## VARIANCES/NONCONFORMING USES

### SECTION:

10-18-1: Variances

10-18-2: Nonconforming Use Of Land

10-18-3: Nonconforming Use Of Building

### 10-18-1: VARIANCES:

A. Where the terms of this title relating to the use, construction or alteration of buildings or structures or the use of land will impose upon the landowner practical difficulties or particular hardship, the Zoning Board of Adjustment may consider and allow variations of the strict application of the terms of this title if the variations are in harmony with the general purpose and intent of this title and the Zoning Board of Adjustment is satisfied under the evidence heard by it that a granting of the variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this title created.

B. Any person aggrieved by a decision by an authorized city official, relating to the enforcement or interpretation of this title, shall have the right to file an application for a variance hereunder within ten (10) business days from the date of such decision or action. (Ord. 3-16-00-01, 5-16-2000; amd. Ord. 68-10-22, 10-4-2022)

### 10-18-2: NONCONFORMING USE OF LAND:

The nonconforming use of land, where no building is involved existing on April 1, 1995, may be continued for a period of not more than two (2) years therefrom; provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property and that if such nonconforming use of land is discontinued or changed then future use of land shall be in conformity with regulations of the district in which it lies. (Ord. 95-04-04, 4-4-1995)

### 10-18-3: NONCONFORMING USE OF BUILDING:

Except as otherwise provided or on April 1, 1995, if the amendments to this title at that date cause any building to be then nonconforming, the nonconforming use of a building may be continued and the use of a nonconforming building may be changed to another use of the same or more restricted classification. A nonconforming building which is or may hereafter become vacant and which shall remain unoccupied or its nonconforming use discontinued for a continuous period of one year shall not thereafter be occupied, except by a use which conforms to the regulations of the district in which it is located. A nonconforming building may be maintained or kept in good repair, except as otherwise provided in this section. No existing nonconforming building may be enlarged or altered unless its use is changed to a use permitted in the district in which such building is located, except in the event such enlargement, extension,

reconstruction or alteration is required by court decision, law or ordinance. No nonconforming building shall be moved in whole or in part to any location on the lot unless every portion of such building is made to conform to all regulations of the district in which it is located. A nonconforming building which is damaged by fire, explosion, flood, wind, earthquake or other calamity or act of God or the public enemy to the extent of fifty percent (50%) or more of its reasonable market value may not be restored, except in conformity with the regulations of the district in which it is located. (Ord. 95-04-04, 4-4-1995)

# CHAPTER 19

## CONDITIONAL USE PERMITS

### SECTION:

10-19-1: Purpose

10-19-2: Approval, Procedure, Responsibility And Appeals

10-19-3: Application, Filing Procedures And Fees

10-19-4: Site Plans Required

10-19-5: Requirements For Approval

10-19-6: Development, Revocation And/Or Automatic Cancellation Of Permit

10-19-7: Period Of Conditional Use And Renewal

10-19-8: Requirements Of Conditional Use

### 10-19-1: PURPOSE:

The purpose of the regulations described by this chapter is to allow the compatible and orderly development within the city, of uses which may be suitable only in certain locations in a zoning district if developed in a specific way or only for a limited period of time. A conditional use permit is required for all conditional uses as set forth in the conditional use paragraph of each use district. At no time may a structure or property be adapted to a conditional use without first obtaining a conditional use permit. (Ord. 95-04-04, 4-4-1995)

### 10-19-2: APPROVAL, PROCEDURE, RESPONSIBILITY AND APPEALS:

The city's planning director shall have the responsibility for processing all permits required for conditional uses and presenting them to the planning and zoning commission for processing as described below. The following procedures shall be complied with prior to the approval or denial of any conditional use permit:

A. Notice to all owners of real property within two hundred feet (200') of the property for which application has been made shall be mailed, but in no case shall this notification occur less than ten (10) working days prior to consideration at a meeting of the planning and zoning commission to consider such application.

B. Application concerning permits for those uses which are conditional shall be automatically referred to the planning and zoning commission for a public hearing. The planning director shall investigate, notify the adjacent property owners and provide necessary professional advice. The planning and zoning commission may deny an application for a conditional use permit after a public hearing if the proposed use fails to meet one of the criteria set forth in requirements for approval.

C. Appeal shall be in accordance with this title. (Ord. 95-04-04, 4-4-1995)

### **10-19-3: APPLICATION, FILING PROCEDURES AND FEES:**

The property owner or authorized agent shall make application on a form prescribed by the city, and such application shall include site plan drawings and floor plans, if applicable, as set forth in Section 10-13-4 of this Chapter. Obtaining a conditional use permit does not exempt the applicant from complying with requirements of the building code or other applicable ordinances. The fee for a conditional use permit shall be \$300; however, if the applicant or his authorized agent request that it be 'Tabled' and the request is honored, the applicant/agent will then pay \$150 before the City re-activates the administrative CUP process once again. Payment of such fees shall not be refundable in whole or in part. (Ord. 95-04-04, 4-4-1995; amd. Ord. 125-9-2024, 9-3-2024)

### **10-19-4: SITE PLANS REQUIRED:**

A. Purpose: The purpose of the site plan is to ensure compliance with this chapter and to assist in the orderly and harmonious development of the city, the stability of land values and investments, and enhancement of the general welfare.

B. Recording: The applicant shall file with the planning director one copy of a site plan.

C. Contents: The site plan shall contain drawings to scale to indicate as needed:

1. The location of all structures on the subject property and on adjoining property;
2. Landscaping and/or fencing of yards and setback areas and proposed changes;
3. Design of ingress and egress;
4. Off street parking and loading facilities;
5. Height of all structures;
6. Proposed uses; and
7. The location and types of all signs, including lighting and heights. (Ord. 95-04-04, 4-4-1995)

### **10-19-5: REQUIREMENTS FOR APPROVAL:**

A. The planning and zoning commission may permit a conditional use subject to appropriate conditions and safeguards when the commission finds:

1. That the proposed use meets all the minimum standards established in this chapter and other applicable ordinances.

2. In particular regard to continuous loud noise that may violate the city's noise regulations of Title 4, Chapter 5, and/or because of seemingly un-controlled CUP induced parking that consistently spills over onto residential areas, it is declared that any approved conditional use permit will not be detrimental to



the reasonable repose and comfort of area residents; nor will any awarded CUP injure or compromise the health, welfare and safety of the surrounding neighborhood or its occupants; nor shall the awarded CUP be substantially or permanently injurious to neighboring property. Reiterating a special regard to the noise regulations of Title 4, Chapter 5, it is hereby decreed that any confirmed and verified violation(s) to these noise provisions will induce immediate code enforcement processes to be activated and, depending on prompt compliance or the lack thereof, the city may determine to commence the public hearing process to revoke the CUP.

