

**RESOLUTION NO. 2010-02**

After review and discussion of concerns as to the method for measuring building height and the building height limits as set out in Chapter 31 of the Code of Ordinances of the City of Olmos Park, the Planning and Zoning Commission of the City of Olmos Park, Texas recommends that the City Council of the City of Olmos Park, Texas adopt the following ordinance amending Sections 31.208 ~~and~~, 31.402, ~~31.502, 31.505.5, 31.602, and 31.702~~ of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas:

**AN ORDINANCE AMENDING SECTION 31.208 OF CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF OLMOS PARK, TEXAS, TO MODIFY THE METHOD FOR MEASURING BUILDING HEIGHT AND AMENDING SECTIONS ~~31.402, 31.502, 31.505.5, 31.602, AND 31.702~~ OF THE CODE OF ORDINANCES OF THE CITY OF OLMOS PARK IN REGARD TO BUILDING HEIGHT LIMITS IN THE SINGLE FAMILY RESIDENCE DISTRICTS, ESTABLISHING A PENALTY, AND SETTING AN EFFECTIVE DATE.**

WHEREAS, Section 31.208 of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, consists of a definition of building height that includes a method of measurement of building height; and

WHEREAS, Section 31.402 of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, sets out the building height limit for property in the Single Family Residence Districts; and

~~WHEREAS, Section 31.502 of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, sets out the building height limit for property in the Apartment Districts; and~~

~~WHEREAS, Section 31.505.5 of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, sets out the building height limit for townhouses; and~~

~~WHEREAS, Section 31.602 of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, sets out the building height limit for property in the Local Retail District; and~~

~~WHEREAS, Section 31.702 of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, sets out the building height limit for property in the Mixed Retail Commercial Retail Districts; and~~

WHEREAS, the Planning and Zoning Commission has determined that the method of measurement of building height should be modified to provide that building height be measured from the top edge of the front curb of the property unless the lot is on the uphill side of a street, in which case the height should be measured from a point that is the average elevation of the lot between the top edge of the front curb and the rear property line measured from the midpoint of the property, both front and rear; and

WHEREAS, the Planning and Zoning Commission has also determined that the building height limits in ~~various sections~~ [Section 402](#) of Chapter 31 of the Code of Ordinance should be revised to eliminate references to stories while retaining height limitations in feet; and

WHEREAS, the City Council of the City of Olmos Park finds that Section 31.208 of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, should be amended to provide that building height be measured from the top edge of the front curb of the property unless the lot is on the uphill side of a street in which case the height should be measured from a point that is the average elevation of the lot between the top edge of the front curb and the rear property line measured from the midpoint of the property, both front and rear; and

WHEREAS, the City Council of the City of Olmos Park finds that Sections 31.402, ~~31.502, 31.505.5, 31.602, and 31.702~~ of Chapter 31 of the Code of Ordinances of the City of Olmos Park, Texas, [relating to property in the Single Family Residence Districts of the City](#) should be amended to eliminate references to stories while retaining height limitations in feet.

NOW, THEREFORE, BE IT ~~ORDAINED~~[RESOLVED](#) BY THE CITY COUNCIL OF THE CITY OF OLMOS PARK, TEXAS, that:

Section 1. Section 31.208 of Chapter 31 of the Code of Ordinances is hereby amended to read as follows:

#### 31.208 BUILDING HEIGHT

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

Section 2. Section 31.402 of Chapter 31 of the Code of Ordinances is hereby amended to read as follows:

#### 31.402 BUILDING HEIGHT

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

~~Section 3. Section 31.502 of Chapter 31 of the Code of Ordinances is hereby amended to read as follows:~~

#### ~~31.502 BUILDING HEIGHT~~

Field Code Changed

~~———— No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained which exceeds forty five (45) feet in height.~~

~~———— Section 4. Section 31.505.5 of Chapter 31 of the Code of Ordinances is hereby amended to read as follows:~~

~~31.505.5 Townhouse Height~~

~~———— No townhouse (nor any enlargement thereof) shall exceed 35 feet in height measured as determined by Section 31.208.~~

~~———— Section 5. Section 31.602 of Chapter 31 of the Code of Ordinances is hereby amended to read as follows:~~

~~31.602 BUILDING HEIGHT~~

~~———— No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained or exceed forty five (45) feet in height.~~

~~———— Section 6. Section 31.702 of Chapter 31 of the Code of Ordinances is hereby amended to read as follows:~~

~~31.702 BUILDING HEIGHT~~

~~———— No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained or exceed forty five (45) feet in height.~~

Section 73. Any person or entity violating this ordinance shall be punished, upon conviction, in accordance with the provisions of Section 31.1600 of the Code of Ordinances. Each day of such violation shall constitute a separate offense.

Section 84. This ordinance shall be effective one day after publication of this ordinance in the official newspaper of the City of Olmos Park, Texas.