



## MEMORANDUM

**TO:** Jeff Jack, Board of Adjustment Chair  
Board of Adjustment Members

**FROM:** Christopher Johnson  
Development Assistance Center Manager  
Planning & Development Review Department

**DATE:** May 8, 2014

**SUBJECT:** 7501 N Lamar Blvd

The permit history for the property at 7501 N Lamar Blvd is as follows:

- 07/02/1979 – Building permit # 183447 issued for construction of a 1 story concrete commercial retail sales building
- 10/09/1979 – Certificate of Occupancy for Retail Sales building issued, which is also the current certificate of occupancy for this structure
- 11/13/1979 – Sign permit issued for “Austin Lacquer Company Automotive Paint & Body Shop Supplies & Equipment” consistent with a Retail Sales use

At some point in 2007 or 2008, a title loan provider moved into this structure. This use would have been classified as *Financial Services* use at that time, and this change of use required approval of a building permit and issuance of a new Certificate of Occupancy for *Financial Services* use, per Section 25-1-361, which did not occur. Since no Certificate of Occupancy was issued for a *Financial Services* use, this business is not legally occupying this structure and the current certificate of occupancy is for General Retail Sales use. Although sign permit 2007-172369-SB was issued 01/02/2008 for “Texas Title Loan”, a sign permit does not establish a use or result in a new certificate of occupancy. Today sign review staff check to see if proposed signage is consistent with current certificates of occupancy or pending building plans or permits, but that was not routinely the case in 2007.

On 05/07/2012, Ordinance 20120426-139 became effective, which excluded title lenders, payday lenders, and check cashing business from the definition of *Financial Services* use, created a new use classification of *Alternative Financial Services*, and established the current regulations governing such facilities. Any *Alternative Financial Services* facility that was legally operating

prior to 05/07/2012, but does not comply with the current regulations, is permitted to continue to operate as a legal, non-conforming use. However, because the facility at 7501 N Lamar Blvd did not have a certificate of occupancy for a *Financial Services* use, it was not a legally established use, and therefor is not considered a nonconforming use. It is a use occupying a structure without proper certificate of occupancy. Based on the existing Certificate of Occupancy, the legal use of this structure is General Retail Sales. To legally establish the *Alternative Financial Services* use, it must comply with all applicable regulations for the proposed change of use to obtain a Certificate of Occupancy for the new use.

Attached are copies of the permits and current Certificate of Occupancy for 7501 N Lamar, indicating the retail use, along with 5 examples of Certificates of Occupancy for legally established *Financial Services* facilities that were established with building permit approvals for a change of use from a prior occupancy, all of which were issued prior to the effective date of Ordinance 20120426-139.

## RELATED CODE REFERENCES:

### 25-2-4 COMMERCIAL USES DESCRIBED.

(A) Commercial uses include the sale, rental, servicing, and distribution of goods, and the provision of services, other than those classified as industrial or civic uses.

(B) Commercial use classifications are described as follows:

(3) **ALTERNATIVE FINANCIAL SERVICES BUSINESSES** use is the use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business as defined in this section.

(a) This use excludes:

- (1) a state or federally chartered bank, savings and loan association or credit union, or a pawnshop, and
- (2) a convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.

(b) A check cashing business is an establishment that provides one or more of the following:

- (1) an amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction;
- (2) an agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- (3) the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee.

(c) A payday advance or loan business is an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an

electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

(d) A motor title loan business is an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.

(e) A credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code.

(30) **FINANCIAL SERVICES** use is the use of a site for the provision of financial and banking services. This use includes banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. This use excludes alternative financial services businesses uses as defined in this section.

(34) **GENERAL RETAIL SALES (CONVENIENCE)** use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

(35) **GENERAL RETAIL SALES (GENERAL)** use is the use of a site for the sale or rental of commonly used goods for personal or household use, but excludes uses classified more specifically in this section. This use includes department stores, furniture stores, and establishments providing home furnishings, appliances, wallpaper, floor-covering, or automotive parts and accessories (excluding service and installation).

## **25-2-941 NONCONFORMING USE DEFINED.**

NONCONFORMING USE means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.

## **25-1-361 CERTIFICATE REQUIRED.**

(A) In the zoning jurisdiction and in a municipal utility district that has a consent agreement with the City requiring the issuance of a building permit, a person may not use, occupy, or change the existing use or occupancy of a structure unless the building official has issued a certificate of occupancy for the structure.

(B) In the planning jurisdiction:

(1) for development that does not require a site plan, a person may not use or occupy a structure unless the accountable official has issued a certificate of compliance for the subdivision infrastructure; and

(2) for development that requires a site plan, a person may not use or occupy the development included in the site plan unless the accountable official has issued certificates of compliance for the site plan and the subdivision infrastructure.