B. Appeal of a decision of the planning and zoning commission shall be to the city commission. (Ord. 95-04-04, 4-4-1995; amd. Ord. 35-07-23, 7-11-2023)

## **10-19-6: DEVELOPMENT, REVOCATION AND/OR AUTOMATIC CANCELLATION OF PERMIT:**

A. The Planning Director and, if necessary, the building official and Fire Marshal, shall ensure compliance with this chapter and the ordained requirements of the awarded conditional use permit. He shall:

1. Make inspections to determine compliance with the provisions of this chapter and the conditional use permit, and initiate appropriate action if necessary.
2. Investigate thoroughly any complaints of noncompliance concerning a permitted special use, and keep a record of all complaints, indicating any action taken. These records shall be made available at the time of renewal of the conditional use permit.

B. Upon determination of noncompliance with the provisions of the conditional use permit, the City of Alamo's Planning Department shall take action as follows:

1. Give written notice to the permit holder of the nature of the violation, the necessary action to remedy the violation, and the time period, not less than ten (10) days nor more than thirty (30) days after the date of notification, within which to comply.
2. Notify the planning and zoning commission of the noncompliance if the violations have not been corrected within the prescribed time period.
3. Appeal shall be in accordance with this title.

C. The planning and zoning commission, after due hearing, may revoke any conditional use permit that has been reported in violation by the Planning Director. Continued use without a conditional use permit will be a violation of this chapter and subject to the penalties provided in this code.

D. If a conditional use permit has not been applicant-activated or used within six (6) months after the date granted, the permit is automatically canceled. (Ord. 95-04-04, 4-4-1995)

## **10-19-7: PERIOD OF CONDITIONAL USE AND RENEWAL:**

A conditional Use permit for home occupations, bar or lounge and daycare facilities shall have a time limit of not more than one year unless otherwise approved by the Board of Commissioners. If the conditional use permit has a time limitation attached, the expiration date shall be set forth in the enabling and adopted

CUP ordinance. Any permittee wishing a renewal of such conditional use permit for a successive time period shall file an application for renewal approximately thirty (30) days before the permit expiration date and shall meet the following conditions:

- A. A one-hundred and fifty dollar (\$150.00) renewal fee shall be paid by the permittee;
- B. For applicable CUP items, the renewal for the conditional use permit shall be pursuant to normal public posting and mail-out protocol.
- C. The City Building inspector, the City's Code Enforcement Officer, the Director of Planning, and the Fire Marshal shall always have the right to conduct a facility inspection on the CUPs' premises to determine if the building is in compliance with prevailing building and fire codes and with the ordained requirements of the CUP.
- D. If no violations are found during the renewal/inspection process, and if no complaints meriting legitimacy have been filed at the City, then the renewal process proceeds administratively through the Department of Community Planning and Development for approval;
- E. If, however, bona fide complaints were filed at the City; or the building is in moderate-to-severe violation of building, electrical, plumbing, mechanical and/or fire codes, then the renewal process must proceed to the Planning and Zoning Commission and the Board of Commissioners for consideration and action. (Ord. 10-05-03, 5-20-2003; amd. Ord. 142-11-24, 11-6-2024)

## **10-19-8: REQUIREMENTS OF CONDITIONAL USE:**

- A. The requirements to be met for each use shall be as follows:

### **1. Home Occupations:**

The applicable conditions for home occupations shall include, but are not limited to, the following:

- a. The area used in conducting the home occupation will be clearly secondary to the residential use.
- b. One nameplate attached to the building not larger than two (2) square feet is permitted in all districts except R-1 single-family residential district.
- c. There shall be no exterior display or alterations, or banner flags, banners, or other eye-catching gimmicks to indicate that the building is being used for any purpose other than that of a dwelling.
- d. There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.
- e. There shall be no outside storage of materials or products.
- f. The permitted use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average load per hour as determined by the Planning Director of the city. Also, the City of Alamo may require additional paved parking spaces but not to the degree to appear 'non-residential'.
- g. No retail sales (**Note:** items can be delivered).

- h. No additions to the residence or accessory buildings specifically to accommodate the business.
- i. The business must take place in the primary residential structure on the property rather than in a detached garage or separate accessory building.
- j. The activity must take place at the location for which the permit was issued.

## **2. Entertainment Establishments:**

Bars, cocktail lounges, taverns, cantinas, saloons, dance halls, discotheques, discos, or nightclubs:

- a. The property line of the lot of any of the above mentioned businesses, especially those businesses having late hours (after 10:00 P.M.), must be at least three hundred feet (300') from the nearest residence, and/or church, school, or publicly owned (institutional) property. Such entertainment establishments must provide six feet (6') to eight feet (8') fence buffering so that the business is not visible from said residential/institutional areas; and provide sufficient soundproof insulation of the building such that the business cannot be heard from residential/institutional areas. Furthermore, such entertainment establishments must be designed to minimize damage of the character of nearby residential areas. Regarding the 300-foot regulation cited above, the Zoning Board of Adjustments shall not have stewardship for variance review but it shall be delegated to the Planning and Zoning Commission who may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300-foot requirement to the Board of Commissioners who shall have ultimate decision on the matter. On the occasion when a variance is sought to the 300-foot distance, the residential/institutional property owners within this radius shall be justly notified of the (CUP) public hearings; thus, the process being fully transparent and due process legitimately complied with.
- b. The above-mentioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas.
- c. The above-mentioned businesses must provide parking in accordance with the city off street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking.
- d. The above-mentioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
- e. The above-mentioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.
- f. The above-mentioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.

## **3. Personal Wireless Service Facility:**

The applicable conditions for a personal wireless service facility include, but are not limited to:

- a. Maximum height of pole or tower structure of one hundred twenty feet (120') within a commercial or industrial district;
- b. Only one pole or tower structure allowed per lot within a commercial or industrial district;
- c. Minimum spacing between poles and tower structures within commercial or industrial district of one thousand feet (1,000') measured in a direct line from another tower or structure;
- d. Minimum setback of twenty-five feet (25') from property line, ten feet (10') from side yard and ten feet (10') from rear, unless greater requirements as noted on subdivision plat;
- e. Buffering of ground site including fence and landscape material required if pole or tower structure located within the front or side yard, or adjacent to a residential use or district;
- f. The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities. The applicant agrees to cooperate with other personal wireless service facilities on permitted support structures. A permittee shall exercise good faith in collocating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the city may require a third-party technical study at the expense of either or both the applicant and permittee;
- g. All conditional use applicants shall demonstrate reasonable efforts in developing a collocation alternative for their proposed personal wire service facility site;
- h. Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit.

