

**ORDINANCE NO. 2015-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BALCONES HEIGHTS ENACTING AND ADOPTING  
SUPPLEMENTS TO THE CODE BOOK OF ORDINANCES FOR  
THE CITY OF BALCONES HEIGHTS, TEXAS**



**WHEREAS,** American Legal Publishing Corporation of Cincinnati, Ohio, completes an annual supplement to the Code of Ordinances of the City of Balcones Heights, Texas, which contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances; and

**WHEREAS,** it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, TEXAS, that:**

1. The 2015 S-20 Supplement and future supplements to the Code of Ordinances of the City of Balcones Heights, Texas, as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, are hereby adopted by reference as if set out in its entirety.
2. Supplements shall be deemed published as of the day of its acceptance by the City and is hereby authorized and ordered to insert such supplement into the copy of the Code Book of Ordinances kept on file in the Office of the City Secretary.

**PASSED, APPROVED AND ADOPTED in Balcones Heights, Texas the 27<sup>th</sup> day of April, 2015.**

A handwritten signature in blue ink, appearing to read "Suzanne de Leon".

**Suzanne de Leon  
MAYOR**

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Delia Flores".  
A faint, circular official seal of the City of Balcones Heights is visible in the background behind the signature.

**Delia Flores, TRMC  
City Secretary**



# **CITY OF BALCONES HEIGHTS, TEXAS**

## **CODE OF ORDINANCES**

2014 S-20 Supplement contains:  
Local legislation current through Ordinance 2014-14, passed 2-10-14

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## CHAPTER 30: CITY COUNCIL

### Section

- 30.01 Elections
- 30.02 Meetings
- 30.03 Compensation
- 30.04 Ordinances and publication of ordinances
- 30.05 Councilmember or Mayor moving from city; complaint procedure
- 30.06 City Council Relations Policy and Code of Ethics

### **Statutory reference:**

*Provisions pertaining to governing body, see Tex. Local Government Code Ann. §§ 22.001 through 22.043*

### **§ 30.01 ELECTIONS.**

(A) Elections for municipal officers shall be held annually on a uniform election date and in accordance with the Texas Election Code, Annotated. (Tex. Local Government Code Ann. § 22.003) (Tex. Election Code, Chapter 41)

(B) Councilmembers shall be elected by a Place System and shall be designated as Councilmember Place One, Councilmember Place Two, Councilmember Place Three, Councilmember Place Four and Councilmember Place Five. (Tex. Local Government Code Ann. § 21.001) (Ord. 6-69, passed 12-8-69)

(C) The Mayor and Councilmembers shall hold two year staggered terms of office. The Mayor and Councilmember Place One and Councilmember Place Two shall be elected in even numbered years. Councilmember Place Three, Councilmember Place Four and Councilmember Place Five shall be elected in odd numbered years. (Tex. Local Government Code Ann. § 22.035) (Ord. 7-74, passed 9-09-74)

(D) Runoff elections for municipal officers, when required, shall be held on the last Saturday of the month, for the month of May, following the regularly conducted election for the city set and held in accordance with Chapter 41 of the Texas Election Code.  
(Ord. 20-93, passed 5-10-93)

### **§ 30.02 MEETINGS.**

(A) All regular meetings of the City Council shall be held on the fourth Monday of each month at 6:00 p.m. at the Justice Center, 3300 Hillcrest Drive, Balcones Heights, Texas.

(B) Agenda. The following stipulations relate to the agenda for meetings of the Council.

**Balcones Heights - Administration**

(1) NO ACTION CAN BE TAKEN ON ANY ITEM UNLESS THAT ITEM HAS BEEN POSTED ON THE AGENDA FOR THAT MEETING AND THE AGENDA POSTED AT CITY HALL 72 HOURS PRIOR TO THE MEETING.

(2) Preparation of the agenda.

(a) The Mayor and/or City Administrator will exercise their best judgment in determining the most important items received for placement on the agenda and adding other items of business to come before the Council. An item not appearing on the agenda shall not be taken up for discussion as a matter of Council business during any Council meeting. However, the Council may receive items as information.

(b) Any member of the city staff wishing to have an item placed on the agenda shall submit that item to the City Administrator's office, through regular supervisory channels, for approval. The City Administrator may establish procedures for submission of routine items without his or her approval.

(c) Any member of the City Council may request an agenda item to be placed on any regular or special meeting as long as the request is submitted five business days prior to the Council meeting for an action item and two business days prior to the Council meeting for a discussion item.

(3) Distribution of agenda packets.

(a) Agenda packets will be delivered to the appropriate elected official's on the Friday evening before the Council meeting. Agenda packets for special meetings will be distributed to the Mayor and Councilmember's homes as early as possible.

(6) Prohibition. Any attendee to a City Council meeting is prohibited from drinking alcoholic beverages, smoking or chewing any tobacco products in the Justice Center. This prohibition shall apply to all attendees and shall apply to all business hours of the Justice Center.  
(Ord. 2012-01, passed 2-13-12; Am. Ord. 2014-03, passed 1-13-14)

**§ 30.03 COMPENSATION.**

(A) Effective with the term that shall commence in May, 2006, the Mayor shall receive no compensation.

(B) Effective with the passage of Ordinance 2005-29, passed November 14, 2005, each councilmember shall receive no compensation after the expiration of the current office of each councilmember.

(C) Each city official shall be paid his actual expenses incurred, or reasonably expected to be incurred, while engaging in activities for or in behalf of the city and based on vouchers, receipts, statements or other evidence satisfactory to the City Secretary. (Tex. Local Government Code Ann. § 141.001)  
(Ord. 3-70, passed 3-9-70; Am. Ord. 4-72, passed 3-13-72; Am. Ord. 15-88, passed 8-08-88; Am. Ord. 20-93, passed 5-10-93; Am. Ord. 29-98, passed 10-12-98; Am. Ord. 2005-22, passed 9-19-05; Am. Ord. 2005-29, passed 11-14-05)

**§ 30.04 ORDINANCES AND PUBLICATION OF ORDINANCES.**

(A) The City Council may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that:

(1) is for the good government, peace, and order of the municipality or for the trade and commerce of the municipality; and

(2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.  
(Tex. Local Government Code Ann. § 51.001)

(B) The City Council may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic.  
(Tex. Local Government Code Ann. § 51.012)

(C) Upon the adoption of any ordinance that imposes a penalty, fine, or forfeiture, the City Secretary shall publish the ordinance, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance in every issue of the official newspaper for two days; or one issue of the newspaper if the official newspaper is a weekly paper. (Tex. Local Government Code Ann. § 52.011)

(D) An affidavit by the printer or publisher of the official newspaper verifying the publication shall be filed in the Office of the City Secretary. (Tex. Local Government Code Ann. § 52.011)

(E) An ordinance required to be published by law takes effect when the publication requirement is satisfied unless the ordinance provides otherwise. An ordinance that is not required by law to be published takes effect when adopted unless the ordinance provides otherwise. (Tex. Local Government Code Ann. § 52.011)  
(Ord. 20-93, passed 5-10-93)

### **§ 30.05 COUNCILMEMBER OR MAYOR MOVING FROM CITY; COMPLAINT PROCEEDINGS.**

(A) As provided by Tex. Local Government Code Ann. § 22.041(a), if a Councilmember or Mayor moves from the city, his or her office is considered vacant.

(B) The following rules of proceedings are hereby adopted and implemented for trial and determination by the Mayor and City Council of a complaint that the Mayor and/or Councilmember has moved from the city:

(1) Councilmember. When a written, sworn complaint or information that charges that a Councilmember or the Mayor has moved from the city, is presented to the Mayor, the Mayor shall:

(a) File the complaint with the City Secretary/Treasurer;

(b) Cause a copy of such complaint or information to be served on the charged Councilmember;

(c) Set a date for trial of the case which shall be conducted after the 35-day written notice to the charged Councilmember as provided in division (B)(1)(d) of this section; and

(d) Notify the charged Councilmember and the other Councilmembers of the municipality to appear on the trial date. Such notice shall be in writing and shall be served upon the charged Councilmember no later than 35 days prior to the date of the trial. Service of that written notice of trial shall be complete upon deposit in the United States mail, certified mail, return receipt requested, in postage paid envelopes addressed to the Council at their last known addresses.

(e) The Mayor and the Councilmembers, except for the charged Councilmember, constitute a court to try and determine the case against the charged Councilmember. The Mayor shall act as presiding officer at the trial.

(2) Mayor. When such complaint is made against the Mayor, the complaint must be presented to a Councilmember of the municipality. The Councilmember shall:

(a) File the complaint with the City Secretary/Treasurer;

(b) Cause a copy of the complaint to be served on the Mayor;

(c) Deliver a copy of that complaint to the remaining Councilmembers; and

(d) The Mayor Pro Tem shall then, upon receipt of a copy of the complaint against the Mayor, set a date for the trial of the case which shall be conducted after the notice as provided in division (B)(2)(e) of this section; and

## CHAPTER 96: PARKS AND RECREATION

### Section

#### *General Provisions*

- 96.01 Alcoholic beverages in city parks and on playgrounds
- 96.02 Facility use policy
- 96.03 Definitions
- 96.04 Public park regulations

#### *Community Center*

- 96.10 Usage for cultural, educational and recreational purposes
- 96.11 Community center manager
- 96.12 Reservation and usage regulations and policies
- 96.13 Rental agreement; form
- 96.14 Rental rates
- 96.15 Security deposits and rental charges; special exceptions
  
- 96.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 96.01 ALCOHOLIC BEVERAGES IN CITY PARKS AND ON PLAYGROUNDS.**

The use or possession of alcoholic beverages in city parks, city playgrounds, or city public properties is hereby prohibited, and the Police Department is directed and instructed to enforce the provisions of this section strictly, and to immediately remove from the city parks and the playgrounds any person who has alcoholic beverages in his or her possession, and is further directed to remove from such parks and playgrounds any containers of any kind having therein alcoholic beverages or traces of alcohol therein. (Ord. 5-73, passed 1-26-73) Penalty, see § 96.99

#### **§ 96.02 FACILITY USE POLICY.**

(A) Definitions.

**CITY PARK.** Novak Park located at Balcones Road and Ozark and/or Rogiers Park located at Pleasant Drive and Vivian Lane.

**Balcones Heights - General Regulations**

**PARK FACILITY.** Park pavilion, park restrooms, and playground equipment such as slide, swings, lateral overhead bars, see-saw, jungle jim, etc.

**RECREATIONAL FACILITY.** Tennis court, volleyball court, basketball court, handball court and baseball field.

## (B) Operation and use.

- (1) City parks shall be open to the general public daily from 8:00 a.m. till dark.
- (2) Novak Park located at Balcones Road and Ozark may be utilized on a first come, first served basis.
- (3) Rogiers Park, not including the Pavilion, may be utilized on a first come, first served basis.
- (4) Rogiers Park Pavilion must be reserved in advance. Reservations may be made either by writing to the City Secretary, City of Balcones Heights, 3300 Hillcrest Drive, Balcones Heights, Texas 78201 or by calling (210)-735-9148 - Attention City Secretary, from 8:00 a.m. to 4:30 p.m.

(a) Reservations for Rogiers Park Pavilion should be made at least ten days in advance. However, if Pavilion is not reserved, reservations may be made within three days. Reservations may not be made more than 90 days in advance.

(b) Rental agreement must be signed and returned to the city at least three days in advance, or by assigned date if booked more than 30 days in advance. Failure to do so may cause the reservation to be cancelled without notice. The Pavilion will then be placed on a first-come, first-served basis.

(c) For weekend use, the rental agreements must be signed and returned to the city by the Wednesday preceding the reserved date.

(d) All users of the Pavilion shall be responsible for cleaning the facility immediately after its use. Such clean-up shall include removing all trash, debris and other material from the Pavilion.