OWNER	Mr. H.M. Caskey	ADDRESS	7501 Lamar (N)
PLAT	313	LOT	1
		BLK.	C
SUBDIVISION	Northway Crest sec 2		
OCCUPANCY	Lease Space retail &&		
BLDG. PERMIT #	183447	DATE	7-2-79
		OWNERS ESTIMATE	68,000.00
CONTRACTOR	& Raymond C. Tubbs		NO. OF FIXTURES
WATER TAP REC#	G04424	SEWER TAP REC#	89074
1 story concrete (T.L.T wall) steel comm & retail			
sales bldg.			

C15-2014-0005

Lot 1

Block C

Subdv. Northway Crest  
Sec. 2

# Certificate Of Occupancy

No. 91495

DEPARTMENT OF BUILDING INSPECTION  
City of Austin, Texas

Permit # 183447

Zoning GR & A & 1st.

Plat 313

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW HAS BEEN  
INSPECTED AND THE FOLLOWING OCCUPANCY THEREOF IS HEREBY AUTHORIZED.

Address 7501 N. Lamar

Use 1 story conc tilt wall & steel comm bldg Retail Sales Bldg.

Owner of Land Mr. H.M. Caskey

Owner of Improvements

Contractor Raymond Tubbs

Plumber A. Parks

Remarks

Address P.O. Box 14140  
78761

No. of Gas Meters 1

Date 10-9-79

BUILDING OFFICIAL

By JJ

BID #2008

OFFICE COPY

SEE REVERSE SIDE

## SIGN PERMIT

OWNER H.M. Caskey &amp; Sons

ADDRESS 7501 North Lamar Blvd.

PLAT 313

LOT one (1)

BLK "C"

SUBDIVISION Northway Crest, Sect. 2

OCCUPANCY Sign

BLDG. PERMIT # 187877

DATE 11/13/79

OWNERS

ESTIMATE 350.00

CONTRACTOR Regal

NO. OF FIXTURES

WATER TAP REC#

SEWER TAP REC#

Erect a sign: AUSTIN LACQUER COMPANY AUTOMOTIVE PAINT &amp;

BODY SHOP SUPPLIES &amp; EQUIPMENT



# City of Austin

## SIGN PERMIT

C15-2014-0005

**PERMIT NO:** 2007 - 172369 SB

**Sign Type:** Wall

**Status:** EXPIRED

7501 N LAMAR BLVD

**Issue Date:** 01/02/2008

**Expiry Date:** 06/30/2008

LEGAL DESCRIPTION	REVIEWED BY Clara Hilling	ISSUED BY Glenda Wilsford
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DESCRIPTION OF WORK Wall	PROPOSED SIGN Wall sign "Texas Title Loan" East elevation
VARIANCE	ZONING GR-MU-CO-NP
SIGN FACE DIMENSIONS	TOTAL SIGN FACE AREA 38.25
TOTAL AREA OF EXISTING SIGNS ON FAÇADE	DIMENSIONS OF BUILDING FAÇADE 60x15
TOTAL HEIGHT OF SIGN	SETBACK OF SIGN
CLEARANCE ABOVE GRADE	LINEAR FEET OF STREET FRONTAGE
NUMBER OF OTHER FREESTANDING SIGNS ON PROPERTY	SIZE OF EACH SIGN SUPPORT

**Sign District:**

Commercial

**Electrical Inspection Required:**

Yes

**Contact**

Outdoor Advertising Contractor, One Stop Signs, LLP

**Telephone**

(281) 353-1600

**Fee Description**

Sign Review Fee  
Sign Fee  
Electrical Sign Permit Fee

**Fee Amount    Paid Date**

\$20.00    12/18/2007  
\$33.00    01/02/2008

**Total Fees:**    \$76.00

**Comment**

Sign/Banner Review

**Date**

12/18/2007

**User**

Clara Hilling

**Conditions**

Sign area may not exceed 20% of facade area of first 15 ft. of bldg. height

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.