#### **4. Daycare Facilities:**

The applicable requirements for daycare facilities include, but are not limited to:

- a. Must be licensed by the state of Texas;
- b. Must have a minimum six foot (6') high fenced-in area for outside activities of children;
- c. Must have a privacy fence buffer between adjacent properties;
- d. Must have off street paved area adjacent to street for pick-up and delivery of children;
- e. The building used for daycare facilities must be constructed to serve as a residential dwelling, and the building's exterior roof and facade must conform to the architectural characteristics and overall appearance of the residential district;
- f. No part of a daycare facility shall be within a radius of one thousand feet (1,000') of another daycare facility, as measured from any point on the property line of each respective facility's property;
- g. No daycare facility shall be permitted on a half street;

h. Daycare facilities which care for more than forty (40) children shall not be permitted in a residential district;

i. No on-site signage of any kind shall be permitted to advertise the daycare facility other than a two square foot nonilluminated nameplate bearing the person's name and occupation may be displayed if attached flat against the front wall of the building; no ground pole sign or flags, etc., shall be permitted

j. If the person operating the daycare facility is not the owner of the property, then the application must be signed by the owner or a letter of authorization from the owner must be submitted.

## **5. Parking facilities for nonresidential uses:**

The applicable requirements for parking facilities include but are not limited to:

a. Access shall not be granted through the residential neighborhood street or lot frontage.

b. A minimum six feet (6') opaque buffer fence (Block, Brick or Cedar) shall be installed to divide the residential uses from the non-residential uses.

c. The non -residential parking shall only be used during the hours of operation of the adjacent commercial business for which the additional parking is intended to serve.

d. Any proposed commercial lighting shall be affixed with downcast lighting to illuminate the parking area only and not to affect the residential areas.

e. Must be constructed of asphalt or concrete as required by the City's parking ordinance.

f. Shall provide an engineered drainage plan in order to ensure proper drainage that will not affect the residential properties.

h. Shall install any necessary sidewalks in compliance with ADA requirements.

i. Shall not be utilized for the parking of large commercial vehicles or semi-truck parking.

j. Shall comply with any other requirements, such as landscaping regulations and additional private/public security lighting, imposed by the Planning and Zoning Commission and the Alamo Board of Commissioners.

## **6. Wrecker Services:**

The following regulations, though not all inclusive, shall be complied with:

a. Must be in full compliance of applicable provisions of Title 6, Chapter 6 - Wreckers, as these regulations pertain to State Inspections; vehicle safety certifications; annual fees and inspection fees; driver vetting and registration; insurance requirements; no delinquent taxes due on the vehicle storage facility; Police Chief assessment and approval protocol, including abiding by approved maximum towing service fees, or reasonable fees pursuant to circumstances of the accident/incident; being placed on the city's rotation list; plus all other measures of Chapter 6. However, in regard to Chapter 6, Sec. 6-6-7 Suspension or Revocation of Permit Hearing, this PUD procedure shall defer to the Development,

Revocation and/or Automatic Cancellation protocol as ordained by the Board of Commissioners in Title 10, Section 10-13-6 wherein the Police Department's evidentiary hearing can be included in this process.

b. Any and all proposed signage must be pre-approved pursuant to the City's Sign Ordinance and any applicable provision(s) of Title 6, Chapter 6, prior to issuance of the required sign permit.

c. Landscaping regulations will be applied should the subject site not be fully compliant to the commercial landscaping standard(s).

d. Drainage detention will be applied should the subject site not be fully compliant to the city's prevailing storm frequency requirement. An engineered plan can be required by the city, if the property's (proposed) impermeable surface is found extensive and may have a detrimental spillover effect to adjoining property/properties. After improving the wrecker property to its final occupancy status, the measure of permeable detention will substantially be the same as before improvement, i.e., there should be no substantial increased drainage flow onto adjoiners.

e. A business license/permit must be secured for the new wrecker service. In this process, the Building Codes, Fire Codes, Paving Codes, etc., will all be complied with. Also, if the Fire Marshal determines that the commercial use will require an additional fire hydrant, then this shall be installed by the applicant pursuant to the city's utility policies, and must be enabled prior to occupancy.

f. If the Planning Director determines that paved sidewalks are needed to maximize pedestrian safety and magnify neighborhood assimilation, then this may be imposed, and the sidewalk(s) constructed (or construction cost escrowed with the City of Alamo) prior to occupancy.

g. No wrecker CUP shall be transferable to any new owner(s); the prerequisite CUP public hearing requirements must be fully processed and complied with prior to activation by any new owner.

h. No CUP shall be issued to a wrecker service if it is within one-thousand feet (1000') to another wrecker service's vehicle storage facility (VSF), to be measured from nearest point to nearest point; except that on commercially zoned properties along U.S. Expressway 83 or U.S. Business Highway 83, and commercially zoned properties between said major thoroughfares east of Tower Road, the 1000' VSF interval may be suspended dependent on the applicant's site plan, especially as it pertains to uniform fencing/buffering. It is further expressed that should there be one (1) commercially zoned property that desires to house several VSFs within the specific boundaries just cited, this may be permitted during the CUP process, but only if there will be a uniformly built eight-foot (8') fence/buffer that contains the multiple VSFs; thus, visually appearing to the normal passerby that the stored vehicles are in a single VSF. Any signage for multiple VSFs in a single property will afford only one tenant sign; the containment security fence will not have any markings, phone numbers, insignias, etc.

i. Security lighting shall be mandated of the wrecker service with strong inclination for internal downcast lighting, especially where there may be residential areas nearby. Adequate lighting must be evident so vehicle owners may satisfactorily inspect their vehicle for damages during evening hours.

j. Minimum six feet (6') opaque or solid buffer fence/wall shall be required around all the entire perimeter of the vehicle storage facility. As it pertains to CUP applicants, such buffering shall be constructed of wood fencing and/or masonry material on the property's side that is most visible to passing motorists and the general public; however, should circumstances warrant, similar type of buffering may also be imposed to the vehicle storage facility's other sides, too. At the facility's entry/exit gate, such buffering shall be indented sufficiently inward to allow for the wrecker vehicle(s) to temporarily park off-the-street while pending entry into the storage yard.

k. The vehicle storage facility shall have all-weather surface wherein stored vehicles are (temporarily) placed. Such all-weather surface material shall be considered 'impermeable' for square footage calculations as it relates to drainage detention purposes.

l. A wrecker CUP shall initially be approved for one (1) year, reflecting the intent of being commercially enabled for one year prior to re-assessment/possible renewal to provide a fair tenure to consider renewal. It is noted here that, pursuant to Title 10, Chapter 19, Sec. 10-13-6 (D), the applicant shall have six (6) months to fully activate and comply with all applicable wrecker regulations, or else the CUP shall be deemed null and void.

m. The City of Alamo reserves the right to impose other reasonable restrictions and traffic safety measures to a wrecker CUP, at any time, in order to maximize assimilation to its neighborhood.