(e) Reservations for the Pavilion may be made for usage beginning at 8:00 a.m. to 12:00 p.m., 1:00 p.m. to 5:00 p.m. or for all day usage (8:00 a.m. to 5:00 p.m.).

(f) Fees for rental of the Pavilion shall be as follows:

<b>Residents</b>		
Friday—Sunday and Holidays	\$20 - Four hours	\$40 all day rental
Monday—Thursday (Non Holidays)	\$10 - Four hours	\$20 all day rental
<b>Non-Residents</b>		
Friday—Sunday and Holidays	\$100 - Four hours	\$150 all day rental
Monday—Thursday (Non Holidays)	\$50 - Four hours	\$75 all day rental

(g) An adult (21 years of age minimum) will be required to sign the rental agreement guaranteeing against damage to the Pavilion and grounds. *The person signing the agreement shall be at the Pavilion during the usage period.*

(Ord. 12-94, passed 4-11-94; Am. Ord. 2014-10, passed 7-28-14) Penalty, see § 96.99

**§ 96.03 DEFINITIONS.**

**PUBLIC PARK.** A city-owned public facility that is designed for use by persons for recreational use.

**ROLLER SKATE.** Any footwear or device that may be attached to the foot or footwear, to which non-metallic wheels are attached and such wheels may be used by the wearer for moving or propulsion, including, but not limited to, in-line skates commonly known as roller blades.

**SAFETY EQUIPMENT.** At a minimum, legal or approved helmets, elbow pads, knee pads, and wrist guards.

**SKATEBOARD.** Any and all non-metallic wheeled objects, coasters, conveyances, or similar devices used for transportation or sport which are propelled by human power and which are not classified as bicycles or roller skates.

**SKATE PARK.** A public facility that is designated for use by persons riding skateboards or roller skates.

(Ord. 2008-04, passed 3-10-08)

**§ 96.04 PUBLIC PARK REGULATIONS.**

The following regulations shall apply for all Balcones Heights Public Parks:

- (A) No person shall use the Rogiers Skate Park area for uses other than skating.
- (B) Balcones Heights recommends the use of all required safety equipment (safety helmets, wrist guards, and elbow and knee pads) while using Rogiers Skate Park.
- (C) No person shall skate when the Rogiers Park skating surface is wet.
- (D) Only skateboards and in-line skates are allowed to be used in the Rogiers Skate Park.
- (E) No person shall use, consume or possess alcoholic beverages, glass bottles or any breakable glass items within any city park.
- (F) All persons shall skate only on the skating surfaces within the Rogiers Skate Park, and shall not skate on any curbs, planters, benches, steps, railing, sidewalks, or driveways of Rogiers Park.
- (G) Rogiers Park shall be opened from 0800 hours until sunset each day. No person shall use Rogiers Park at any time other than during these established hours of operation.
- (H) There shall be clear and visible signs posted at each entrance of Rogiers Skate Park that shall read as set forth in Ordinance No. 2009-29, and incorporated herein as if set forth in their entirety.

**Balcones Heights - General Regulations**

(I) No person shall engage in profanity, reckless or boisterous behavior, including, but not limited to: tandem riding, pushing, horseplay and bullying, or any other activity that could endanger the safety of persons or spectators while at any city park.

(J) No person shall use, possess, or be under the influence of alcohol, controlled substances, or illegal drugs while at or near any city park.

(K) No person shall loiter or enter the skating surface area of the Rogiers Skate Park area, unless actively skating in accordance with all regulations.

(L) No person shall carry illegal weapons within or near any city park. Deadly weapons shall include but are not limited to, knives, bats/clubs, pipes, martial arts weapons, or guns unless allowed by state law.

(M) No person shall litter or place trash or debris in or on the grounds of any city park. All trash shall be placed in designated trash receptacles.

(N) No person shall apply, or cause to be applied, any vandalism, including, but not limited to graffiti, tagging, stickers, or decals, to any facilities in any city park, or near their perimeters.

(O) In the event that these regulations are not followed, the City of Balcones Heights reserves the right to close any city park indefinitely.

(P) Pets are not allowed in any city parks except for service animals.  
(Ord. 2008-04, passed 3-10-08; Am. Ord. 2009-29, passed 10-12-09)

**COMMUNITY CENTER****§ 96.10 USAGE FOR CULTURAL, EDUCATIONAL AND RECREATIONAL PURPOSES.**

The Community Center shall be generally used for a meeting place for senior and other citizens of the city for cultural, educational and recreational purposes.  
(Ord. 12-88, passed 7-11-88; Am. Ord. 2005-11, passed 5-9-05)

**§ 96.11 COMMUNITY CENTER MANAGER.**

The City Secretary's duties will be to take reservations and maintain reservation records for the Center, to monitor its use and security deposits therefor, to oversee the maintenance and security for the facility, and to enforce its rules and regulations, along with the Police and Fire Departments of this city, and such other duties as deemed necessary by the City Council. The City Secretary shall periodically report to, and be supervised by the City Administrator and the Mayor. The City Secretary is also hereby authorized to enter into, on behalf of the city, the Rental Agreement, according to the form of which is set out in § 96.13 and incorporated herein for all purposes.  
(Ord. 12-88, passed 7-11-88; Am. Ord. 6-93, passed 2-8-93; Am. Ord. 41-93, passed 11-8-93; Am. Ord. 2005-11, passed 5-9-05)

**§ 96.12 RESERVATION AND USAGE REGULATIONS AND POLICIES.**

The rules regulating use of the Community Center are set out below in this division. However, in case of emergency or the need for immediate action, the Mayor is hereby authorized and empowered to amend the rules and regulations and to provide such temporary additional rules and regulations as the need arises, in such circumstances.



- (2) Address and phone number of the applicant;
- (3) Where the driveway is to be located;
- (4) The earliest date on which driveway construction may commence;
- (5) The estimated date of completion;
- (6) A plan (with specifications) which describes the driveway and, if needed, the culvert; and
- (7) Payment of the permit fee.

(B) Failure to provide one or more of the items listed in division (A) of this section is not a punishable violation of this subchapter, but such failure is grounds for denying the application.

(C) The Building Official will review the application pursuant to this section and notify the applicant of its decision in writing within 30 days of receipt of the completed application. If the application is denied because of failure to provide the information required by division (A) of this section, or because the information provided is insufficient, the applicant may correct the deficiencies and submit the application again without paying another application fee.

(D) If the applicant receives a denial and the denial is not due to insufficient information then the applicant may appeal to the Board of Adjustment by contacting the City Secretary within 15 days of the driveway permit authority's denial. The appeal shall be placed on the agenda of the next scheduled Board of Adjustment meeting for which there is sufficient time to place the appeal on the agenda, in compliance with village policy and Texas Local Government Code Chapter 551.  
(Ord. 2008-24, passed 12-8-08)

**§ 97.33 PERMIT FEE AND TIME LIMIT.**

The city will charge a driveway permit fee in accordance with Table 3A of the Balcones Heights Code of Ordinances. If construction is not commenced within six months of the application approval date, or if construction is not completed within 12 months of the application approval date, then the permit is void.  
(Ord. 2008-24, passed 12-8-08)

**§ 97.34 DRIVEWAY MATERIALS AND CONSTRUCTION.**

Driveways shall be constructed of permanent materials, which will include but are not limited to concrete, asphalt, bricks, pavers or any alternate solid or stabilized materials as reviewed annually by the Planning and Zoning Commission and approved by the Building Official. For the current approved list of driveway construction materials, please contact the Building Official.  
(Ord. 2008-24, passed 12-8-08; Am. Ord. 2014-14, passed 2-10-14)

**§ 97.35 DRIVEWAY AREA RESTRICTIONS.**

Driveways shall not comprise more than 50% of the front yard setback in a residentially zoned area. Parking may be provided in the rear yard, and access may be provided through a driveway or alley, where the front yard is insufficient to accommodate a driveway.  
(Ord. 2008-24, passed 12-8-08; Am. Ord. 2014-14, passed 2-10-14)

**§ 97.99 PENALTY.**

(A) Any violation of § 97.01 shall be punishable by a fine of not less than \$5 and not more than \$2,000 and each day that such violation persists shall be considered a separate violation. (Ord. 77-3, passed 4-11-77)

(B) Whoever violates any provision of § 97.10 shall be guilty of a misdemeanor, and upon conviction, the person, or persons found guilty shall be fined in any sum not more than \$500. Each day of violation shall constitute a separate offense. (Ord. 7-65, passed 7-12-65)

(C) Any owner, contractor or subcontractor guilty of the violation of § 97.11 shall be fined not less than \$10 and not more than \$500, and each day that a violation exists shall be considered a separate violation. (Ord. 6-77, passed 7-11-77)

## CHAPTER 121: CREDIT ACCESS BUSINESSES

### Section

- 121.01 Title and purpose
- 121.02 Definitions
- 121.03 Defenses
- 121.04 Registration required
- 121.05 Registration application
- 121.06 Issuance and display of certificate of registration; presentment upon request
- 121.07 Expiration and removal of certificate of registration
- 121.08 Non-transferability
- 121.09 Maintenance of records
- 121.10 Restriction on extensions of consumer credit
- 121.11 Requirement consumer understand the agreement
- 121.12 Referral to consumer credit counseling
- 121.13 Effective date
  
- 121.99 Penalty

### § 121.01 TITLE AND PURPOSE.

(A) This chapter may be known and cited as "Credit Access Businesses Regulation."

(B) The purpose of this chapter is to protect the welfare of the citizens of the city by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this chapter establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses.

(Ord. 2013-11, passed 4-8-13)

### § 121.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CERTIFICATE OF REGISTRATION.** A certificate of registration issued by the Director under this chapter to the owner or operator of a credit access business.

**CONSUMER.** An individual who is solicited to purchase or who purchases the services of a credit access business.

**CONSUMER'S LANGUAGE OF PREFERENCE.** The language the consumer understands best.

**CREDIT ACCESS BUSINESS.** Has the meaning given that term in Tex. Finance Code § 393.601.

**DEFERRED PRESENTMENT TRANSACTION.** Has the meaning given that term in Tex. Finance Code § 393.601.

**DIRECTOR.** The Director of the department designated by the City Administrator, or the City Administrator's designee, to enforce and administer this chapter and includes any representatives, agents, or city employees designated by the Director.

**EXTENSION OF CONSUMER CREDIT.** Has the meaning given that term in Tex. Finance Code § 393.001.

**MOTOR VEHICLE TITLE LOAN.** Has the meaning given that term in Tex. Finance Code § 393.601.

**PERSON.** Any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.

**REGISTRANT.** A person issued a certificate of registration for a credit access business under this chapter and includes all owners and operators of the credit access business identified in the registration application filed under this chapter.

**STATE LICENSE.** A license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Tex. Finance Code, Chapter 393, Subchapter G.  
(Ord. 2013-11, passed 4-8-13)

### § 121.03 DEFENSES.

It is a defense to prosecution under this chapter that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Tex. Finance Code, Chapter 393, Subchapter G.  
(Ord. 2013-11, passed 4-8-13)

### § 121.04 REGISTRATION REQUIRED.

A person commits an offense if the person acts, operates, or conducts business as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business.  
(Ord. 2013-11, passed 4-8-13)

### § 121.05 REGISTRATION APPLICATION.

(A) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the Director. The application must contain the following:

(2) Seventy percent of the retail value of the motor vehicle.

(C) A credit access business shall use a paycheck or other documentation establishing income to determine a consumer's income.

(D) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25% of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.

(E) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25% of the principal amount of the original extension of consumer credit.

(F) For purposes of this section, an extension of consumer credit that is made to a consumer within seven days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal.  
(Ord. 2013-11, passed 4-8-13)

**§ 121.11 REQUIREMENT CONSUMER UNDERSTAND THE AGREEMENT.**

(A) Every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer), must be written in the consumer's language of preference. Every credit access business location must maintain on its premises, to be available for use by consumers, agreements in the English and Spanish languages.