# City of Austin

## CERTIFICATE OF OCCUPANCY

**BUILDING PERMIT NO. 1998-007288 BP**

**ISSUE DATE: 06/23/1998**

**BUILDING ADDRESS:** 6800 West Gate Boulevard A 00130

**LEGAL DESCRIPTION:** Lot: 3B Block: Subdivision: CHERRY CREEK COMMERCIAL III-F, RESUB OF LOTS 2 & 3

**PROPOSED OCCUPANCY:**

C-1000 Commercial Remodel

Remodel - Change Of Use Retail To Financial Services

**BUILDING GROUP / DIVISION:** B

**REMODEL BUILDING SQUARE FOOTAGE:** 0

**SPRINKLER SYSTEM:**

**CODE YEAR:**

**CODE TYPE:**

**FIXED OCCUPANCY:**

**NON FIXED OCCUPANCY:**

**CONTRACTOR:**

\*\*\*\*\* **CERTIFICATE OF OCCUPANCY** \*\*\*\*\*

**THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.**

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

**BUILDING CODE REVIEWER:**

**For Leon Barba, Building Official**



## City of Austin

# CERTIFICATE OF OCCUPANCY

**BUILDING PERMIT NO. 2005-001308 BP**

**ISSUE DATE: 05/19/2005**

**BUILDING ADDRESS:** 9616 N Lamar Blvd Unit 177

**LEGAL DESCRIPTION:** Subdivision: Rutland Plaza; Lot: 1

**PROPOSED OCCUPANCY:**

C-1000 Commercial Remodel

Remodel - Change Of Use From Retail To Financial Services & Interior Remodel (Check N' Go)

**BUILDING GROUP / DIVISION:** M

**REMODEL BUILDING SQUARE FOOTAGE:** 0

**SPRINKLER SYSTEM:**

**CODE YEAR:**

**CODE TYPE:**

**FIXED OCCUPANCY:**

**NON FIXED OCCUPANCY:**

**CONTRACTOR:** Retrodo McIntyre, Express Permits

\*\*\*\*\* **CERTIFICATE OF OCCUPANCY** \*\*\*\*\*

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**BUILDING CODE REVIEWER:** Tim Langan

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**For Leon Barba, Building Official**



# City of Austin

## CERTIFICATE OF OCCUPANCY

**BUILDING PERMIT NO. 2009-123856 BP**

**ISSUE DATE: 12/16/2009**

**BUILDING ADDRESS:** 2120 S LAMAR BLVD

**LEGAL DESCRIPTION:** Lot: Block: D Subdivision: OAK HILL SUBDIVISION

**PROPOSED OCCUPANCY:**

C-1000 Commercial Remodel

Remodel - Change of use and Remodel from Auto Sales to Financial Service Lockbox combo = 2190 on post

**BUILDING GROUP / DIVISION:** B Business offices

**REMODEL BUILDING SQUARE FOOTAGE:** 490 SQ. FT.

**SPRINKLER SYSTEM:** NA

**CODE YEAR:** 2003

**CODE TYPE:** ibc

**FIXED OCCUPANCY:** 0

**NON FIXED OCCUPANCY:** 0

**TYPE OF CONSTRUCTION:**

**CONTRACTOR:** DD Construction Co.

\*\*\*\*\* **CERTIFICATE OF OCCUPANCY** \*\*\*\*\*

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**BUILDING CODE REVIEWER:** Doug Votra

\_\_\_\_\_  
For Leon Barba, Building Official



## City of Austin

# CERTIFICATE OF OCCUPANCY

**BUILDING PERMIT NO. 2011-113605 BP**

**ISSUE DATE: 04/04/2012**

**BUILDING ADDRESS:** 9616 N LAMAR BLVD UNIT 153

**LEGAL DESCRIPTION:**

**PROPOSED OCCUPANCY:**

C-1000 Commercial Remodel

Remodel - Change of use and remodel from Retail to Financial Services

**BUILDING GROUP / DIVISION:** B Business offices

**REMODEL BUILDING SQUARE FOOTAGE:** 1702 SQ. FT.

**SPRINKLER SYSTEM:** NA

**CODE YEAR:** 2009

**CODE TYPE:** IBC

**FIXED OCCUPANCY:** 0

**NON FIXED OCCUPANCY:** 0

**TYPE OF CONSTRUCTION:**

**CONTRACTOR:** Honeycomb Construction, LTD.

\*\*\*\*\* **CERTIFICATE OF OCCUPANCY** \*\*\*\*\*

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**BUILDING CODE REVIEWER:** John Delagarza

\_\_\_\_\_  
For Leon Barba, Building Official

C15-2014-0005



## City of Austin

# CERTIFICATE OF OCCUPANCY

**BUILDING PERMIT NO. 2012-010932 BP**

**ISSUE DATE: 03/22/2012**

**BUILDING ADDRESS:** 1905 E RIVERSIDE DR

**LEGAL DESCRIPTION:** Lot: Block: B Subdivision: RIVER HILLS ADDITION (A RESUB OF COLORADO HILLS ESTATES SEC 5)

**PROPOSED OCCUPANCY:**

C-1000 Commercial Remodel  
Remodel - Change of Use and Interior Remodel from Retail to Financial Services