## **7. Vendors Market:**

The following regulations, though not all-inclusive, shall be complied with:

- a. The location of a vendors market shall be on property that has a commercial zoning district.
- b. The location of a vendors market may be within an enclosed facility or open-air parking lot or exterior paved area; if in a paved parking lot, the total number of 'available' parking spaces shall be sufficient for both the existing business(es) and the vendors market's occupied areas. No CUP shall be approved if the number of 'available' paved parking spaces are depleted below the regulatory parking space criteria for the business(es) that use the same paved parking lot.
- c. The hours of operation shall no earlier than eight (8:00) A.M. nor later than seven (7:00) P.M.
- d. The applicant will assure that his/her vendors shall have valid food-handler's certificates that may be verifiable by the County of Hidalgo Health Department authorities; copies of such will be provided to the City of Alamo's Planning Department.
- e. Paved parking shall be sufficient for the private vehicles of each vendor plus the overall square footage requirement for incoming patrons; the primary intent is to minimize or eliminate parking from occurring on adjoining street(s) or on parking lots of other neighboring commercial users (unless there is signed consent from said neighboring commercial users that such may occur) if it is observed that the parking is insufficient for the number of vendors accommodated, then either the number of permitted vendors must be eroded or additional paved parking must be secured via prevailing ordinances, i.e., written consent of any nearby commercial properties.
- f. A business license for a 'vendors market' must be secured by the CUP applicant; thus, assuring that the prevailing zoning codes, building codes, and fire codes are complied with. In this regard, the Fire Marshal may or may not require additional fire hydrants to serve the facility, plus require that 'fire lanes' or 'no parking' be (re)ainted in appropriate areas.
- g. Sufficient accommodations must be made for garbage pick-up where the garbage container area will comply with prevailing city ordinances, including (as deemed applicable) to have the container buffered.
- h. Should there be a required need to hire City of Alamo police officer(s), then said costs shall be privately paid by the applicant directly to the off-duty officer. The City of Alamo will not pay for its officers to provide security to a private business enterprise, within the context of this CUP process.



i. Provide a signed copy of any lease/rent agreement attesting the owner's consent of occupancy and the terms thereby. In this regard, there shall be arrangements made for vendors and patrons to use the business' restroom facilities. If this is not a viable option, then any port-a-potty must be shown on the CUP's Site Plan; assuring that it is reasonably distant to nearby residences.

j. After one (1) year of operations and as a part of any CUP's renewal, the City of Alamo may impose other reasonable conditions to further assimilate compliance of the subject site to the neighborhood; such improvements may include perimeter sidewalks, landscaping with trees/three (3) feet continuous landscape hedging, security lighting, etc.

k. There shall be no alcoholic beverages sold for on-site or off-site consumption whatsoever. Furthermore, no vendor shall consume any alcoholic beverage during the vendors market event.

l. Any signage must comply with prevailing sign code regulations; no 'flag' or v-type signs, etc., are permitted.

## **8. Business Recycling Facility (BRF);**

a commercial venture that processes, cuts, reduces, or modifies materials to a degree that it may facilitate the item to be stored and then transported off-site for recycling purposes. A BRF is prohibited along the City's Commercial Corridor. Such items may include, but not be limited to, precious or semiprecious metals, plastics, paper, canvas, fiber, etc.

a. Must secure and acquire any applicable licensing or certifications that may be required by monitoring County, State, and/or Federal agencies.

b. BRF site must not be less than three (3) acres gross.

c. BRF site must be a minimum distance of one-thousand feet (1000') from any other recycling facility; said separation measured from nearest property line to nearest property line.

d. BRF site is prohibited along the commercial corridor; encouraged to have frontage to the railroad right-of-way from which to construct a RR spur to facilitate transportation of modified materials.

e. The specific recycling/modifying activity area shall be a minimum of 300' from any residentially used properties, such that it shall not detrimentally affect any of the surrounding residential land uses. Storing or piling of recycling items may be within the 300' interval, though.

f. The recycling or modifying of items shall be conducted within an enclosed structure/building; there shall be no processing, cutting or modifying of recyclable materials in the open.

g. It is expected that there shall be some piles of modified materials in the project site; as such, a minimum ten foot (10') solid buffer wall or fence shall be constructed for such a storage area to totally obscure the stored piles of materials. The buffering wall/fence may be of pre-cast concrete wall panels, concrete masonry unit (CMU), wood, masonry or masonry columns in combination with other permitted materials, or any like material. Accent lighting, at 25' to 35' intervals, in the front of the buffer area is mandated to maximize aesthetics and deflect optics from the storage of recycled/modified materials. Aluminum sheet material shall not be permitted. It is further declared that said buffer shall not have large lettering of the business site, phone number, or any such character or rendering.



h. In conjunction with the 10" buffer, there shall be shade trees within the storage area to further obstruct any stored piles; such shade trees shall be a minimum height of fifteen (15') with each tree being a minimum 6" caliper, spaced at approximately twenty-five (25') from each other. Should a tree be damaged to the degree that it is not viable, the tree shall be replaced within thirty (30) calendar days in a like manner as provided in these regulations.

i. The height of the stored piles of processed, cut or modified materials shall not be visible from the adjoining public street system. Should there be a pile above the wall's height to thus be visible, said pile shall not be lowered in height within 24 consecutive hours after the pile became visually evident.

j. The internal access drives in and around the piles shall be of an all-weather surfaced grade, e.g., paved asphalt, compacted caliche, etc.

k. Except for movement noise incidental to any business venture, the City of Alamo's Noise Ordinance shall be perpetually complied with as it currently is written or as said ordinance may be amended.

l. Any needful security lighting of the project site shall be internally downcast, and not installed so as to produce significant amount of lit glare outside the project site.

m. Should there be any perimeter streets that do not have parallel sidewalks, then as part of the city's approval, the sidewalk shall be paved pursuant to prevailing (4' or 5') width codes; such paved sidewalks shall be completed prior to occupancy, though an extension of a maximum 20 calendar days may be provided by the City if there are inclement weather issues, public health issues, or similar circumstances that impede construction or materials from being adequately supplied.

n. A detention plan, prepared by a professional engineer licensed to practice in the State of Texas, shall be provided prior to the initial building permit issuance, reflecting that the City of Alamo's prevailing detention policies shall be abided post-construction.

o. The City of Alamo's Fire Marshal, Building Official, Code Enforcement Officer, and/or other needful city employee shall have the inherent right and need to make on-site inspections to monitor compliance to prevailing city ordinances, statutes, etc. (Ord. 95-04-04, 4-4-1995; amd. Ord. 1-18-00, 1-18-2000; Ord. 5-16-00, 5-16-2000; Ord. 15-09-10, 9-21-2010; Ord. 13-08-18, 8-7-2018; Ord. 03-01-21, --2021; Ord. 06-02-21, 2-2-2021; Ord. 22-04-21, 4-20-2021; Ord. 86-11-22, 11-22-2022; Ord. 155-12-2024, 12-17-2024; Ord. 174-04-25, 4-15-2025)

## **9. Mobile food vendors and/or mobile food courts**

Mobile food vendors and/or mobile food courts must comply with Title 3, Chapter 17 regulations, as well as applicable provisions of Title 10, Chapter 19 'Conditional Use Permits' and be strictly compliant with the 'Commercial Corridor - Restricted Use' provision declared in Section 10-2-2.