(B) For every consumer who cannot read, every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer) must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.

(C) For every consumer who cannot read, every disclosure and notice required by law must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.  
(Ord. 2013-11, passed 4-8-13)

**§ 121.12 REFERRAL TO CONSUMER CREDIT COUNSELING.**

A credit access business shall provide a form, to be prescribed by the Director, to each consumer seeking assistance in obtaining an extension of consumer credit which references non-profit agencies that provide financial education and training programs and agencies with cash assistance programs. The form will also contain information regarding extensions of consumer credit, and must include the information

required by § 120.09(A)(1) through (5) specific to the loan agreement with the consumer. If the Director has prescribed a form in the consumer's language of preference, the form must be provided to the consumer in the consumer's language of preference.

(Ord. 2013-11, passed 4-8-13)

#### **§ 121.13 EFFECTIVE DATE.**

Effective immediately following the adoption of this section by the City Council of the City of Balcones Heights, the City Council hereby amends Ordinance 2013-11 by amending the effective date so that such ordinance does not take into effect until case styled *Consumer Service Alliance of Texas v. City of San Antonio* has been resolved and/or completed. Once completed, City Council will make a determination when, if at all, Ordinance 2013-11 will go into effect.

(Ord. 2013-13, passed 7-18-13)

#### **§ 121.99 PENALTY.**

(A) A person who violates a provision of this chapter, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense for each and every violation relating to an extension of consumer credit, and for each day during which a violation is committed, permitted, or continued.

(B) An offense under this chapter is punishable by a fine of not more than \$500.

(C) A culpable mental state is not required for the commission of an offense under this chapter and need not be proved.

(D) The penalties provided for in division (B) are in addition to any other remedies that the city may have under city ordinances and state law.

(Ord. 2013-11, passed 4-8-13)

## CHAPTER 150: BUILDING REGULATIONS

### Section

#### *General Provisions*

- 150.01 Use of wood shingles; building permit required to repair or replace
- 150.02 Frontage street requirements for apartments
- 150.03 Drilling wells
- 150.04 Trench safety requirements

#### *Regulatory Provisions*

- 150.05 Adoption of Standard Codes by reference; amendments
- 150.06 References to officials
- 150.07 Construction fencing

#### *Unsafe Building Abatement Code*

- 150.10 Title
- 150.11 Definitions
- 150.12 Code remedial
- 150.13 Scope
- 150.14 Alterations, repairs or rehabilitation work
- 150.15 Special historic buildings and districts
- 150.16 Maintenance
- 150.17 Enforcement officer
- 150.18 Records
- 150.19 Right of entry
- 150.20 Inspections
- 150.21 Liability
- 150.22 Inspection and notice of noncompliance
- 150.23 Council to order abatement of nuisance or dangerous building
- 150.24 Filing statement of expenses; lien
- 150.25 Resort to the courts
  
- 150.26 Refusal to comply with orders; interference with enforcement
  
- 150.99 Penalty

***Cross-reference:***

*Requirements for street curbs or cuts, see §§ 97.10 and 97.11*

**GENERAL PROVISIONS****§ 150.01 USE OF WOOD SHINGLES; BUILDING PERMIT REQUIRED TO REPAIR OR REPLACE.**

(A) The use of cedar and/or wood shingles, or wood shakes, are prohibited for roofs and/or decorative siding from the effective date of this section, and in the event 20% or more of cedar or wood shingles roofs or standard roofs have to be replaced, a permit will be required.

(B) The applicant must furnish the permit issuing agencies with the type of material he plans to use, so that the Building Inspector may inspect for compliance.  
(Ord. 79-6, passed 8-13-79) Penalty, see § 150.99

**§ 150.02 FRONTAGE STREET REQUIREMENTS FOR APARTMENTS.**

(A) No new building permit shall be approved for apartments nor shall any new or amended subdivision or building plat be approved, except in connection with frontage streets having not less than 40 feet width, curb to curb.

(B) No old building shall be converted into apartments and no new building permits or occupancy permits shall be granted, and no subdivision or other plat shall be approved until the building inspector, or as the case may be until the City Council has been assured that the proposed building thereon fronting a public street shall be fronting a "residential public street" defined as one having at least 40 feet width, curb to curb.  
(Ord. 10-73, passed 6-11-73) Penalty, see § 150.99

**§ 150.03 DRILLING WELLS.**

Anyone desiring to drill a well shall obtain a permit, pay the fee (if any) and meet all other applicable state and city regulations.  
(Ord. 17-81, passed 12-14-81) Penalty, see § 150.99

**§ 150.04 TRENCH SAFETY REQUIREMENTS.**

(A) City of Balcones Heights contracts. The construction contracts executed by the city shall include Occupational Safety and Health Administration Regulations 29CFR1926.650-1926.653 for trench excavations of a depth in excess of five feet. These OSHA requirements, including a sample set of specifications are attached to Ordinance No. 4-89 as Exhibit "A", however, city contract documents shall include all subsequent amendments, as applicable, to the aforesaid OSHA trench excavation safety requirements. In addition, the contractor shall be required in city contract documents to submit detailed plans and specifications which meet the aforesaid OSHA standards, and to submit to the City Contracting Officer on the construction project evidence of a safety program for trench shoring systems where excavations exceed five feet in depth. In addition, city contracts shall contain a pay item for trench safety construction on excavations for trenches which exceed five feet in depth.

(B) Private contracts - City Building Code, Appendix S. Ordinance No. 17-85, adopting and implementing the Balcones Heights Building Code, is hereby amended to include a new Appendix S as

follows: Appendix S, Trench Safety: On all construction projects, public or private, within the boundaries of the city, the bid documents and contracts shall contain:

(1) Detailed plans and specifications for adequate safety systems that meet OSHA standards, and

(2) A pay item for those safety systems. This requirement shall not apply to persons subject to safety standards adopted under Tex. Rev. Civ. Stat. Ann. art. 6053-1, and subject to the administrative penalty provisions of Tex. Rev. Civ. Stat. Ann. art. 6053-2.  
(Ord.4-89, passed 2-13-89)

**REGULATORY PROVISIONS**

**§ 150.05 ADOPTION OF STANDARD CODES BY REFERENCE; AMENDMENTS.**

Ordinance 2003-21 adopting standard codes and establishing fees and penalties is hereby adopted by reference as if fully set out herein.  
(Ord. 2003-21, passed 9-15-03; Am. Ord. 2005-07, passed 3-14-05; Am. Ord. 2007-31, passed 11-5-07; Am. Ord. 2008-25, passed 12-8-08; Am. Ord. 2011-18, passed 10-10-11; Am. Ord. 2012-04, passed 3-12-12)

**§ 150.06 REFERENCES TO OFFICIALS.**

Within the codes referred to in § 150.05, when reference is made to the duties of a certain official named therein, the designated official of the city who has duties corresponding to those of the named official in said Code shall be deemed to be the responsible official insofar as enforcing the provisions of said Code.  
(Ord. 5-89, passed 3-20-89)

**§ 150.07 CONSTRUCTION FENCING.**

For the purpose of construction within the city, the following items will be required at the time of commencement of construction:

(A) A construction fence that will be designed, constructed, and maintained by the contractor. The fence shall not be constructed of prohibited materials as designated by § 7.1.3(a),(i) of the zoning ordinance. However, construction fences may be constructed of chain-link, metal mesh, or construction safety mesh barrier fencing.

(B) A portable restroom or port-a-potties to sufficiently service all appropriate personnel. The port-a-potties are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(C) Riprap for all construction entrances.  
(Ord. 2014-09, passed 5-19-14)

**Balcones Heights - Land Usage**



## **CHAPTER 153: ZONING CODE**

### **Section**

**153.01 Adoption  
Appendix: Zoning Code**

### **§ 153.01 ADOPTION.**

This chapter was amended in its entirety by Ordinance 2011-22. The revised Chapter 153, attached to Ordinance 2011-22 and marked as Exhibit B, is incorporated in full in this code in the Chapter 153 Appendix as the new Zoning Code.

(Ord. 2009-32, passed 8-3-09; Am. Ord. 2010-14, passed 11-8-10; Am. Ord. 2011-04, passed 3-14-11; Am. Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-21, passed 10-10-11; Am. Ord. 2011-22, passed 11-14-11; Am. Ord. 2012-07, passed 6-11-12; Am. Ord. 2012-17, passed 12-10-12; Am. Ord. 2013-04, passed 3-11-13)



(c) The design of the entire facility shall incorporate materials, colors, textures, screening and landscape necessary to blend the facility with the surrounding buildings.

(d) *Lighting.* No exterior lighting shall be allowed, except as required by the FAA.

(e) *Maintenance.* The owner of the facility shall be responsible to maintain the facility for function, safety and aesthetics.

(f) *Permits.* No commercial telecommunications facility shall be constructed, refurbished, repaired or installed without a permit from the city.

(g) *Removal.* If the facility has not been in continuous operation for a period of twelve consecutive months, or if a code violation exists which has not been corrected within 30 days after notice by the city, the owner of the facility shall remove the facility within 90 days of receipt of notice from the city notifying the owner of the non-operation or code violation. Failure by the owner to remove the facility within the 90 days shall be grounds for removal by the city. In either case, the owner shall be liable for all costs associated with removal.

(5) *Site requirements.*

(a) *Walls.*

(i) *Materials.* A six-foot high, solid masonry wall shall be constructed around the facility.

(ii) *Permit required.* No wall shall be erected within the city unless the person erecting the fence first obtains a permit following approval by the City Council. The permit shall specify the approved height, length, material or materials, style and location of the fence. Property pins and boundary lines shall be located to avoid encroachment.

(iii) *Dimensions.* Except as required by the city, no fence hereafter erected within the city shall exceed six feet in height along a side or rear property line without approval by the City Council. Maintenance of fences shall be the responsibility of the property owner. Failure to maintain shall constitute a public nuisance. No residential fence may be constructed closer to the front property line than the front line of the main building on the lot, or the front line of the main building on the abutting lot.

(b) *Buffer.* Installation and maintenance of a suitable buffer shall be required where an M-3 zone or use abuts any residential zone or use. The installation and maintenance of the buffer shall be the responsibility of the owner of the M-3 zoned property, or his or her lessee, agent or representative. See Article 7, Buffering, Landscaping, and Tree Preservation Regulations.

(6) *Landscaping.* See Article 7, Buffering, Landscaping, and Tree Preservation Regulations, for general requirements. Specific zone requirements are as follows:

(a) Tall trees, shrubs, and other landscape materials must be incorporated to screen or obscure undesirable views to towers, antennae or accessory buildings from the surrounding community.

(b) The city may require trees to be planted in adjacent public property or rights-of-way for the purposes of visual screening.

(7) *Off-street parking.* Off-street parking shall be defined by the vehicles required to staff or service the facility at the maximum occupancy shift and the maximum number of vehicles required for service during a maximum service occurrence. The applicant shall submit a mandatory site plan at the time of application, showing the location of required parking, as well as documentation from a registered engineer in the State of Texas, showing the parking demand rationale.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.1.15. BALCONES LOFTS MXD-PUD (BL-MXD-PUD) - ZONING DISTRICT REQUIREMENTS.**

(1) *Intent.* The special standards listed in this section for this special district are intended to:

(a) Encourage opportunities for development innovation tailored to a particular site, that while clearly furthering the goals of the comprehensive plan, could not explicitly be established by generally applicable standards or guidelines;

(b) Allow mixed-use development, which offers a greater variety in type, design and layout of buildings;

(c) Encourage land conservation and more efficient use of open space; and

(d) Permit modification of certain controls in a manner so as to produce large area development arranged to better serve community needs.

(2) *Site plan.* Site plan shall prescribe development standards and is a part of this section. Site plan is schematic in nature and might have minor variations.

(3) *Uses permitted:*

(a) Multifamily (five or more units).

(b) Retail trade, with no outdoor display or sales.

(c) Clothes cleaner, dry cleaner.