**BUILDING GROUP / DIVISION:** B Business offices

**REMODEL BUILDING SQUARE FOOTAGE:** 1781 SQ. FT.

**SPRINKLER SYSTEM:** NA

**CODE YEAR:** 2009

**CODE TYPE:** IBC

**FIXED OCCUPANCY:** 0

**NON FIXED OCCUPANCY:** 0

**TYPE OF CONSTRUCTION:**

**CONTRACTOR:** Design Drywall, Inc.

\*\*\*\*\* **CERTIFICATE OF OCCUPANCY** \*\*\*\*\*

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**BUILDING CODE REVIEWER:** John Delagarza

\_\_\_\_\_  
For Leon Barba, Building Official

**ORDINANCE NO. 20120426-139**

**AN ORDINANCE AMENDING CITY CODE SECTIONS 25-2-4 AND 25-2-491 AND ADDING A NEW SECTION 25-2-816 RELATING TO REQUIREMENTS FOR ALTERNATIVE FINANCIAL SERVICES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Subsection 25-2-4(B)(29) (*Commerical Uses Described*) of the City Code is amended to read:

- (29) **FINANCIAL SERVICES** use is the use of a site for the provision of financial and banking services. This use includes banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services. This use excludes alternative financial services businesses uses as defined in this section.

**PART 2.** Section 25-2-4 (*Commercial Uses Described*) of the City Code is amended to add a new commercial use, Alternative Financial Services Businesses, to read as follows and added as Subsection 25-2-4(B)(3) with all subsequent commercial uses renumbered accordingly:

- (3) **ALTERNATIVE FINANCIAL SERVICES BUSINESSES** use is the use of a site for a check cashing business, payday advance or loan business, money transfer business, motor vehicle title loan business, or a credit access business as defined in this section.
- (a) This use excludes:
- (1) a state or federally chartered bank, savings and loan association or credit union, or a pawnshop, and
  - (2) a convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least 75% of the total gross revenue generated on site.
- (b) A check cashing business is an establishment that provides one or more of the following:
- (1) an amount of money that is equal to the face of a check or the amount specified in a written authorization for an electronic transfer of money, less any fee charged for the transaction;

- (2) an agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
  - (3) the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any other person or entity for a fee.
- (c) A payday advance or loan business is an establishment that makes small consumer loans of \$2,500 or less, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until a customer's next payday and then cashed unless the customer repays the loan to reclaim the check or debit. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.
- (d) A motor title loan business is an establishment that makes small consumer loans of \$2,500 or less that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.
- (e) A credit access business has the same meaning as defined in Section 393.601 of the Texas Finance Code.

**PART 3.** Chapter 25-2 (*Zoning*) of the City Code is amended to add a new Section 25-2-816 to read:

**§ 25-2-816 ALTERNATIVE FINANCIAL SERVICES BUSINESSES.**

- (A) This section applies to an alternative financial services business use.
- (B) A use may not be located on a site that is:
- (1) within 1,000 feet of a site that contains another alternative financial services business use;
  - (2) within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential use is located;
  - (3) within 500 feet of the rights-of-way of Interstate Highway 35, U.S. Highway 183, U.S. Highway 290, Texas State Highway Loop 360,

Texas State Highway Loop 1, Texas State Highway 130, or Texas State Highway 45; or

- (4) within the waterfront overlay district, the university neighborhood overlay district, or the area bounded by Interstate Highway 35, Airport Boulevard, and Town Lake.

- (C) A use may be located only within a freestanding structure and may not be co-located in the same structure with other uses.

**PART 4.** The table in Subsection (C) of Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) of the City Code is amended to add the alternative financial services businesses use and to indicate that the alternative financial services businesses use is permitted in the community commercial (GR) and general commercial services (CS) zoning districts, subject to Section 25-2-816 (*Alternative Financial Services Businesses*) of the City Code, and conditional in the neighborhood commercial (LR) and downtown mixed use (DMU) zoning districts, subject to Section 25-2-816 (*Alternative Financial Services Businesses*) of the City Code.

**PART 5.** This ordinance takes effect on May 7, 2012.

**PASSED AND APPROVED**

\_\_\_\_\_, April 26, 2012      §  
    §  
    §      Lee Jeffingwell  
    Lee Jeffingwell  
    Mayor

**APPROVED:** Karen M. Kennard  
    Karen M. Kennard  
    City Attorney

**ATTEST:** Shirley A. Gentry  
                                  Shirley A. Gentry  
                                  City Clerk