## **10. Sale of Alcoholic Beverages for On-Site Consumption**

Businesses, such as restaurants, that desire to sell alcoholic beverages for on-site consumption. Such restaurants may be within 300' of a residence, church, school, or publicly owned property.

**11. A dependent travel trailer for temporary residency of medically/emotionally afflicted family member(s) related to the primary resident(s) which shall be subject to:**

1. City Staff to monitor the health care need at the site, which may be on-or-about every 6 months, to assure that the vigilant need by the primary resident's household is still evident - such reports to be made part of the applicants' CUP file;
2. The travel trailer shall be only for temporary residency, and shall not ever be used to generate any type of rental fee and/or service value of the occupants;
3. This CUP shall not ever be transferable to any new property owner;
4. Applicable building permits, plus other incidental permits, shall be required according to protocol;
5. No renewed approval of such a CUP shall ever be beyond two (2) years to thus assure continual monitoring by the City in a public hearing setting;
6. A 6' buffer (wood framed fence may be required to obscure the travel trailer from area single family homes; dependent on neighborhood circumstances;
7. If determined that the usage is no longer needed, the travel trailer shall either be removed from the property within 30-calendar days' written notice by the City or be entirely de-activated from utility connections and simply be 'stored' on the premises; and/or
8. other reasonable measures may be imposed during the public hearing process to assure gentle assimilation into the residential neighborhood.

**12. A family-oriented events facility with predominantly outdoor activity stations.**

Such a CUP must be on a minimum sized tract of 1.5 acres; only have access to an arterial type street; must not have live music; must be buffered to residential adjoiners; must have sufficient off-street parking areas; shall not have operable hours after 9:00 pm; and there shall be no selling of alcoholic refreshments at any time. The maximum occupancy capacity will be determined by the City's Fire Marshal.

**13. Bed and Breakfast Facility;**

such an approved conditional use shall have the pre-clearance from the City's Building Inspector and Fire Marshal as to safety and overall Code compliance; each available B&B room shall require 1 unobstructed paved parking space. A business license shall be issued prior to an approved CUP and shall be required prior to any B&B occupancy. An instrument shall be recorded citing the City of Alamo's approval and the conditions of approval which shall include that such conditional uses are not transferable to new owners, heirs, and/or assigns.

#### **14. Centers that provides basic, social, daily living and learning services to people with disabilities, special needs (physical, emotional, etc.), or similar conditions to magnify independent living abilities;**

such use(s) must have its primary access to a collector street classification or of higher intensity; must be a minimum one and a half (1.5) acres in size, must be certified/cleared by the appropriate State of Texas agency for such services to receive the required city business license; and have paved off-street parking to be compliant to typical day-care parking regulations found in Section 10-3-6 (A). Also, any CUP may be required to provide additional fire hydrant(s), pave perimeter five foot (5') sidewalks, provide minimum six foot (6') fence buffering, and meet the most prevailing building/fire codes. Finally, landscaping for such a use will be one (1) shade tree (seven feet (7') tall at three inch (3") caliper) for every thirty feet (30') of street frontage inclusive of corner lot frontage; and any signage must comply with prevailing regulations for residential districts as found in Section 9-4-12 (A).

#### **15. Temporary Religious RV Residency on Church Premises for Charitable Purposes.**

An approved CUP will impose the following requirements:

1. No more than 2 RV spaces may be permitted - such spaces shall be within a paved area; and,
2. The placement of RV residency shall not cause a reduction of available paved parking spaces for the church's main assembly during regular worship services; and,
3. Such RV use shall not be contingent, directly or indirectly, as rentable property or premises for a short-term lease; and,
4. The primary purpose of the RV's occupants are purely charitable; and,
5. The CUP approved for RV residency may be approved for 1 year or lengthier intervals subject to random monitoring by the City of Alamo; however, each RV resident/tenant shall not be more than 3 months each - any lengthier stay per tenant will require the approval of the City Manager, based on unique relief circumstances that may warrant a higher measure of sensitive consideration by the City; and,
6. Other reasonable requirements imposed by the City based on the property's special circumstances. (Ord. 95-04-04, 4-4-1995; amd. Ord. 13-08-18, 8-7-2018; Ord. 22-04-23, 4-4-2023; Ord. 40-08-23, 8-1-2023; Ord. 75-1-24, 1-2-2024; Ord. 133-10-2024, 10-1-2024; Ord. 158-02-25, 2-24-2025; Ord. 176-05-25, 5-6-2025)

#### **16. Boarding and Lodging Houses**

One (1) un-obstructed paved off-street parking space will be required for each available room for residency for all boarding, lodging and rooming houses.

#### **17. Neighborhood Bars**

A pre-existing 'bar' that historically has served a neighborhood for a minimum of five (5) continuous years and has assimilated well within the fabric of its (mixed use) neighborhood, but which may be desired to operate under new ownership (w/CUP approval/compliance); said 'bars' must erect and perpetually maintain a minimum six foot (6') buffer from any adjoining residential uses; such a proposed CUP will comply, if possible, with the city's prevailing landscaping codes; the CUP grantee must buffer any dumpster trash bin via prevailing ordinances, and must have paved and striped parking where, if needed, such should be re-furbished via the city's property maintenance codes; if additional street lighting is needed to maximize security, such shall be assessed to be required during the CUP process; if paved sidewalks are needed to maximize pedestrian security, such may also be assessed to be imposed during the CUP process; the bar's ownership/management shall also be responsible to have the exterior premises and perimeter street areas free from any littering that was seemingly induced by the bars' patrons; and the City reserves its right under its police powers to require on-site security if circumstances are confirmed that such a measure will restore safety to the site/general area. No 'Neighborhood Bar' CUP shall be operated by any new owner(s) without first securing his/her own city business license which may impose a fire hydrant (if needed); furthermore, no such CUP shall be transferable to new owner(s) without first undergoing the prevailing CUP process.

# **CHAPTER 20**

## **BOARD OF ADJUSTMENT**

### **SECTION:**

10-20-1: Board Established

10-20-2: Membership; Appointment; Terms; Vacancies

10-20-3: Rules Of Order; Meetings

10-20-4: Powers

10-20-5: Application For Variance

### **10-20-1: ZONING BOARD OF ADJUSTMENT ESTABLISHED:**

A Zoning Board of Adjustment (ZBA) is hereby established. (Ord. 95-04-04, 4-4-1995)

### **10-20-2: MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES:**

The Zoning Board of Adjustment shall consist of five (5) members who are property owners in the City, each to be appointed for a term of two (2) years and removed for cause by the Board of Commissioners upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. (Ord. 95-04-04, 4-4-1995)

### **10-20-3: RULES OF ORDER; MEETINGS:**

The Board shall adopt rules in accordance with the provisions of this Title. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation of such ordinance. (Ord. 95-04-04, 4-4-1995)

### **10-20-4: POWERS:**

The Zoning Board of Adjustment shall have the following powers:

## **A. Hearing Of Appeals:**

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this Title.