(d) Grocery store.

(e) Office general.

(f) Personal services (excluding tattoo parlors and repair shops).

(g) Community, social uses - indoor.

(h) Food service establishment.

(i) Financial services - banks.

(j) Any other uses not mentioned in the above are prohibited.

(4) *Setbacks and height restrictions for building structures:*

(a) Height: 120 feet maximum.

(b) Front setback: 25 feet maximum.

(c) Side setback: no maximum.

(d) Rear setback: 25 feet minimum .

(e) Lot size: 1,000 square feet per unit.

(f) Enclosing walls or courtyards. In the case of outdoor public spaces, cafes or courtyards in front of, or on the side of buildings, the "build to" requirement may be met by including an appropriate wall or fence at the lot line.

(i) Subject to the requirements of § 4.1.5 regarding clear site lines, the wall or fence shall be continuous, except for the pedestrian entrance, which shall not be less than five feet in width. In no case shall the pedestrian entrance exceed more than 20% of the linear footage of the front lot line.

(ii) The wall or fence may be transparent, such as metal ornamental fencing, a masonry wall, or a combination of a masonry wall topped with metal fencing.

(iii) The wall or fence shall not be over four feet high.

(iv) A wall or fence used to meet the "build to" requirement shall include architectural features in the design that reflect the architectural theme of the building.

(v) Wood, concrete masonry units and chain link fences are not permitted.

(vi) An optional landscape element may be incorporated into the design of the wall or fence for aesthetic purposes.

(5) *Public street access.* Public pedestrian sidewalks on or adjacent to public property subject to this section shall have a minimum width of seven feet. At all times, a minimum of seven feet of unobstructed pedestrian access shall be maintained for all pedestrian walks. Americans with Disabilities Act standards shall be met at all times. [Provided, however, that the minimum seven foot width shall not apply to sidewalks adjacent to or alongside residential units.]

(6) *Site, vehicular traffic, circulation, connections and parking.*

(a) *Parking behind building.* Off-street parking areas shall be behind the building and to the sides. Parking must meet all applicable city ordinances, rules and regulations. Provided however:

(i) Standard parking spaces shall be allowed to be 18 feet by nine feet if not abutting a pedestrian walk or property line.

(ii) Compact stalls will be allowed, no greater than 10% of the total stalls, measuring eight feet by 16 feet with a two-foot overhang.

(b) *Rear services.* Services and deliveries shall utilize secondary or rear entrances to the building whenever possible.

(c) *Exceptions.* Additionally, § 4.3.3 of the zoning ordinances shall be adhered to with the following exceptions:

(i) The requirement for a 15-foot landscape buffer at adjacent residential uses is eliminated.

(ii) Limited street parking is allowed with a minimum of 800 square feet of landscape islands, with trees, and shall be approved by the city per the site plan approval process.

(d) *Circulation.* Site access and internal circulation standards are intended to balance the need for site access by vehicles with pedestrian movements. Design elements are intended to create a smooth transition from the public rights-of-way to the property, and to improve the appearance and function of the public rights-of-way for all users, including pedestrians, bicycles, and automobiles.

(e) *Curb cuts.* Curb cuts for property not being subdivided shall be allowed according to the same lot access standards established in the Balcones Heights' Subdivision Regulations. When the development process requires access standards different from those standards, either from § 4.2 of this appendix, requirements specified in a traffic study or by variance, the varying standards shall be applied.

(f) *Internal driveways, aisles, and driveway lanes.* All driveways shall be set back a minimum distance of three feet from the side lot line, except where shared access driveways are permitted. All internal driveway aisles shall be designed to meet minimum fire code standards and on-site driveway and parking standards including sidewalks, planting strips, and parking lanes.

(g) *Clear sight lines.* Clear sight lines shall be maintained for all lot access points and internal circulation intersections in accordance with the standards for public street intersections specified in the city ordinance.

(T) *Screening.*

(a) *Provide screening.* Waste receptacles, dumpsters, and ground level mechanical equipment shall be screened from public view by walls, or with sustained landscaping or in a manner permitted by law if such landscaping not be permitted or feasible, except for gate control units.

(b) *Architectural compatibility.* Whether on-site or incorporated into the building, the required screening treatment is a solid wall enclosure compatible with the materials, colors and architectural style of the building. No wood fencing shall be allowed.

(c) *Landscaping.* Additional landscape screening around the enclosure is required if the enclosure can be seen from a public street. This required landscape buffer shall be irrigated and maintained.

(d) *Rear location.* Screened areas shall be located to the rear or secondary side of the building in order to minimize visual impacts.

(e) *Mechanical equipment.* When required by this section, all mechanical or operating equipment, materials, or activities not contained within a building, such as drive-through equipment, outdoor storage of materials, stationary machinery, and outdoor servicing activities located in a street yard, shall be enclosed or screened by a wall or fence of solid appearance in sufficient height for this purpose. Such walls or fences may be enhanced with the planting of shrubs.

(f) *Specified operations.* When required by this section or other ordinances screening of a specified operations (e.g. operating equipment) shall be a wall or fence of solid appearance or tight hedge, with greenery year around, six feet in height at maturity.

(g) *Fencing.* Fences are permitted in all zoning districts. A building permit shall be obtained prior to construction of any fence. Fences shall be subject to the standards established in Article 7, Buffering, Landscaping, and Tree Preservation.

(8) *Landscaping.*

(a) *Use Article 7 of the zoning ordinance landscape materials.* All undeveloped yards and open spaces required by this appendix, and all natural screening material, shall be planted according to the specifications in Article 7, Buffering, Landscaping, and Tree Preservation.

(b) *Guidelines.* In addition to landscape requirements in Article 7, Buffering, Landscaping, and Tree Preservation, this section provides guidelines for private streetscape and landscape design in mixed-use areas, which shall be utilized for this property.

(c) *Consistency.* Private landscaping elements shall be consistent with public streetscape plants and materials required for MXD Districts.

(d) *Portable planters.* Seasonal amenities such as portable planters, street trees or other landscaping are permitted and encouraged as long as pedestrian movement is not hindered.

(e) *Perimeter parking landscape.* Any off-street parking area that directly abuts a pedestrian walkway shall incorporate landscape features along the perimeter of the parking lot. A minimum five-foot landscape area shall be maintained between the public right-of-way and the off-street parking area. Landscaping shall include combinations of ground cover, seasonal color, trees, and ornamental fencing.

(f) *Parking lots along sidewalks.* Parking lots, when adjacent to sidewalks, shall preserve the presence of the required setback or "build to" line, and when adjacent to public sidewalks by means of a wall, fencing and/or landscape element, subject to the requirements of § 4.1.5 regarding clear site lines.

(g) *Other requirements.* Subject to other code requirements, the wall, fence and/or landscape element shall be continuous, except for the pedestrian and vehicle entrance. The pedestrian and vehicle entrance shall not exceed more than 20% of the linear footage of the wall or fence line, except that a minimum five-foot pedestrian entrance and 12-foot vehicle entrance is required.

(9) *Signs.* All requirements for signage are to be adhered to per § 4.5 of the zoning ordinance, as well as the signage requirements included in that section specifically for MXD districts.

(10) *Exterior lighting.*

(a) Parking lots with 50 or fewer spaces and open areas requiring lighting for general purposes shall have light poles that do not exceed 20 feet overall height. Parking lots having more than 50 spaces shall have light poles that do not exceed 40 feet overall height. Luminaries of a sharp cut-off design are required to shield light source above 72 degrees from vertical and providing 1.0 average maintained foot-candles with the following uniformity ratios:

(b) 3:1 average/minimum (.33 FC minimum) with the maximum or minimum foot-candle level at any point lighted area.

(c) 12:1 maximum/minimum (4.0 FC maximum) are required in all cases with the maximum or minimum foot-candle level at any point lighted area.

(d) A photometric grid shall be furnished by developer at time of building permit application.

(11) *Building requirements.* Adhere to all requirements of § 4.2.7 of the zoning ordinance. Additionally:

(a) Final architectural design to be approved by the City Council.

(b) No blank walls. Site plan configurations and building designs shall not create walls that are predominantly blank and unadorned along public streets except for retaining walls

(12) *Accessory buildings.* Accessory buildings are not allowed without the prior approval of the City Council.

(13) *Stormwater management.* Adhere to § 4.1.6 of the zoning ordinance.

(14) *Adherence.* Adherence to all other applicable Balcones Heights ordinances is required unless a variance is approved by the City Council.

(15) *Planned Unit Development amendments.* Changes or amendments to a Planned Unit Development shall be processed in the same manner as the original request. Slight changes in the detail or reductions in size of less than 20% of the minimum required land area of the Planned Unit Development that do not change the intent, meaning or relationship of structures to each other may be approved by the City Administrator or designee.

(Ord. 2014-01, passed 2-10-14)

**§ 3.2. ZONING DISTRICT BOUNDARIES; OFFICIAL MAP.**

The boundaries of the zoning districts provided in this Article 3 are shown on official zoning maps filed in the City Secretary's office. The zoning maps and all notations and references are incorporated herein by reference as part of this article as if they were fully copied and set forth at length. It shall be the duty of the City Administrator to update the official map by entering on such map any changes which the City Council may from time to time order by amendment to the zoning chapter and map. (Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.3. INTERPRETATION OF ZONING DISTRICT BOUNDARIES.****§ 3.3.1. DISTRICT BOUNDARY MEASUREMENTS.**

When definite measurements in feet are not shown on the zoning map, the district boundaries of the zoning area are intended to be along (or an extension of or from) the existing street or property lines. When the location of a district boundary line is not otherwise designated, it shall be determined by the scale of the maps measured from a given line or by the property lines defined in the plat, as applicable. (Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.3.2. STREET LAYOUT DISCREPANCIES.**

Where the actual street layout varies from the zoning map, the Planning and Zoning Commission may apply the designations shown on the mapped streets in such a manner so as to implement the intended zoning plan for the area in question. (Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.4. BUILDING HEIGHT AND SETBACK REGULATIONS.****§ 3.4.1. GENERALLY.**

No building permit shall be issued unless the proposed development conforms to the building height and setback regulations prescribed within the applicable zoning district. (Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.4.2. TABULAR FORM.**

The design regulations for each district are included in Table 3.4 -1 below.

[Table 3.4-1 begins on next page]

**ARTICLE 5**  
**SPECIAL DISTRICTS, USES, AND CONDITIONS**

- 5.1. Special districts
- 5.2. Special conditions for uses
- 5.3 Temporary portable storage unit (residential)
- 5.4 Temporary portable storage unit (commercial)

*Purpose.* The following special districts and conditions shall apply where the uses are permitted or permitted by special exception. These special districts and conditions are in addition to the generally applicable standards that apply to all uses within a particular zoning district. In the case of a conflict between the generally applicable standard for the zoning district and the specific standard for the use listed in this section, the more specific standards in this section shall apply.

**§ 5.1. SPECIAL DISTRICTS.**

**§ 5.1.1. PLANNED UNIT DEVELOPMENT (PUD).**

(1) *Intent.* The special standards listed in this section for the Planned Unit Development (PUD) district are intended to:

(a) Encourage opportunities for development innovation tailored to a particular site, that while clearly furthering the goals of the comprehensive plan, could not explicitly be established by generally applicable standards or guidelines;

(b) Allow mixed-use development, which offers a greater variety in type, design and layout of buildings;

(c) Encourage land conservation and more efficient use of open space; and

(d) Permit modification of certain controls in a manner so as to produce large area development arranged to better serve community needs.

(2) *Size.* A Planned Unit Development shall be a minimum of three acres.

(3) *Uses.* The list of permitted uses shall be described and contained in the site plan accompanying each Planned Unit Development.

(4) *Ordinance and site plan required.* Each Planned Unit Development shall have an ordinance that establishes the development of regulations for the district. In approving a Planned Unit Development, the ordinance shall reference the site plan, which shall prescribe development standards. The site plan after approval shall become part of the ordinance. All development shall be in conformance with the approved site plan and development standards.

