

REGULAR MEETING OF THE CITY OF ALVARADO PLANNING AND ZONING
104 W. COLLEGE
NOVEMBER 14, 2022
6:00 PM

AGENDA

The Planning and Zoning of the City of Alvarado will meet in a Regular Called Session on Monday November 14, 2022 at 6:00 p.m. in the Council Chambers at City Hall for the following agenda items.

CALL TO ORDER - Roll Call

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT:

This is an opportunity for citizens to address the convened board of this meeting on any matter. The presiding officer may ask for the citizen to hold his or her comment on an agenda item until that agenda item is reached. The convened board has no obligation to respond in any matter to comments or questions from the public. Any response from a member of the convened Board to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting.

CONSENT AGENDA:

1. 6/6/22- Planning and Zoning Meeting Minutes
2. 7/18/22 - Planning and Zoning Meeting Minutes
3. 10/17/22 - Planning and Zoning Meeting Minutes

NEW BUSINESS:

4. Public Hearing, consideration and action on an ordinance regarding approval of a Specific Use Permit (SUP) for the property known as 118 E. Weaver Ave. (G&L General Store), to allow lawn and garden outdoor storage. (Sec. 42-33)
5. Public Hearing, consideration and action on an ordinance regarding approval of a proposed text amendment to the City's zoning ordinance to consider adopting an ORDINANCE AMENDING SECTION 42.55, "SUPPLEMENTARY DISTRICT REGULATIONS," OF ARTICLE IV, "SUPPLEMENTARY REGULATIONS," OF CHAPTER 42, "ZONING," OF THE ALVARADO CODE BY DESIGNATING THE LOCATION OF GARAGE SALES; AUTHORIZING CITY STAFF TO REGULATE THE LOCATION OF GARAGE SALES; PROVIDING THAT THIS ORDINANCE

SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

EXECUTIVE SESSION:

Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council or other Board may convene in closed session to deliberate regarding the following matters: 1. §551.071 Consultation with Attorney. The City Council or other Board may convene in Executive Session to conduct a private consultation with its Attorney on any legally posted agenda item, when the City Council or other Board seeks the advice of its Attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provision of Chapter 551, including the following items: a. Any posted item on the agenda.

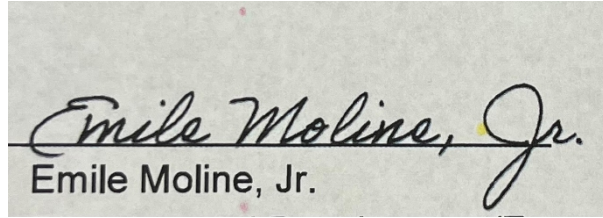
ACCESSIBILITY STATEMENT

The Alvarado City Hall and Council Chamber are wheelchair accessible. The exit and parking ramps are located in the front of the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817-790-3351, FAX: 817-783-7925, e-mail: wallsb@cityofalvarado.org Please call at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

NON-DISCRIMINATION STATEMENT

The City of Alvarado does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services.

I, the undersigned authority, do hereby certify that the above Agenda was posted on the bulletin board in the City Hall of the City of Alvarado, Texas, a place convenient and readily accessible to the general public at all times, and said Agenda was posted on November 11, 2022 at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



Emile Moline, Jr.
Emile Moline, Jr.

Planning and Economic Development Director

**REGULAR MEETING OF
THE CITY OF ALVARADO PLANNING AND ZONING COMMISSION
104 W. COLLEGE
JUNE 6, 2022 @ 6:00 PM**

MINUTES

The Planning and Zoning of the City of Alvarado will met in a Regular Called Session on Monday, June 6, 2022 at 6:00 p.m. in the Council Chambers at City Hall. The following were present for roll call:

Bryan Thornton

Mike McBee

Barbara Fuller

The following were absent for roll call:

Ryan Banister

Gayla Robinson

Mr. Thornton called the meeting to order at 6:00 p.m. followed by:

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT – None

CONSENT AGENDA

1. Minutes from the Regular meeting held on April 4, 2022.
2. Minutes from the Regular meeting held on May 16, 2022.

Ms. Barbara Fuller moved to approve the consent agenda including items 1 and 2. Second by Mike McBee. Motion was supported three votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Bryan Thornton,

Opposed – None

Absent - Ryan Banister, Gayla Robinson

NEW BUSINESS:

1. Public Hearing, consideration and action regarding a proposed zoning change to adopt a planned development zoning ordinance (PD) for an approximately 128.673-acre tract of land situated in the JOHN M. ROSS Survey, Abstract No. 737, generally located East of North Cummings Drive and South of County Road 508, where both roads intersect, in Alvarado, Johnson County, Texas. AGAVE TRAIL, LLC is the owner/applicant/developer.