## **B. Variances:**

1. Where the terms of this Title relating to the use, construction or alteration of buildings or structures or the use of land will impose upon the landowner practical difficulties or particular hardship, the Board may consider and allow variations of the strict application of the terms of this Title if the variations are in harmony with the general purpose and intent of this Title and the Board is satisfied under the evidence heard by it that a granting of the variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the Comprehensive Plan by this Title created.

2. The Board may authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record at the effective date hereof or by reason of exceptional topographical condition or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of a provision of this Title would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner; provided, the variation can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions contained in this Title.

## **C. Special Exceptions:**

When, in its judgment, the public convenience and welfare will not be substantially or permanently injured, the Board of Adjustment may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, authorize special exceptions to the regulations herein established as follows:

1. Permit the extension of a building or use into a more restricted district, immediately adjacent thereto, but not more than fifty feet (50') beyond the boundary line of the district in which such building or use is authorized.

2. Grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divided a lot in a single ownership at the effective date hereof.

3. Permit as an accessory use a parking area for passenger automobiles on a lot or lots in a single-family, duplex or apartment house district adjoining or across a street of not more than sixty feet (60') in width from an R-1 to R-2 District, subject, however, to the following provisions:

a. The area shall be properly enclosed with a hedge screen, fence, wall or other suitable enclosure having a height of not less than three feet (3') nor more than six feet (6'). Such fence or enclosure shall conform to the front yard regulations of the district in which it is located.

b. The area shall be improved with gravel, caliche or blacktop.

c. No parking of vehicles shall be permitted within six feet (6') of any adjoining lot on which is located a single-family residence, duplex or multiple dwelling.

d. One sign, not exceeding two and one-half (2 1/2) square feet in area may be erected identifying the lot.

e. No charges may be made for parking, and no other business use may be made of the lot.

f. Any light used to illuminate said parking shall be so arranged as to direct the light away from any adjoining premises used for residential purposes.

#### **D. Commencement:**

Any appeal or permit granted by the Zoning Board of Adjustment shall not be valid if construction authorized by said permit is not begun within a period of sixty (60) days.

#### **E. Modifications:**

1. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of this Title, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination as ought to be made and to that end shall have all the power of the officer from whom the appeal is taken.

2. In considering all appeals and all proposed variations of this Title, the Board shall, before making any finding, in a specific case, first determine that the proposed variation will not constitute any change in the District Map and will not impair an adequate supply of light and air to adjacent property or materially increase the congestion in public streets or increase the public danger of fire and safety or materially diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals and welfare of the City. (Ord. 95-04-04, 4-4-1995)

### **10-20-5: APPLICATION FOR VARIANCE:**

Variance requests to the Zoning Board of Adjustment may be applied for by any person aggrieved by any decision of the City Inspector or other Planning official. Such appeal shall be presented to the said Board within a reasonable time, with a brief written summary specifying the grounds perceived why variance should be awarded, and by paying a filing fee of two-hundred and fifty dollars (\$250.00) to the City of Alamo. An application for variance, properly and completely filed, will normally stay or suspend all proceedings in furtherance of the action appealed from unless the City of Alamo attests, in writing, that a stay or abeyance would cause imminent peril to life and/or property. In such cases, regulatory protocol and proceedings shall not be stayed or abeyed. (Ord. 95-04-04, 4-4-1995; amd. Ord. 123-9-24, 9-3-2024)

# CHAPTER 21

## ZONING ADMINISTRATION AND ENFORCEMENT

### SECTION:

10-21-1: Zoning Changes, Amendments And Fees

10-21-2: Violation And Penalties

10-21-3: Zoning Verification/Questionnaire Service Fees

### 10-21-1: ZONING CHANGES, AMENDMENTS AND FEES:

#### A. Amendments:

##### **Initiation of Amendment**

An amendment, or rezoning, to the zoning ordinance or the zoning map may be initiated by any of the following:

- A. Board of Commissioners: The Board of Commissioners may adopt a resolution to propose a zoning amendment. The resolution must clearly state the proposed change and the reason for the amendment; a 'resolution' may include a motion made, and affirmative action taken, during the course of a Board of Commissioners' meeting, as attested in the official minutes of said meeting.
- B. Property Owner Petition: A formal, written petition from a property owner may propose a zoning amendment. The petition must include the following:
  1. The petitioner's name, address, and contact information.
  2. The legal description and address of the property in question.
  3. A clear and specific description of the requested zoning change.
  4. A written explanation of why the change is necessary and how it aligns with the city's comprehensive plan. For amendments to the official zoning map, the petition must also demonstrate consistency with the Future Land Use Map component of the comprehensive plan.
  5. The signatures of all property owners involved in the petition.

##### **Amendment Process**

- A. Initial Review by the Planning Director



1. Upon receipt of a resolution, motion, or petition, the Planning Director will conduct an initial review. This review is to ensure the proposal is complete, accurate, and consistent with the city's comprehensive plan. All proposed amendments should be consistent with the comprehensive plan, and amendments to the official zoning map should be consistent with the Future Land Use Map. The Planning Director will prepare a report with a recommendation for the Planning Commission. This report may include:
  - i. An analysis of the proposal's potential impact on public services, infrastructure, and neighboring properties.
  - ii. A summary of any public comments or concerns received.
  - iii. A recommendation to approve, deny, or approve with modifications.

B. Planning Commission Hearing

1. After the Planning Director's report is complete, the Planning Commission will hold a public hearing to review the proposed amendment.
2. Notice of the public hearing will comply with the State of Texas public noticing requirements.
3. During the hearing, the Planning Commission will:
  - i. Hear presentations from the Planning Director or the Planning Staff and the petitioner (if applicable).
  - ii. Allow for public comment from all interested parties or from a spokesperson representing the neighborhood.
  - iii. Consider the Planning Director's recommendation and all public testimony.
  - iv. Deliberate and proceed to a formal vote to render a recommendation to the Board of Commissioners. Said recommendation may constitute one of the following dispositions:
    - a. Approval: A recommendation to endorse the application as submitted.
    - b. Denial: A recommendation to reject the application.
    - c. Approval with Modifications: A recommendation to endorse the application subject to specified conditions, amendments, or modifications as deemed necessary by the Commission.
    - d. Table or Postponement: A motion to defer a vote on the application to a subsequent meeting of the Planning Commission. This option shall be exercised only when the Commission determines that additional, substantive information or documentation is requisite for a thorough and informed assessment of the application's compliance with established criteria and regulations, thereby necessitating a delay in final action.
  - v. The recommendation shall specifically address the consistency of the proposed amendment with the comprehensive plan, including the Future Land Use Map

where applicable, the measure of assimilation to surrounding zoning districts and land uses, appropriateness of projected traffic to the city's major thoroughfares, arterials and/or collectors, plus other precedent-setting decisions 'of record' made by the City of Alamo.