(5) *Conditions related to approval.* In addition to the general criteria for zoning map amendments, a map amendment to the PUD district may require the following conditions for compliance with the goals and intent of the comprehensive (master) plan and this appendix:

- (a) Setbacks for building structures;
- (b) Public street access;
- (c) Vehicular traffic, circulation, connections and parking;
- (d) Screening or buffer zones;
- (e) Hours of operation;
- (f) Activities or uses permitted on the property;
- (g) Building or structure heights;
- (h) Landscaping;
- (i) Maximum lot coverage, impervious percentages;
- (j) Pedestrian circulation;
- (k) Signs;
- (l) Mitigation of noise, fumes, odors, vibration or airborne particles;
- (m) Exterior lighting;
- (n) Exterior construction materials;
- (o) Special fire protection;
- (p) Outside storage and display of merchandise;
- (q) Refuse and waste storage;
- (r) Lot size and dimensions;
- (s) Accessory buildings;
- (t) Other information shown on the site plan; and
- (u) Conformance to city ordinances.

(6) *Building permit and certificate of occupancy compliance.* No building permit for any structure shall be issued, nor shall a certificate of occupancy be granted until the development plans, building permit application documents, and/or constructed buildings and site are consistent with the site plan and development regulations of the approved Planned Unit Development at the appropriate phase of the development process.

(7) *Planned Unit Development amendments.* Changes or amendments to a Planned Unit Development shall be processed in the same manner as the original request. Slight changes in the detail of the Planned Unit Development that do not change the intent, meaning or relationship of structures to each other may be approved by the City Administrator or designee.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

(3) *Site requirements.*

(a) No more than one commercial vehicle per dwelling shall be permitted.

(b) In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

(c) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, motor home or commercial vehicle shall be parked or stored in the street yard of any lot or upon the right-of-way.

(d) A travel trailer or vehicle shall not be occupied either permanently while it is parked or stored in any permitted area. Temporary occupancy shall not exceed 14 days. During a period of temporary occupancy, generators shall not be used.

(e) A junked vehicle (as defined by state law) shall not be permitted to be located on or near lots with dwelling units, or on streets or within rights-of-way.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 5.2.5. STORAGE-PERSONAL (mini-warehouse).**

(1) *Intent.* The intent of the special conditions for storage-personal use is to:

(a) Allow for personal storage services to be mixed with other compatible commercial uses;

(b) Ensure that such storage facilities are located appropriately in order to minimize the impact on adjacent property;

(c) Recognize that the design and scale of such storage facilities can determine how well this use fits in with surrounding uses.

(2) *Location requirements.* Storage-personal businesses may only be located in specified zoning districts.

(3) *Site requirements.*

(a) All one-way drive aisles shall provide for one ten-foot wide travel lane. Traffic direction and parking shall be designated by signs or painting.

(b) All two-way drive aisles shall provide for one ten-foot wide parking lane and two 12-foot wide travel lanes.

(c) Two parking spaces, to be located at the project office for use of clients, shall be provided for the manager's quarters plus one additional space for every 25 storage cubicles.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 5.3 TEMPORARY PORTABLE STORAGE (RESIDENTIAL).**

**§ 5.3.1 DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT.** The person that owns, rents, occupies, or controls the residential property and obtains the required permit for a portable temporary storage unit.

**SUPPLIER.** The company or vendor which supplies the temporary portable storage unit to the residential property.

**TEMPORARY PORTABLE STORAGE UNIT.** A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited basis on residential property. Job trailers sited in conjunction with a building project shall not be regulated by this section.  
(Ord. 2014-11, passed 8-25-2014)

### § 5.3.2 PERMIT REQUIRED.

(1) Prior to, or within 48 hours following the initial delivery of the portable temporary storage unit, the applicant or the supplier shall apply for a permit in the Development Services office.

(2) The permit shall be obtained by:

- (a) Completing the temporary portable storage unit permit application;
- (b) Presenting an active permit for that property if the portable on-demand storage unit is to be used for the storage of building materials;
- (c) Payment of a permit fee as established in the fee schedule set forth in this code; and
- (d) Obtaining written approval of the permit by the building official, or designee.

(3) The application shall contain the name of the applicant to whom the portable temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property; the address at which the unit will be placed; the delivery date and removal date; active building permit number, if applicable; and a sketch depicting the location and placement of the unit. The permit shall be displayed and viewable from the public right-of-way.

(4) The effective date of the permit shall be the date of the Building Official's or designee's signature.  
(Ord. 2014-11, passed 8-25-2014)

### § 5.3.3. DURATION.

(1) Permits shall be granted for a period of 30 consecutive days including the days of delivery and removal. No more than two permits shall be issued within any 12-month period, and a minimum of 15 days shall elapse between the end of one permit period and the beginning of another.

(2) In the event of fire, tornado, or natural disaster, or other extraordinary event causing substantial damage to the primary residential structure, the property owner may apply to the city for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Development Services office, and shall give sufficient information to determine whether such extended duration should be granted. The Building Official shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Building Official, the applicant may appeal such decision to the Board of Adjustment.  
(Ord. 2014-11, passed 8-25-2014)

**§ 5.3.4 LOCATION.**

(1) Portable temporary storage units are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(2) The unit shall be placed only on a hard-surfaced driveway or parking area, and the required number of parking spaces in each single family zoning district shall at all times be maintained.

(3) Such unit shall not exceed eight feet six inches in height, ten feet in width, or 20 feet in length. (Ord. 2014-11, passed 8-25-2014)

**§ 5.3.5 NUMBER OF UNITS.**

No more than one portable temporary storage unit may be located on a residentially zoned property at one time. In the case of a two-family or multifamily dwelling no more than one unit per address shall be permitted. (Ord. 2014-11, passed 8-25-2014)

**§ 5.3.6 USE AND MAINTENANCE.**

(1) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the unit is located (i.e. used for retail sales), or any illegal or hazardous material. Upon reasonable notice to the applicant, the city may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(2) The applicant, as well as the supplier, shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

(3) All portable temporary storage units must be brought into compliance with this article by July 21, 2014. (Ord. 2014-11, passed 8-25-2014)

**§ 5.3.7 PENALTY.**

Any person or entity violating any provision of this section shall be guilty of a misdemeanor and punished in the manner prescribed by § 9.21 of this appendix. (Ord. 2014-11, passed 8-25-2014)

**§ 5.4 TEMPORARY PORTABLE STORAGE UNIT (COMMERCIAL).****§ 5.4.1 DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT.** The person that owns, rents, occupies, or controls the business property and obtains the required permit for a portable temporary storage unit.

**SUPPLIER.** The company or vendor which supplies the temporary portable storage unit to the business property.

**TEMPORARY PORTABLE STORAGE UNIT.** A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited basis on business property. Job trailers sited in conjunction with a building project shall not be regulated by this appendix.

(Ord. 2014-11, passed 8-25-2014)

#### § 5.4.2 PERMIT REQUIRED.

(1) Prior to, or within 48 hours following the initial delivery of the portable temporary storage unit, the applicant or the supplier shall apply for a permit in the Development Services office.

(2) The permit shall be obtained by:

(a) Completing the temporary portable storage unit permit application;

(b) Presenting an active permit for that property if the portable on-demand storage unit is to be used for the storage of building materials;

(c) Payment of a permit fee as established in the fee schedule set forth in this code; and

(d) Obtaining written approval of the permit by the Building Official or designee.

(3) The application shall contain the name of the applicant to whom the portable temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property; the address at which the unit will be placed; the delivery date and removal date; active building permit number, if applicable; and a sketch depicting the location and placement of the unit. The permit shall be displayed and viewable from the public right-of-way.

(4) The effective date of the permit shall be the date of the Building Official's or designee's signature.  
(Ord. 2014-11, passed 8-25-2014)

#### § 5.4.3 DURATION.

(1) Permits shall be granted for a period of 30 consecutive days including the days of delivery and removal. No more than two permits shall be issued within any 12-month period, and a minimum of 15 days shall elapse between the end of one permit period and the beginning of another.

(2) In the event of fire, tornado, or natural disaster, or other extraordinary event causing substantial damage to the primary business structure, the property owner may apply to the city for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Development Services office, and shall give sufficient information to determine whether such extended duration should be granted. The Building Official shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Building Official, the applicant may appeal such decision to the Board of Adjustment.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.4.4 LOCATION.**

(1) Portable temporary storage units are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(2) The unit shall be placed only on a hard-surfaced driveway or parking area, and the required number of parking spaces in each business zoned district shall at all times be maintained.

(3) Such unit shall not exceed eight feet six inches in height, ten feet in width, or 20 feet in length. (Ord. 2014-11, passed 8-25-2014)

**§ 5.4.5. NUMBER OF UNITS.**

No more than one portable temporary storage unit may be located on a business zoned property at one time. In the case of a two-family or multifamily dwelling no more than one unit per address shall be permitted.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.4.6 USE AND MAINTENANCE.**

(1) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the business property where the unit is located (i.e. used for retail sales), or any illegal or hazardous material. Upon reasonable notice to the applicant, the city may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(2) The applicant, as well as the supplier, shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

(3) All portable temporary storage units must be brought into compliance with this appendix by July 21, 2014.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.4.7 PENALTY.**

Any person or entity violating any provision of this section shall be guilty of a misdemeanor and punished in the manner prescribed by § 9.21 of this appendix.

(Ord. 2014-11, passed 8-25-2014)

**Balcones Heights - Zoning Code**

**A-90D**



**Contracts; Agreements**

10Y

<b><i>Ord. No.</i></b>	<b><i>Date Passed</i></b>	<b><i>Description</i></b>
2011-13	9-12-11	Approving agreements between the city and contractors (Blue Cross Blue Shield, Avesis, and Standard Life and Dental Insurance) for the provision of group medical insurance coverage.
Res. 2012-12	11-26-12	Approving an intergovernmental cooperative agreement with Bexar County community development block grant program for reconstruction of Beryl Drive project.
Res. 2012-13	12-10-12	Approving an agreement between the city and Tip Strategies, Inc. for consulting services.
Res. 2013-09	12-9-13	Authorizing the Mayor to execute a collective bargaining agreement between the city and the Balcones Heights Police Officers' Association.

**Balcones Heights - Table of Special Ordinances**

<b>Ord. No.</b>	<b>Date Passed</b>	<b>Description</b>
23-96	5-13-96	Granting a non-exclusive franchise to the Allied Advertising Agency, Inc. for the right to maintain advertising benches on certain public property locations and providing for payment of a fee for the use of such locations and authorizing the Mayor to execute the agreement.
9-97	3-13-97	Amending the garbage franchise contract within the city, with Industrial Disposal Service Company, Inc. for the collection and disposal of solid waste, setting forth general specifications, establishing rates and penalties.
26-98	10-12-98	Granting a non-exclusive franchise to the Allied Ad Bench, Inc. for the right to maintain advertising benches on certain public property locations and providing for payment of a fee for the use of such locations; and authorizing the Mayor or execute said agreement.
27-98	10-12-98	Granting an non-exclusive franchise to the Waste Management Company, D/B/A Garbage Gobbler for solid waste collection and disposal services within the city.
Res. 2000-08	3-13-00	Granting a franchise to Time-Warner Inc. for cable TV service.
16-2000	6-12-00	Amending the garbage franchise contract with Waste Management Company, D/B/A Garbage Gobbler, for solid waste collection and disposal.
2000-22	9-11-00	Establishing a franchise agreement with Grande Communications, Inc. for cable television and other services.
Res. 2008-14	7-14-08	Regarding spin-off of Time Warner Cable, Inc. from Time Warner, Inc. as relates to cable television franchise.
2011-08	6-13-11	Granting an electric and gas franchise to City Public Service (CPS Energy) for a period of 20 years.
2013-22	12-9-13	Providing an addendum to the electric and gas franchise to City Public Services (CPS Energy) as was adopted by Ord. 2011-08.
2014-05	3-24-14	Amending the electric and gas franchise to City Public Service (CPS Energy) adopted by Ord. 2011-08 and Ord. 2013-22.