The Public Hearing was opened at 6:04 p.m. and closed at 6:14 p.m.

Mike McBee moved to approve the rezoning request. Second by Barbara Fuller.

Motion was supported three votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Bryan Thornton

Opposed – None

Absent - Ryan Banister, Gayla Robinson

Adjournment

Chairperson Bryan Thornton adjourned this regular meeting.

Passed and approved this _____ day of _____, 2022

Brian Thornton, Chairperson

Attest:

Beth Walls, City Secretary

**REGULAR MEETING OF
THE CITY OF ALVARADO PLANNING AND ZONING COMMISSION
104 W. COLLEGE
JULY 18, 2022 @ 6:00 PM**

MINUTES

The Planning and Zoning Commission of the City of Alvarado met in a Regular Called Session on Monday, JULY 18, 2022 at 6:00 p.m. in the Council Chambers at City Hall. The following were present for roll call:

Bryan Thornton

Ryan Banister

Mike McBee

Gayla Robinson

Barbara Fuller

The following were absent for roll call: N/A

Mr. Thornton called the meeting to order at 6:00 p.m. followed by:

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT – None

CONSENT AGENDA

1. Approve Minutes from the Regular meeting held on June 6, 2022.

No action taken.

NEW BUSINESS:

2. Public Hearing, consideration and action regarding a proposed zoning change to adopt a planned development zoning ordinance (PD) for an approximately 38.217-acre tract of land situated in the WILLIAM HICKMAN SURVEY, Abstract No. 327 and for an approximately 176.983-acre tract of land situated in the WILLIAM HICKMAN SURVEY, Abstract 327, generally located on the North side of E. US Highway and between County Road 207 and County Road 209, in Alvarado, Johnson County, Texas. 215 67 ALVARADO LLC is the owner. (Lennar Homes)

The Public Hearing was opened at 6:08 p.m. and closed at 6:09 p.m.

Mike McBee moved to approve the zoning change request. Second by Gayla Robinson.

Motion was supported five votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Ryan Banister, Gayla Robinson, Bryan Thornton

Opposed – None

Absent – None

3. Public Hearing, consideration and action regarding a proposed zoning change to adopt a planned development zoning ordinance (PD) for an approximately 117.994-acre tract of land situated in the Robert Bell Survey, Abstract No. 44 and for an approximately 54.328-acre tract of land situated in the Robert Bell Survey, Abstract No. 44, the Andrew Spiva Survey, Abstract No. 770, and the Andrew J. Patton Survey, Abstract No. 684, and being all of a called 50.87 acre tract of land described by deed to Donald C. Fulbright and wife, Nan E. Fulbright recorded in Volume 505, Page 724 of the Deed Records of Johnson County, Texas, and being all of Blocks 3 and 4, Browns Addition Section 2, an addition to the City of Alvarado as recorded in Volume 431, Page 641 of the Plat Records of Johnson County, Texas, and 56.422 acre tract of land located in the Robert Bell Survey, Abstract Number 44, Johnson County, Texas and being a part of a tract of land conveyed to Marion J. Moore and Wife, Dawn Jo Anne Moore as recorded in Volume 515, Page 327, Deed Records, Johnson County, Texas, (D.R.J.C.T.), part of a tract of land conveyed to The Marion J. Moore & Jo Anne Moore Revocable Living Trust as recorded in Volume 4525, Page 851, D.R.J.C.T., part of the 1st tract and Tracts 1, 4, 5, 7, 8 and 9 of land conveyed to M.J. Moore et ux Joanne Moore as recorded in Volume 594, Page 821, D.R.J.C.T. and being part of a tract of land conveyed to Donald C. Fulbright and Wife, Nan E. Fulbright as recorded in Volume 505, Page 724, D.R.J.C.T. and a tract of land conveyed to Donald C. Fulbright JR, Arthur Keith Fulbright & Donna Fulbright Wilkins as recorded in Instrument Numbers 2010-33836, 2010-33837, 2010-33838, Official Public Records, Johnson County, Texas, generally located North of County Road 108C, South of East Davis Avenue, and West of FM 1807, in Alvarado, Johnson County, Texas where all mentioned roads intersect. BLOOMFIELD HOMES L.P. is the owner. (Whisper Park)

The Public Hearing was opened at 6:09 p.m. and closed at 6:11 p.m.