**C. Board of Commissioners Hearing**

1. The Planning Commission's recommendation, along with the Planning Director's report, will be forwarded to the Board of Commissioners. The Board will then hold a second public hearing to consider the proposed amendment. Notice of the public hearing will comply with Texas public noticing requirements.
2. During this final hearing, the Board of Commissioners will:
  - i. Review all documents and recommendations from the Planning Director and Planning Commission, paying particular attention to findings regarding Future Land Use Map consistency, etc. The Board shall provide an opportunity for public comment and then 'close' the public hearing.
  - ii. Thereafter, the Board shall deliberate on the merits of the amendment.
  - iii. Take a final vote to approve or deny the proposed ordinance.

A simple majority vote of the Board of Commissioners is required to approve the amendment. If the amendment is approved, it will be signed by the Mayor and become part of the official zoning ordinance or an amendment to the official zoning map. If the amendment is denied, the petitioner may not re-submit a similar request (for the same zoning district sought) for a period of one year from the date of denial.

**B. Administrative cost to process a change of zoning:**

As previously discussed, the Board of Commissioners may, from time to time, amend, supplement or change by ordinance the boundaries of the district or the regulations herein established. The administrative costs for these changes are enumerated below:

\$400 up to 5 acres

\$500 if property/tract is over 5 acres

\$250 - fee paid by owner/agent when they request the item be 'Tabled' and, if honored, then the fee of \$250 will be paid first prior to the City re-activating the rezoning public hearing process again.

**C. Planning And Zoning Commission Review:**

1. Before taking action on any proposed amendment, supplement or change, the City Commission shall submit same to the City Planning and Zoning Commission for its recommendation report. The act of the City's submission to the City Planning and Zoning Commission may be through the Director of Planning, the City Secretary or the City Manager, receiving an application for a change and submitting the same to the City Planning and Zoning Commission on behalf of the City Commission. Through its inherent Police Powers, the City Commission may initiate a change of zoning by taking formal action to do so, and

submit the same to the Planning and Zoning Commission without the filing of an application of an individual property owner.

2. Prior to the City Planning and Zoning Commission making any recommendation relating to any supplement or change, it will conduct a hearing required under section 211.007 of the Texas Local Government Code, subject to any amendment thereto, which such public hearing notice presently requires written notice of such meeting on the proposed change to each owner within two hundred feet (200') of the property on which the change of classification is proposed. Such notice will be delivered before the tenth day before the hearing date. The only other notice shall be as required by the Open Meetings Act.

#### **D. Public Hearing:**

Upon receiving the recommendation from the Planning and Zoning Commission, a public hearing shall be held by the City Commission before adopting any proposed supplement, amendment or change. Notice of such hearing shall be given as required by section 211.006 of the Texas Local Government Code subject to any amendments thereto. Such notice presently requires that before the fifteenth day before the date of the hearing notice of time and place of the hearing shall be published in the official newspaper of the City. The only other requirement of notice shall be as required by the Open Meetings Act.

#### **E. Protests And Approval:**

Unless such proposed amendment, supplement or change has been approved by the City Planning and Zoning Commission or if a protest against such amendment, supplement or change has been filed with the City of Alamo's Planning Director, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendment, supplement or change shall not become effective unless approved by four (4) members of the Board of Commissioners. (Ord. 95-04-04, 4-4-1995; amd. Ord. 125-9-24, 9-3-2024)

### **10-21-2: VIOLATION AND PENALTIES:**

Any person who shall violate any of the provisions of this Title or fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of the detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than two thousand dollars (\$2,000.00), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof where anything in violation of this Title shall be placed or shall exist and any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and 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 hereinbefore provided. (Ord. 95-04-04, 4-4-1995)

### **10-21-3: ZONING VERIFICATION/QUESTIONNAIRE SERVICE FEES:**

The fee for Planning Staff to research, draft, prepare, and forward a brief and signed correspondence verifying the official zoning district for a particular property shall be \$50. Should a questionnaire be

requested to be completed, the established fee will be \$200. There shall be no refund in whole or in part.  
(Ord. 121-9-24, 9-3-2024)

# CHAPTER 22: LAND USE TABLES

## 10-22-1: AGRICULTURAL USES

Agricultural Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Farms, No Sales Offices	P	P			P			P	P			
Greenhouses, No Sales Offices	P	P			P			P	P			
Nurseries, No Sales Offices	P	P			P			P	P			
Truck Gardens, No Sales Offices	P	P			P			P	P			

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**Blank** = Not Permitted

## 10-22-2: CIVIC & INSTITUTIONAL USES

Civic & Institutional Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Churches											P	
Club											P	CUP
Community Buildings	P	P			P			P	P		P	
Libraries											P	
Municipal Buildings	P	P			P			P	P		P	
Public or Semipublic Buildings											P	
Religious, Educational, or Philanthropic Institutions					P						P	
RV Residency, Temporary Religious	CUP										CUP	
Schools, Private; Elementary	P	P			P			P	P		P	
Schools, Private; High School	P	P			P			P	P		P	
Schools, Private; Higher Learning	P	P			P			P	P		P	
Schools, Public; Elementary	P	P			P			P	P		P	
Schools, Public; High School	P	P			P			P	P		P	
Schools, Public; Higher Learning	P	P			P			P	P		P	
Social Service Center	CUP										CUP	

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## 10-22-3: COMMERCIAL USES

Commercial Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Accessory Buildings & Uses; Non-Residential								P	P	P	P	P
Alcoholic Sales, On-Site									CUP			CUP
Animal Hospital									P			
Automobile Repair Garage									P			P
Automobile Sales & Accompanying Facilities									P			P
Banks									P			P
Bars & Nightclubs									CUP			CUP
Billiard or Pool Hall									P			P
Car Wash									Q			
Clinic									P			P
Commercial Facilities, Mobile Home Park			Q				Q					
Dance Hall									P			P
Flea markets								CUP	CUP			CUP
Garage, Public									P			P
Gas Stations or Retail								CUP	Q			
Home Occupation	CUP	CUP	CUP									CUP
Hospitals									P		P	P
Hotel									P			P
Ice Retail Distributing Stations; No Manufacturing									P			P
Insurance												
Job Printing									P			P
Laundries									P			P
Laundromats								P	P			P
Loan Companies								P				
Lodge Halls									P			P
Medical Offices, Non- Specialized												P
Mobile Food Vendor(s)								CUP	CUP		CUP	CUP
Mortuaries									P			P
Movies, Cinema, and/or Performing Arts Center									P			P
Neighborhood Bars								CUP				CUP
Outdoor Sales									Q	Q		Q
Parking Lots, Surface; Non- Residential								P	P	P	P	Q
Parking Structure, Non- Residential								P	P			CUP
Personal Services								P	P			P
Plant Cleaning & Pressing									P			P
Radio Repair/Sales Shop									P			P