**Balcones Heights - Table of Special Ordinances**



**Zoning Map Changes**

<b>Ord. No.</b>	<b>Date Passed</b>	<b>Description</b>
5-69	8-11-69	Rezoning to district H a tract of land described as part of lot 8, Radcliff & Lack's subdivision.
4-70	3-9-70	Rezoning to district E a tract of land described as tract 15-B, Country Gentlemen Estates, county block 5894-B.
12-70	10-12-70	Rezoning 2½ acres of the northeast portion of tract O.C.L. 1, range 7, district 3, county block 5300, from districts F to J.
2-72	2-14-72	Rezoning portions of county block 5300, to accept reduced zoning for portion of plat and to approve subdivision plat of N.W. Expressway Mini-Warehouse subdivision.
11-73	7-9-73	Rezoning the A residential portion of lot 3, CB 5894 by extending district F status an additional 100 feet for a total depth of 300 feet from Fredericksburg Road and rezoning the remaining 295.25 feet to D.
12-73	7-9-73	Rezoning to district B lots 1 through 5, inclusive, block 2, CB5771 located on Glenarm, adjacent to the northern side of the drainage channel.
6-76	6-14-76	Regarding the restrictions on space for bill boards, and sign boards, and providing for an increase of sign boards used for commercial purposes, and permitting community center or commercial business sign boards to increase in size from 30 square feet to 288 square feet.
8-85	7-8-85	Rezoning to district E lot 7, block 2, CB 5894-A located at 1111 Babcock Road.
9-85	8-12-85	Rezoning 3.318 acres of district H, tract 11, Ratcliff & Lacks subdivision, located at 901 Dewhurst.
3-86	4-14-86	Rezoning district E, lot 22, block 2, CB 5894-A, located at 1107 Babcock Road.
16-86	12-8-86	Rezoning district E, lot 7, CB 5894-C, located at 3014 Hillcrest Drive.
18-87	7-13-87	Rezoning district E, lots 17A, 17B1, and 17C, CB 5894 and lots 12 and 13, CB 5894A, located in the 2900 block of Hillcrest Drive.

**Balcones Heights - Table of Special Ordinances**

<b>Ord. No.</b>	<b>Date Passed</b>	<b>Description</b>
4-93	2-8-93	Rezoning to "E" Office Lot 6, Blk CB 5894C, said property being located at 3010 Hillcrest Drive.
46-93	12-13-93	Rezoning to "F" Retail Lot 1, Blk 1, CB 5508B, being located at 112 Altgelt Avenue.
01-94	1-10-94	Rezoning to "E" Office Lot 1, Blk 1, CB 5508B, said property located at 720 Beryl Drive.
12-95	4-10-95	Rezoning to "E" Office Tract 15-A, Blk. 23, CB 5894-B, located at 3018 Hillcrest.
22-95	7-10-95	Rezoning to "F" Retail Lot 16 Blk. 2, CB 5894-A, located at 2818 Hillcrest.
48-96	12-9-96	Rezoning Lots 8, 9, 10, 11, 19A and 20A, CB5508-B, located at 114 Dewhurst from "E" Office District to "F" Retail District.
24-97	7-22-97	Rezoning Lot B, Block 1 NCB CB 5897-A, located at 2910 Hillcrest Drive from "A" Residential District to "E" Office District.
98-19	8-24-98	Rezoning Lots 8, 9, 10, 11, 19A and 20A, CB 5508-B, located at 114 Dewhurst from "F" Local Retail District to "H" Local Retail District.
38-2002	12-9-02	Rezoning Lot TRA, Block 1, CB-5894, 2918 Hillcrest Drive, to an "E" Office District.
2006-04	2-13-06	Zoning the property described as Lot 47, Block 9, CB 5771, located at 123 Altgelt Avenue as "E" Office District.
2007-35	12-10-07	Rezoning the property described as CB5508 Block Pt. of 8 ARB P-100 ad P-100, 150 N. Crossroads to "F" Retail District.
2008-02	2-11-08	Rezoning CB5894B Block 26 Lot 16 and E2571.0715 .5022 acres from Single "A" District to "B" Residential District.
2012-15	11-26-12	Rezoning property located at 4623 Fredericksburg Road from O-2 High Rise Office to C-2.
2012-16	12-10-12	Rezoning CB5844C BLK Lot W124 from R-1 Single Family Residence District to O-1 Low Rise District.
2013-14	7-8-13	Rezoning 204 Crossroads Blvd. from O-2 High Rise to C-1 Local Retail.
2013-15	7-8-13	Rezoning 3230/3224 Hillcrest Drive from public property to PUD Planned Unit Development.

**TABLE X: MINUTE ORDERS**

<b><i>Order No.</i></b>	<b><i>Date Passed</i></b>	<b><i>Description</i></b>
2011-01	1-10-11	Renewing a consulting services agreement with Walter Serna.
2011-02	1-10-11	Approving agreement with City Public Service for the installation of American Flags for display on utility poles.
2013-01	1-4-13	Approving a community revitalization plan.
2013-02	1-4-13	Approving the ground lease agreement for unimproved real estate located at Hilcrest and Gentleman.
2013-03	3-11-13	Approving an agreement with Muniservice for motel/motel collection and audit service and extending agreement for sales tax audit.
2013-04	4-8-13	Approving the building and permit submittal requirements pertaining to design professionals and responsibilities.
2013-05	11-18-13	Approving the contract with C-6 Disposal for solid waste collection and disposal services.

**Balcones Heights - Table of Special Ordinances**

References to Ordinances

<b>Ord. No.</b>	<b>Date Passed</b>	<b>Code Section</b>
2009-22	8-10-09	36.15
2009-24	9-14-09	76.06
2009-28	10-12-09	98.99
2009-29	10-12-09	96.04
2009-31	11-9-09	54.01 - 54.13
2009-32	8-3-09	153.01
Res. 2009-14	11-9-09	T.S.O. III
Res. 2009-20	12-14-09	T.S.O. III
2010-01	1-11-10	T.S.O. III
2010-04	3-8-10	36.15
2010-06	5-10-10	54.20 - 54.47, 54.99
2010-07	--	36.01
2010-08	7-12-10	Adopting Ordinance
2010-10	9-13-10	T.S.O. III
2010-14	11-8-10	153.01
2010-15	11-8-10	70.05
Res. 2010-05	11-8-10	T.S.O. III
Res. 2010-08	12-13-10	T.S.O. III
Min. Order 2011-01	--	T.S.O. X
Min. Order 2011-02	--	T.S.O. X
2011-02	2-14-11	T.S.O. III
Res. 2011-03	2-14-11	T.S.O. III
2011-04	3-14-11	153.01
2011-05	3-14-11	53.11, 53.15 - 53.19
2011-06	4-11-11	153.01, Ch. 153, Appendix
Res. 2011-04	5-9-11	T.S.O. III
2011-08	6-13-11	T.S.O. VI
2011-09	6-13-11	Adopting Ordinance
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2011-13	9-12-11	T.S.O. III
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2011-18	10-10-11	150.05
2011-20	10-10-11	93.35
2011-21	10-10-11	153.01, Ch. 153, Appendix
2011-22	11-14-11	153.01, Ch. 153, Appendix
2011-23	11-14-11	130.03
2011-24	11-14-11	36.15
2012-01	2-13-12	30.02
2012-02	2-13-12	113.02, 113.04
2012-03	2-13-12	113.17
Res. 2012-04	3-12-12	36.26
2012-04	3-12-12	150.05
2012-07	6-11-12	153.01, Ch. 153, Appendix
2012-08	8-13-12	Adopting Ordinance
Res. 2012-12	11-26-12	T.S.O. III
Res. 2012-13	12-10-12	T.S.O. III
2012-13	12-10-12	36.19
2012-15	11-26-12	T.S.O. IX
2012-16	12-10-12	T.S.O. IX
2012-17	12-10-12	153.01, Ch. 153, Appendix
2013-01	2-11-13	90.01 - 90.03, 90.15 - 90.21, 90.30 - 90.33, 90.40 - 90.43, 90.55 - 90.57, 90.70 - 90.74, 90.99

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<b>Ord. No.</b>	<b>Date Passed</b>	<b>Code Section</b>
Min. Order 2013-01	1-4-13	T.S.O. X
Min. Order 2013-02	1-4-13	T.S.O. X
Min. Order 2013-03	3-11-13	T.S.O. X
2013-03	2-11-13	53.11, 53.15 - 53.19
Min. Order 2013-04	4-8-13	T.S.O. X
2013-04	3-11-13	153.01, Ch. 153, Appendix
Min. Order 2013-05	11-18-13	T.S.O. X
2013-06	4-8-13	38.70 - 38.85
2013-07	4-8-13	39.10
Res. 2013-09	12-9-13	T.S.O. III
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2013-12	6-10-13	95.01 - 95.09
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2013-15	7-8-13	T.S.O. IX
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2014-01	2-10-14	Ch. 153, Appendix
2014-03	1-13-14	30.02
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**Balcones Heights - Index**



# **CITY OF BALCONES HEIGHTS, TEXAS**

## **ZONING**

2014 S-20 Supplement contains:  
Local legislation current through Ordinance 2014-14, passed 2-10-14

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## **CHAPTER 153: ZONING CODE**

### **Section**

153.01 Adoption  
Appendix: Zoning Code

### **§ 153.01 ADOPTION.**

This chapter was amended in its entirety by Ordinance 2011-22. The revised Chapter 153, attached to Ordinance 2011-22 and marked as Exhibit B, is incorporated in full in this code in the Chapter 153 Appendix as the new Zoning Code.

(Ord. 2009-32, passed 8-3-09; Am. Ord. 2010-14, passed 11-8-10; Am. Ord. 2011-04, passed 3-14-11; Am. Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-21, passed 10-10-11; Am. Ord. 2011-22, passed 11-14-11; Am. Ord. 2012-07, passed 6-11-12; Am. Ord. 2012-17, passed 12-10-12; Am. Ord. 2013-04, passed 3-11-13)

**Balcones Heights - Land Usage**

(c) The design of the entire facility shall incorporate materials, colors, textures, screening and landscape necessary to blend the facility with the surrounding buildings.

(d) *Lighting.* No exterior lighting shall be allowed, except as required by the FAA.

(e) *Maintenance.* The owner of the facility shall be responsible to maintain the facility for function, safety and aesthetics.

(f) *Permits.* No commercial telecommunications facility shall be constructed, refurbished, repaired or installed without a permit from the city.

(g) *Removal.* If the facility has not been in continuous operation for a period of twelve consecutive months, or if a code violation exists which has not been corrected within 30 days after notice by the city, the owner of the facility shall remove the facility within 90 days of receipt of notice from the city notifying the owner of the non-operation or code violation. Failure by the owner to remove the facility within the 90 days shall be grounds for removal by the city. In either case, the owner shall be liable for all costs associated with removal.

(5) *Site requirements.*

(a) *Walls.*

(i) *Materials.* A six-foot high, solid masonry wall shall be constructed around the facility.

(ii) *Permit required.* No wall shall be erected within the city unless the person erecting the fence first obtains a permit following approval by the City Council. The permit shall specify the approved height, length, material or materials, style and location of the fence. Property pins and boundary lines shall be located to avoid encroachment.

(iii) *Dimensions.* Except as required by the city, no fence hereafter erected within the city shall exceed six feet in height along a side or rear property line without approval by the City Council. Maintenance of fences shall be the responsibility of the property owner. Failure to maintain shall constitute a public nuisance. No residential fence may be constructed closer to the front property line than the front line of the main building on the lot, or the front line of the main building on the abutting lot.