Mike McBee moved to approve the zoning change request. Second by Ryan Banister.

Motion was supported five votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Ryan Banister, Gayla Robinson, Bryan Thornton

Opposed – None

Absent – None

4. Public Hearing, consideration and action regarding a proposed replat for that certain tract or parcel of land lying and being situated in the Andrew J. Patton Survey, Abstract No. 684, and being all of Lots 3-6, Block 70, Alvarado according to the map thereof approved by the Town Council on July 13, 1883, and filed of record in Volume 26, Page 640, Deed Records of Johnson County, Texas, and being that same tract of land conveyed to Trailblazer Homes, LLC, according to the deed filed of record as County Clerk Instrument #2021-12952, Official Public Records of Johnson County, Texas, as requested by TRAILBLAZER HOMES, LLC.

The Public Hearing was opened at 6:13 p.m. and closed at 6:15 p.m.

Ryan Banister moved to approve the replat request. Second by Barbara Fuller.

Motion was supported five votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Ryan Banister, Gayla Robinson, Bryan Thornton

Opposed – None

Absent – None

5. Public Hearing, consideration and action regarding a proposed replat for that certain tract or parcel of land lying and BEING A 0.496 ACRE TRACT OF LAND AND BEING LOTS 4 - 9, BLOCK 69, OF THE ORIGINAL TOWN OF ALVARADO, AN ADDITION IN TO THE CITY OF ALVARADO, ACCORDING TO THE PLAT RECORDED IN VOLUME 26, PAGE 640, OF THE DEED RECORDS, OF JOHNSON COUNTY, TEXAS ALSO BEING CONVEYED TO CM JACKSON ENTERPRISES LLC, a TEXAS LIMITED LIABILITY COMPANY AS RECORDED IN INSTRUMENT NO. 2020-21013 DEED RECORDS, JOHNSON COUNTY TEXAS, as requested by CM Jackson Enterprises, LLC.

The Public Hearing was opened at 6:16 p.m. and closed at 6:17 p.m.

Gayla Robinson moved to approve the replat request. Second by Mike McBee.

Motion was supported five votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Ryan Banister, Gayla Robinson, Bryan Thornton

Opposed – None

Absent – None

Adjournment

Chairperson Bryan Thornton adjourned this regular meeting.

Passed and approved this _____ day of _____, 2022

Brian Thornton, Chairperson

Attest:

Beth Walls, City Secretary

**REGULAR MEETING OF
THE CITY OF ALVARADO PLANNING AND ZONING COMMISSION
104 W. COLLEGE
OCTOBER 17, 2022 @ 6:00 PM**

MINUTES

The Planning and Zoning Commission of the City of Alvarado met in a Regular Called Session on Monday, October 17, 2022 at 6:00 p.m. in the Council Chambers at City Hall. The following were present for roll call:

Bryan Thornton

Barbara Fuller

Mike McBee

Ryan Banister

The following were absent for roll call: Gayla Robinson

Mr. Thornton called the meeting to order at 6:00 p.m. followed by:

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT – None

CONSENT AGENDA

NEW BUSINESS:

1. Public Hearing, consideration and action to adopt a zoning ordinance for a proposed zoning change at 1011 N. Cummings Dr., an approximate 15-acre tract, from Single Family 1 (SF-1) to Commercial-2 (C-2). The property is generally located West of Cummings Dr. and North of E. US Highway 67 where both roads intersect, in Alvarado, Johnson County, Texas.
(Young/Neeley Property)

The Public Hearing was opened at 6:02 p.m. and closed at 6:08 p.m.

Ryan Banister moved to approve the zoning change request. Second by Mike McBee.

Motion was supported four votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Ryan Banister, Bryan Thornton

Opposed – None

Absent – Gayla Robinson

2. Public Hearing, consideration and action to adopt a zoning ordinance regarding a proposed zoning change from Agricultural (A) to Single Family 2 (SF-2). Property is generally located near the intersection of E. US Highway 67 and County Road 607, south of E. US Highway 67 and south of the Gulf Coast and Santa Fe Railroad, in Alvarado, Johnson County, Texas. (Alvarado by Morning)

The Public Hearing was opened at 6:09 p.m. and closed at 6:13 p.m.

