

**ORDINANCE NO. 2020**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALAMO HEIGHTS, CHAPTER 3, ZONING, SECTION 3-2, DEFINITIONS, BY SPLITTING AND AMENDING THE DEFINITION OF “RETAIL SHOPS AND STORES OTHER THAN LISTED”, AND SECTION 3-8, USE OF LAND AND BUILDINGS, BY REARRANGING AND AMENDING THE LAND USE CATEGORY OF “RETAIL SHOPS AND STORES OTHER THAN LISTED”**

**WHEREAS**, current City Code, Section 3-2, *Definitions*, includes a definition for “Retail shops and stores other than listed”; and

**WHEREAS**, current City Code, Section 3-8, *Use of Land and Buildings* (also known as the Table of Uses), requires Specific Use Permits for “Retail shops and stores other than listed” in the B-1, B-2, and B-3 zoning districts; and

**WHEREAS**, greater clarity is needed to determine which retail shops and stores are permitted in the B-1, B-2 and B-3 Districts; and

**WHEREAS**, the Planning and Zoning Commission considered the definition of “Retail shops and stores other than listed” and use by right versus specific use permits for “Retail shops and stores other than listed” at a meeting on March 2, 2015, and after a public hearing on such issues, determined that the Code of Ordinances should be amended by revising the definition of “Retail shops and stores other than listed” and by rearranging and amending the land use categories of “Retail shops and stores other than listed”; and

**WHEREAS**, the City Council considered the recommendations of the Planning and Zoning Commission and after conducting a public hearing on the recommendations determined it would be in the public interest to approve the recommendations of the Planning and Zoning Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS** that the Code of Ordinances, Chapter 3, Zoning, Section 3-2, *Definitions*, is amended by repealing the definition of “Retail shops and stores other than listed”.

**NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS** that the Code of Ordinances, Chapter 3, Zoning, Section 3-2, *Definitions*, is amended by adopting new definitions for *Retail General* and *Stores other than listed* as follows:

*“Retail General.* Sale or rental of commonly used goods and merchandise for personal or household use. Typical uses may include, but not limited to, department stores, apparel stores, furniture stores and establishments providing the following products or services: household

cleaning and maintenance products, cards, stationery, notions, books, cosmetic and specialty items; flowers, plants, hobby materials, toys and hand-crafted items; apparel, jewelry, fabrics and like items; cameras, photography services, household electronic equipment, sporting equipment, kitchen utensils, home furnishings and appliances, art supplies and framing, arts, antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies, bicycles and auto parts (inside a building with no repair services). “Retail General” shall not include any retail stores whose primary product is intended for individuals 18 years of age or older including, but not limited to, humidors, general tobacco shops or vaping stores, head shops, hookah lounges, flea markets, second hand or thrift stores, the display and sale of heavy machinery, building materials, used appliances, used furniture or salvage materials; adult dress, toy, or novelty shops, and excluding the sale or offering for sale of commodities displayed outside of a building, except for limited promotional events.”

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

**NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS** that the Code of Ordinances, Chapter 3, Zoning, Section 3-8, *Use of Land and Buildings* (Table of Uses), is amended by repealing the use category of “Retail shops and stores other than listed” and by adopting new use categories of “Retail general” and “Stores other than listed” which shall be depicted in the Business and Related Uses portion of the table of uses as follows:

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

*Business & Related Uses*

Use Type:	SF-A	SF-B	2F-C	MF-D	P	O-1	B-1	B-2	B-3
Retail general							•	•	•
Stores other than listed							S	S	S

Legend:

• — Designates use permitted in zone

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

**THAT**, in the event that any provision of this Ordinance is held to be invalid, it is the intention of the City Council that this Ordinance be of no force and effect whatsoever; and

**THAT**, this Ordinance shall become effective five days after its publication. Applicants seeking building permits or other remedies afforded by the Zoning Code which are affected by the changes adopted herein may elect to proceed under the new regulations adopted herein or under the prior regulations repealed herein for a period of ninety days from the date of the adoption of this Ordinance.

**PASSED AND APPROVED** this the 26<sup>th</sup> day of May, 2015.

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:

  
CITY ATTORNEY