(b) *Buffer.* Installation and maintenance of a suitable buffer shall be required where an M-3 zone or use abuts any residential zone or use. The installation and maintenance of the buffer shall be the responsibility of the owner of the M-3 zoned property, or his or her lessee, agent or representative. See Article 7, Buffering, Landscaping, and Tree Preservation Regulations.

(6) *Landscaping.* See Article 7, Buffering, Landscaping, and Tree Preservation Regulations, for general requirements. Specific zone requirements are as follows:

(a) Tall trees, shrubs, and other landscape materials must be incorporated to screen or obscure undesirable views to towers, antennae or accessory buildings from the surrounding community.

(b) The city may require trees to be planted in adjacent public property or rights-of-way for the purposes of visual screening.

(7) *Off-street parking.* Off-street parking shall be defined by the vehicles required to staff or service the facility at the maximum occupancy shift and the maximum number of vehicles required for service during a maximum service occurrence. The applicant shall submit a mandatory site plan at the time of application, showing the location of required parking, as well as documentation from a registered engineer in the State of Texas, showing the parking demand rationale.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.1.15. BALCONES LOFTS MXD-PUD (BL-MXD-PUD) - ZONING DISTRICT REQUIREMENTS.**

(1) *Intent.* The special standards listed in this section for this special district are intended to:

(a) Encourage opportunities for development innovation tailored to a particular site, that while clearly furthering the goals of the comprehensive plan, could not explicitly be established by generally applicable standards or guidelines;

(b) Allow mixed-use development, which offers a greater variety in type, design and layout of buildings;

(c) Encourage land conservation and more efficient use of open space; and

(d) Permit modification of certain controls in a manner so as to produce large area development arranged to better serve community needs.

(2) *Site plan.* Site plan shall prescribe development standards and is a part of this section. Site plan is schematic in nature and might have minor variations.

(3) *Uses permitted:*

(a) Multifamily (five or more units).

(b) Retail trade, with no outdoor display or sales.

(c) Clothes cleaner, dry cleaner.

(d) Grocery store.

(e) Office general.

(f) Personal services (excluding tattoo parlors and repair shops).

(g) Community, social uses - indoor.

(h) Food service establishment.

(i) Financial services - banks.

(j) Any other uses not mentioned in the above are prohibited.

(4) *Setbacks and height restrictions for building structures:*

(a) Height: 120 feet maximum.

(b) Front setback: 25 feet maximum.

(c) Side setback: no maximum.

(d) Rear setback: 25 feet minimum .

(e) Lot size: 1,000 square feet per unit.

(f) Enclosing walls or courtyards. In the case of outdoor public spaces, cafes or courtyards in front of, or on the side of buildings, the "build to" requirement may be met by including an appropriate wall or fence at the lot line.

(i) Subject to the requirements of § 4.1.5 regarding clear site lines, the wall or fence shall be continuous, except for the pedestrian entrance, which shall not be less than five feet in width. In no case shall the pedestrian entrance exceed more than 20% of the linear footage of the front lot line.

(ii) The wall or fence may be transparent, such as metal ornamental fencing, a masonry wall, or a combination of a masonry wall topped with metal fencing.

(iii) The wall or fence shall not be over four feet high.

(iv) A wall or fence used to meet the "build to" requirement shall include architectural features in the design that reflect the architectural theme of the building.

(v) Wood, concrete masonry units and chain link fences are not permitted.

(vi) An optional landscape element may be incorporated into the design of the wall or fence for aesthetic purposes.

(5) *Public street access.* Public pedestrian sidewalks on or adjacent to public property subject to this section shall have a minimum width of seven feet. At all times, a minimum of seven feet of unobstructed pedestrian access shall be maintained for all pedestrian walks. Americans with Disabilities Act standards shall be met at all times. [Provided, however, that the minimum seven foot width shall not apply to sidewalks adjacent to or alongside residential units.]

(6) *Site, vehicular traffic, circulation, connections and parking.*

(a) *Parking behind building.* Off-street parking areas shall be behind the building and to the sides. Parking must meet all applicable city ordinances, rules and regulations. Provided however:

(i) Standard parking spaces shall be allowed to be 18 feet by nine feet if not abutting a pedestrian walk or property line.

(ii) Compact stalls will be allowed, no greater than 10% of the total stalls, measuring eight feet by 16 feet with a two-foot overhang.

(b) *Rear services.* Services and deliveries shall utilize secondary or rear entrances to the building whenever possible.

(c) *Exceptions.* Additionally, § 4.3.3 of the zoning ordinance shall be adhered to with the following exceptions:

(i) The requirement for a 15-foot landscape buffer at adjacent residential uses is eliminated.

(ii) Limited street parking is allowed with a minimum of 800 square feet of landscape islands, with trees, and shall be approved by the city per the site plan approval process.

(d) *Circulation.* Site access and internal circulation standards are intended to balance the need for site access by vehicles with pedestrian movements. Design elements are intended to create a smooth transition from the public rights-of-way to the property, and to improve the appearance and function of the public rights-of-way for all users, including pedestrians, bicycles, and automobiles.

(e) *Curb cuts.* Curb cuts for property not being subdivided shall be allowed according to the same lot access standards established in the Balcones Heights' Subdivision Regulations. When the development process requires access standards different from those standards, either from § 4.2 of this appendix, requirements specified in a traffic study or by variance, the varying standards shall be applied.

(f) *Internal driveways, aisles, and driveway lanes.* All driveways shall be set back a minimum distance of three feet from the side lot line, except where shared access driveways are permitted. All internal driveway aisles shall be designed to meet minimum fire code standards and on-site driveway and parking standards including sidewalks, planting strips, and parking lanes.

(g) *Clear sight lines.* Clear sight lines shall be maintained for all lot access points and internal circulation intersections in accordance with the standards for public street intersections specified in the city ordinance.

(7) *Screening.*

(a) *Provide screening.* Waste receptacles, dumpsters, and ground level mechanical equipment shall be screened from public view by walls, or with sustained landscaping or in a manner permitted by law if such landscaping not be permitted or feasible, except for gate control units.

(b) *Architectural compatibility.* Whether on-site or incorporated into the building, the required screening treatment is a solid wall enclosure compatible with the materials, colors and architectural style of the building. No wood fencing shall be allowed.

(c) *Landscaping.* Additional landscape screening around the enclosure is required if the enclosure can be seen from a public street. This required landscape buffer shall be irrigated and maintained.

(d) *Rear location.* Screened areas shall be located to the rear or secondary side of the building in order to minimize visual impacts.

(e) *Mechanical equipment.* When required by this section, all mechanical or operating equipment, materials, or activities not contained within a building, such as drive-through equipment, outdoor storage of materials, stationary machinery, and outdoor servicing activities located in a street yard, shall be enclosed or screened by a wall or fence of solid appearance in sufficient height for this purpose. Such walls or fences may be enhanced with the planting of shrubs.

(f) *Specified operations.* When required by this section or other ordinances screening of a specified operations (e.g. operating equipment) shall be a wall or fence of solid appearance or tight hedge, with greenery year around, six feet in height at maturity.

(g) *Fencing.* Fences are permitted in all zoning districts. A building permit shall be obtained prior to construction of any fence. Fences shall be subject to the standards established in Article 7, Buffering, Landscaping, and Tree Preservation.

(8) *Landscaping.*

(a) *Use Article 7 of the zoning ordinance landscape materials.* All undeveloped yards and open spaces required by this appendix, and all natural screening material, shall be planted according to the specifications in Article 7, Buffering, Landscaping, and Tree Preservation.

(b) *Guidelines.* In addition to landscape requirements in Article 7, Buffering, Landscaping, and Tree Preservation, this section provides guidelines for private streetscape and landscape design in mixed-use areas, which shall be utilized for this property.

(c) *Consistency.* Private landscaping elements shall be consistent with public streetscape plants and materials required for MXD Districts.

(d) *Portable planters.* Seasonal amenities such as portable planters, street trees or other landscaping are permitted and encouraged as long as pedestrian movement is not hindered.

(e) *Perimeter parking landscape.* Any off-street parking area that directly abuts a pedestrian walkway shall incorporate landscape features along the perimeter of the parking lot. A minimum five-foot landscape area shall be maintained between the public right-of-way and the off-street parking area. Landscaping shall include combinations of ground cover, seasonal color, trees, and ornamental fencing.

(f) *Parking lots along sidewalks.* Parking lots, when adjacent to sidewalks, shall preserve the presence of the required setback or "build to" line, and when adjacent to public sidewalks by means of a wall, fencing and/or landscape element, subject to the requirements of § 4.1.5 regarding clear site lines.

(g) *Other requirements.* Subject to other code requirements, the wall, fence and/or landscape element shall be continuous, except for the pedestrian and vehicle entrance. The pedestrian and vehicle entrance shall not exceed more than 20% of the linear footage of the wall or fence line, except that a minimum five-foot pedestrian entrance and 12-foot vehicle entrance is required.

(9) *Signs.* All requirements for signage are to be adhered to per § 4.5 of the zoning ordinance, as well as the signage requirements included in that section specifically for MXD districts.

(10) *Exterior lighting.*

(a) Parking lots with 50 or fewer spaces and open areas requiring lighting for general purposes shall have light poles that do not exceed 20 feet overall height. Parking lots having more than 50 spaces shall have light poles that do not exceed 40 feet overall height. Luminaries of a sharp cut-off design are required to shield light source above 72 degrees from vertical and providing 1.0 average maintained foot-candles with the following uniformity ratios:

(b) 3:1 average/minimum (.33 FC minimum) with the maximum or minimum foot-candle level at any point lighted area.

(c) 12:1 maximum/minimum (4.0 FC maximum) are required in all cases with the maximum or minimum foot-candle level at any point lighted area.

(d) A photometric grid shall be furnished by developer at time of building permit application.

(11) *Building requirements.* Adhere to all requirements of § 4.2.7 of the zoning ordinance. Additionally:

(a) Final architectural design to be approved by the City Council.

(b) No blank walls. Site plan configurations and building designs shall not create walls that are predominantly blank and unadorned along public streets except for retaining walls

(12) *Accessory buildings.* Accessory buildings are not allowed without the prior approval of the City Council.

(13) *Stormwater management.* Adhere to § 4.1.6 of the zoning ordinance.

(14) *Adherence.* Adherence to all other applicable Balcones Heights ordinances is required unless a variance is approved by the City Council.

(15) *Planned Unit Development amendments.* Changes or amendments to a Planned Unit Development shall be processed in the same manner as the original request. Slight changes in the detail or reductions in size of less than 20% of the minimum required land area of the Planned Unit Development that do not change the intent, meaning or relationship of structures to each other may be approved by the City Administrator or designee.

(Ord. 2014-01, passed 2-10-14)

**§ 3.2. ZONING DISTRICT BOUNDARIES; OFFICIAL MAP.**

The boundaries of the zoning districts provided in this Article 3 are shown on official zoning maps filed in the City Secretary's office. The zoning maps and all notations and references are incorporated herein by reference as part of this article as if they were fully copied and set forth at length. It shall be the duty of the City Administrator to update the official map by entering on such map any changes which the City Council may from time to time order by amendment to the zoning chapter and map.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.3. INTERPRETATION OF ZONING DISTRICT BOUNDARIES.****§ 3.3.1. DISTRICT BOUNDARY MEASUREMENTS.**

When definite measurements in feet are not shown on the zoning map, the district boundaries of the zoning area are intended to be along (or an extension of or from) the existing street or property lines. When the location of a district boundary line is not otherwise designated, it shall be determined by the scale of the maps measured from a given line or by the property lines defined in the plat, as applicable.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.3.2. STREET LAYOUT DISCREPANCIES.**

Where the actual street layout varies from the zoning map, the Planning and Zoning Commission may apply the designations shown on the mapped streets in such a manner so as to implement the intended zoning plan for the area in question.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.4. BUILDING HEIGHT AND SETBACK REGULATIONS.****§ 3.4.1. GENERALLY.**

No building permit shall be issued unless the proposed development conforms to the building height and setback regulations prescribed within the applicable zoning district.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 3.4.2. TABULAR FORM.**

The design regulations for each district are included in Table 3.4 -1 below.