Commercial Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Radio Studies									P			P
Real Estate Offices												P
Recycling Facility									CUP	Q		
Restaurants									P			P
Retail, Consumption								P	P			P
Retail, Other									Q			Q
Retail, Stores/Shops									P			P
Skating Rink									P			P
Storage Facility, individually leased/rented									P			
Vendor Markets									CUP			CUP
Wrecker Services									CUP			

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## 10-22-4: INDUSTRIAL USES

Industrial Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Acid, Fertilizer, or Glue Manufacturing										P		
Animal Slaughter										CUP		
Bone Distillation										P		
Cement or Lime Manufacturing										P		
Cotton Gins										P		
Explosive Manufacturing										CUP		
Fat Rendering										P		
Gasoline/Petroleum Wholesale Storage										Q		
Grain Elevators										P		
Industrial Land Use, Non-Hazardous										P		
Junkyards or Automobile Wrecking Yards										CUP		
Petroleum Refinery										P		
Stockyards										CUP		

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## 10-22-5: RECREATION & OPEN SPACE USES

Recreation & Open Space Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Detention Ponds				P	P	P		P	P		P	
Golf Courses	P	P			P			P	P		P	
Mini Golf									P			
Playgrounds	P	P			P			P	P		P	P
Public Parks	P	P			P			P	P		P	P
Recreation, Private			P	P			P					P
Recreation, Public	P	P			P			P	P		P	P

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## 10-22-6: RESIDENTIAL USES

Residential Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Accessory Buildings & Uses; Mobile Home Park			P				P					
Accessory Buildings & Uses; Residential	Q	P	Q	P	Q	Q	Q	P				P
Accessory Portable Building			P				P					
Bed & Breakfast	CUP				P			P				P
Boarding, Lodging, & Rooming Houses				P								
Community House					CUP							
Condominiums					Q	Q		CUP	CUP			Q
Family-Oriented Outdoor Events	CUP											
Mobile Home, Park/Development			P				Q					
Mobile Home, Single	Q	P	P		P		Q	P				P
Multifamily Dwelling, Apartment				P	Q							P
Multifamily Dwelling, Duplex				P	Q							P
Multifamily Dwelling, Fourplex				P	Q							P



Residential Uses	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Multifamily Dwelling, Townhouse					P	Q		P				P
Multifamily Dwelling, Triplex				P								P
Parking Lots, Surface; Residential	CUP	CUP	CUP	CUP	P	P	P	CUP			CUP	Q
Parking Structure, Residential								P	P			CUP
<b>Open Carport</b>	Q	Q	Q		Q	Q	Q					
Single Family Dwelling	P	P	Q	P	P		Q	CUP				
Single Family Dwelling; Existing before April 1, 1995	P	P	P	P	P	P	P	P	P		P	P
Single Family Dwelling; Senior		P	P				Q					
Travel Trailer, Single	P	P			P			P				
Travel Trailer, Temporary	CUP											

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## 10-22-7: SIGNS

Signs	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Accessory Signs								Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Animated Signs		P	P				P	P	P <sup>1</sup>	P <sup>1</sup>		
Banner Signs	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Bench Signs								Q	Q <sup>1</sup>	Q <sup>1</sup>		Q <sup>2</sup>
Billboard Signs									Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	
Canopy Signs								Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Changeable Copy Sign	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q
Construction Sign	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Directory Sign								Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Ground Pole Sign	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	
Ground/Tenant Sign								Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Home Occupation Signs	Q	Q	Q	Q	Q	Q	Q	Q				Q <sup>2</sup>
Illuminated Signs		P	P				P	P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P
Marquee Signs									Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Off-Premise Signs									Q <sup>1</sup>	Q <sup>1</sup>		
Political Signs	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Portable Signs								Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Projecting Signs												Q <sup>2</sup>
Real Estate Signs	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>
Roof Signs									Q <sup>1</sup>	Q <sup>1</sup>		Q <sup>2</sup>
Senior Development, On-Premise Signs		Q	Q				Q		Q <sup>1</sup>	Q <sup>1</sup>		

Signs	R-1	SH/R-1	SH/R-MH	MDR	R-2	R-1T	R-MH	C-1	C	M	CID	DT
Street Banner Signs								Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q
Subdivision Signs	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>		
Temporary Signs	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q
Wall Signs	Q	Q	Q	Q	Q	Q	Q	Q	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>1</sup>	Q <sup>2</sup>

<sup>1</sup> = Expressway Corridor regulations apply for properties within 600ft of I-2, see Chapter 9-4-12(D)

<sup>2</sup> = Unique Downtown regulations apply

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# 12-1-9 FLOOD HAZARD REDUCTION STANDARDS

## 12-1-9: FLOOD HAZARD REDUCTION STANDARDS:

### A. General Standards:

In all areas of special flood hazard the following provisions are required for all new construction and substantial improvements:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### B. Specific Standards:

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 12-1-3, subsection 12-1-9C4 or 12-1-16B8, the following provisions are required:

#### 1. Residential Construction:

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to a minimum of eighteen-inches above the base flood elevation or the top of curb of the adjoining street, unless otherwise indicated by recorded plat note. When required, a registered professional engineer, architect or land surveyor shall submit a certification to the Flood Plain Administrator that the standard of this subsection as proposed in subsection 12-1-11A1 is satisfied.

#### 2. Nonresidential Construction:

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to a minimum of eighteen inches above the base flood elevation or the top of the curb of the street it fronts; or, together with attendant utility and sanitary facilities, be designed so that is below an elevation of eighteen inches above base flood level the structure is watertight with walls substantially having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Flood Plain Administrator.

### **3. Enclosures:**

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot (1') above grade.
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

### **4. Manufactured Homes:**

- a. Require that all manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. All manufactured homes shall be in compliance with subsection B1 of this Section.
- c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection B4 of this Section.

## **C. Standards for Subdivision Proposals:**

1. All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Sections 12-1-2, 12-1-3 and 12-1-7 of this Chapter.
2. All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of Sections 12-1-10 and 12-1-11 of this Chapter and the provisions of this Section 12-1-9.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 12-1-8 or subsection 12-1-16B8 of this Chapter.

4. All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

#### **D. Standards for Areas of Shallow Flooding (AO/AH Zones):**

Located within the areas of special flood hazard established in Section 12-1-8 of this Chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one foot (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and accessory residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet in the community's FIRM (at least 2 feet if no depth number is specified).

2. All new construction and substantial improvements of nonresidential structures:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet in the community's FIRM (at least 2 feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect authorized to practice in the State of Texas shall submit a certification to the Flood Plain Administrator that the standards of this Section, as proposed in subsection 12-1-11A1 are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures. (Ord. 89-01, 1-3-89)