[Table 3.4-1 begins on next page]

**ARTICLE 5**  
**SPECIAL DISTRICTS, USES, AND CONDITIONS**

- 5.1. Special districts
- 5.2. Special conditions for uses
- 5.3 Temporary portable storage unit (residential)
- 5.4 Temporary portable storage unit (commercial)

*Purpose.* The following special districts and conditions shall apply where the uses are permitted or permitted by special exception. These special districts and conditions are in addition to the generally applicable standards that apply to all uses within a particular zoning district. In the case of a conflict between the generally applicable standard for the zoning district and the specific standard for the use listed in this section, the more specific standards in this section shall apply.

**§ 5.1. SPECIAL DISTRICTS.**

**§ 5.1.1. PLANNED UNIT DEVELOPMENT (PUD).**

(1) *Intent.* The special standards listed in this section for the Planned Unit Development (PUD) district are intended to:

- (a) Encourage opportunities for development innovation tailored to a particular site, that while clearly furthering the goals of the comprehensive plan, could not explicitly be established by generally applicable standards or guidelines;
- (b) Allow mixed-use development, which offers a greater variety in type, design and layout of buildings;
- (c) Encourage land conservation and more efficient use of open space; and
- (d) Permit modification of certain controls in a manner so as to produce large area development arranged to better serve community needs.

(2) *Size.* A Planned Unit Development shall be a minimum of three acres.

(3) *Uses.* The list of permitted uses shall be described and contained in the site plan accompanying each Planned Unit Development.

(4) *Ordinance and site plan required.* Each Planned Unit Development shall have an ordinance that establishes the development of regulations for the district. In approving a Planned Unit Development, the ordinance shall reference the site plan, which shall prescribe development standards. The site plan after approval shall become part of the ordinance. All development shall be in conformance with the approved site plan and development standards.

(5) *Conditions related to approval.* In addition to the general criteria for zoning map amendments, a map amendment to the PUD district may require the following conditions for compliance with the goals and intent of the comprehensive (master) plan and this appendix:

- (a) Setbacks for building structures;
- (b) Public street access;
- (c) Vehicular traffic, circulation, connections and parking;
- (d) Screening or buffer zones;
- (e) Hours of operation;
- (f) Activities or uses permitted on the property;
- (g) Building or structure heights;
- (h) Landscaping;
- (i) Maximum lot coverage, impervious percentages;
- (j) Pedestrian circulation;
- (k) Signs;
- (l) Mitigation of noise, fumes, odors, vibration or airborne particles;
- (m) Exterior lighting;
- (n) Exterior construction materials;
- (o) Special fire protection;
- (p) Outside storage and display of merchandise;
- (q) Refuse and waste storage;
- (r) Lot size and dimensions;
- (s) Accessory buildings;
- (t) Other information shown on the site plan; and
- (u) Conformance to city ordinances.

(6) *Building permit and certificate of occupancy compliance.* No building permit for any structure shall be issued, nor shall a certificate of occupancy be granted until the development plans, building permit application documents, and/or constructed buildings and site are consistent with the site plan and development regulations of the approved Planned Unit Development at the appropriate phase of the development process.

(7) *Planned Unit Development amendments.* Changes or amendments to a Planned Unit Development shall be processed in the same manner as the original request. Slight changes in the detail of the Planned Unit Development that do not change the intent, meaning or relationship of structures to each other may be approved by the City Administrator or designee.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

(3) *Site requirements.*

- (a) No more than one commercial vehicle per dwelling shall be permitted.
- (b) In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
- (c) No travel trailer, hauling trailer, utility trailer, boat, boat trailer, motor home or commercial vehicle shall be parked or stored in the street yard of any lot or upon the right-of-way.
- (d) A travel trailer or vehicle shall not be occupied either permanently while it is parked or stored in any permitted area. Temporary occupancy shall not exceed 14 days. During a period of temporary occupancy, generators shall not be used.
- (e) A junked vehicle (as defined by state law) shall not be permitted to be located on or near lots with dwelling units, or on streets or within rights-of-way.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 5.2.5. STORAGE-PERSONAL (mini-warehouse).**

- (1) *Intent.* The intent of the special conditions for storage-personal use is to:
- (a) Allow for personal storage services to be mixed with other compatible commercial uses;
- (b) Ensure that such storage facilities are located appropriately in order to minimize the impact on adjacent property;
- (c) Recognize that the design and scale of such storage facilities can determine how well this use fits in with surrounding uses.
- (2) *Location requirements.* Storage-personal businesses may only be located in specified zoning districts.
- (3) *Site requirements.*
- (a) All one-way drive aisles shall provide for one ten-foot wide travel lane. Traffic direction and parking shall be designated by signs or painting.
- (b) All two-way drive aisles shall provide for one ten-foot wide parking lane and two 12-foot wide travel lanes.
- (c) Two parking spaces, to be located at the project office for use of clients, shall be provided for the manager's quarters plus one additional space for every 25 storage cubicles.  
(Ord. 2011-06, passed 4-11-11; Am. Ord. 2011-22, passed 11-14-11)

**§ 5.3 TEMPORARY PORTABLE STORAGE (RESIDENTIAL).**

**§ 5.3.1 DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT.** The person that owns, rents, occupies, or controls the residential property and obtains the required permit for a portable temporary storage unit.

**SUPPLIER.** The company or vendor which supplies the temporary portable storage unit to the residential property.

**TEMPORARY PORTABLE STORAGE UNIT.** A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited basis on residential property. Job trailers sited in conjunction with a building project shall not be regulated by this section.

(Ord. 2014-11, passed 8-25-2014)

### § 5.3.2 PERMIT REQUIRED.

(1) Prior to, or within 48 hours following the initial delivery of the portable temporary storage unit, the applicant or the supplier shall apply for a permit in the Development Services office.

(2) The permit shall be obtained by:

(a) Completing the temporary portable storage unit permit application;

(b) Presenting an active permit for that property if the portable on-demand storage unit is to be used for the storage of building materials;

(c) Payment of a permit fee as established in the fee schedule set forth in this code; and

(d) Obtaining written approval of the permit by the building official, or designee.

(3) The application shall contain the name of the applicant to whom the portable temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property; the address at which the unit will be placed; the delivery date and removal date; active building permit number, if applicable; and a sketch depicting the location and placement of the unit. The permit shall be displayed and viewable from the public right-of-way.

(4) The effective date of the permit shall be the date of the Building Official's or designee's signature.  
(Ord. 2014-11, passed 8-25-2014)

### § 5.3.3. DURATION.

(1) Permits shall be granted for a period of 30 consecutive days including the days of delivery and removal. No more than two permits shall be issued within any 12-month period, and a minimum of 15 days shall elapse between the end of one permit period and the beginning of another.

(2) In the event of fire, tornado, or natural disaster, or other extraordinary event causing substantial damage to the primary residential structure, the property owner may apply to the city for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Development Services office, and shall give sufficient information to determine whether such extended duration should be granted. The Building Official shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Building Official, the applicant may appeal such decision to the Board of Adjustment.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.3.4 LOCATION.**

(1) Portable temporary storage units are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(2) The unit shall be placed only on a hard-surfaced driveway or parking area, and the required number of parking spaces in each single family zoning district shall at all times be maintained.

(3) Such unit shall not exceed eight feet six inches in height, ten feet in width, or 20 feet in length.  
(Ord. 2014-11, passed 8-25-2014)

**§ 5.3.5 NUMBER OF UNITS.**

No more than one portable temporary storage unit may be located on a residentially zoned property at one time. In the case of a two-family or multifamily dwelling no more than one unit per address shall be permitted.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.3.6 USE AND MAINTENANCE.**

(1) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the unit is located (i.e. used for retail sales), or any illegal or hazardous material. Upon reasonable notice to the applicant, the city may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(2) The applicant, as well as the supplier, shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

(3) All portable temporary storage units must be brought into compliance with this article by July 21, 2014.  
(Ord. 2014-11, passed 8-25-2014)

**§ 5.3.7 PENALTY.**

Any person or entity violating any provision of this section shall be guilty of a misdemeanor and punished in the manner prescribed by § 9.21 of this appendix.  
(Ord. 2014-11, passed 8-25-2014)

**§ 5.4 TEMPORARY PORTABLE STORAGE UNIT (COMMERCIAL).****§ 5.4.1 DEFINITIONS.**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT.** The person that owns, rents, occupies, or controls the business property and obtains the required permit for a portable temporary storage unit.

**SUPPLIER.** The company or vendor which supplies the temporary portable storage unit to the business property.

**TEMPORARY PORTABLE STORAGE UNIT.** A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials for use on a limited basis on business property. Job trailers sited in conjunction with a building project shall not be regulated by this appendix.

(Ord. 2014-11, passed 8-25-2014)

#### § 5.4.2 PERMIT REQUIRED.

(1) Prior to, or within 48 hours following the initial delivery of the portable temporary storage unit, the applicant or the supplier shall apply for a permit in the Development Services office.

(2) The permit shall be obtained by:

(a) Completing the temporary portable storage unit permit application;

(b) Presenting an active permit for that property if the portable on-demand storage unit is to be used for the storage of building materials;

(c) Payment of a permit fee as established in the fee schedule set forth in this code; and

(d) Obtaining written approval of the permit by the Building Official or designee.

(3) The application shall contain the name of the applicant to whom the portable temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property; the address at which the unit will be placed; the delivery date and removal date; active building permit number, if applicable; and a sketch depicting the location and placement of the unit. The permit shall be displayed and viewable from the public right-of-way.

(4) The effective date of the permit shall be the date of the Building Official's or designee's signature.  
(Ord. 2014-11, passed 8-25-2014)

#### § 5.4.3 DURATION.

(1) Permits shall be granted for a period of 30 consecutive days including the days of delivery and removal. No more than two permits shall be issued within any 12-month period, and a minimum of 15 days shall elapse between the end of one permit period and the beginning of another.

(2) In the event of fire, tornado, or natural disaster, or other extraordinary event causing substantial damage to the primary business structure, the property owner may apply to the city for permission to extend the time that a portable temporary storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Development Services office, and shall give sufficient information to determine whether such extended duration should be granted. The Building Official shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Building Official, the applicant may appeal such decision to the Board of Adjustment.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.4.4 LOCATION.**

(1) Portable temporary storage units are prohibited from being placed on a public street, road, alley, sidewalk or right-of-way.

(2) The unit shall be placed only on a hard-surfaced driveway or parking area, and the required number of parking spaces in each business zoned district shall at all times be maintained.

(3) Such unit shall not exceed eight feet six inches in height, ten feet in width, or 20 feet in length. (Ord. 2014-11, passed 8-25-2014)

**§ 5.4.5. NUMBER OF UNITS.**

No more than one portable temporary storage unit may be located on a business zoned property at one time. In the case of a two-family or multifamily dwelling no more than one unit per address shall be permitted.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.4.6 USE AND MAINTENANCE.**

(1) No portable temporary storage unit shall be used as a dwelling unit, or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the business property where the unit is located (i.e. used for retail sales), or any illegal or hazardous material. Upon reasonable notice to the applicant, the city may inspect the contents of any portable temporary storage unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall a portable temporary storage unit be used for any of these purposes.

(2) The applicant, as well as the supplier, shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

(3) All portable temporary storage units must be brought into compliance with this appendix by July 21, 2014.

(Ord. 2014-11, passed 8-25-2014)

**§ 5.4.7 PENALTY.**

Any person or entity violating any provision of this section shall be guilty of a misdemeanor and punished in the manner prescribed by § 9.21 of this appendix.

(Ord. 2014-11, passed 8-25-2014)

**Balcones Heights - Zoning Code**

A-90D