Mike McBee moved to approve the zoning change request. Second by Ryan Banister.

Motion was supported four votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Ryan Banister, Bryan Thornton

Opposed – None

Absent – Gayla Robinson

3. Public Hearing, consideration and action regarding approval of a preliminary plat for 215 67 Alvarado LLC. Property is generally located on the North side of E. US Highway 67 and between County Road 207 and County Road 209, in Alvarado, Johnson County, Texas. (Lennar Homes) (Moline)

The Public Hearing was opened at 6:15 p.m. and closed at 6:40 p.m.

Ryan Banister moved to approve the zoning change request. Second by Mike McBee.

Motion was supported four votes in approval and zero votes opposed as follows:

Approved - Mike McBee, Barbara Fuller, Ryan Banister, Bryan Thornton

Opposed – None

Absent – Gayla Robinson

Adjournment

Chairperson Bryan Thornton adjourned this regular meeting.

Passed and approved this _____ day of _____, 2022

Attest:

Brian Thornton, Chairperson

Beth Walls, City Secretary

MEMORANDUM

To: Planning & Zoning Commission

From: Emile Moline, Jr. – Planning /Economic Development Director

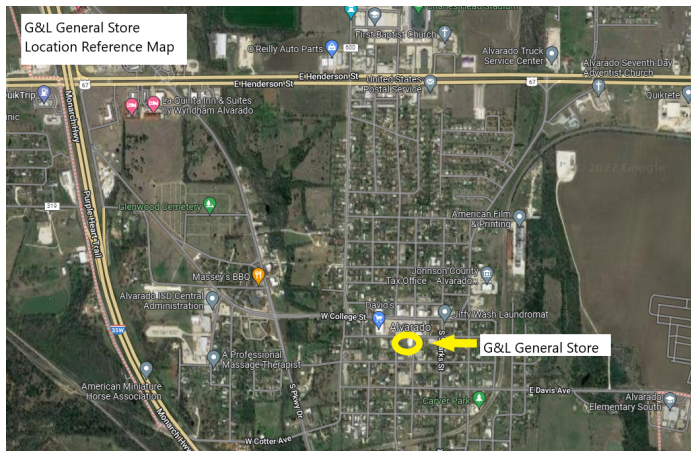
Subject: G & L General Store - Specific Use Permit Request

Date: 11/07/2022

G & L General Store is a business located within the Alvarado Central Business District (CBD) at 118 E. Weaver Ave. A request has been made for a Specific Use Permit (SUP) to allow outdoor storage of lawn and garden products within this district. If approved, the storage area would be approximately 40' x 20', on the West side of the building near the sidewalk, as shown in the attached exhibit. Specific Use Permits, when allowed, are for one year unless a different time frame is approved by city council. Upon permit expiration, applicant would need to reapply.

City Staff Recommendation:

Staff recommends approval of the Specific Use Permit to G & L General Store for the storage of outdoor lawn and garden products in the area shown in the exhibit for a time period of one (1) year.



CITY OF ALVARADO

Paid 10-7-22
Receipt # 337388

APPLICATION FOR A SPECIFIC USE PERMIT

DATE: 09/20/2022 CLERK: Pray FEE: 250.00 CASE NO: 2022-0504

NAME OF APPLICANT: G&L General Store PH: (817) 402-5150

MAILING ADDRESS: ~~118~~ P.O. Box 1829 Alvarado, Tx. 76009

APPLICANT IS THE: OWNER / LEASER / PURCHASER OF THE PROPERTY.

NAME OF OWNER: Greg Lafountain PH: (817) 614-3991

MAILING ADDRESS: P.O. Box 1829

STREET ADDRESS OF PROPERTY: 118 E. Wauler Ave. ACREAGE: _____

LEGAL DESCRIPTION: South Side of Square

PRESENT ZONE OF PROPERTY: Commercial PRESENT USE: Hardware Store

REASON FOR NEEDING A SPECIFIC USE PERMIT: Outdoor Storage / lawn & garden

USAGE OF ADJACENT PROPERTY NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

PLEASE ATTACH REQUIRED SITE PLAN FOR APPLICATION CONSIDERATION.

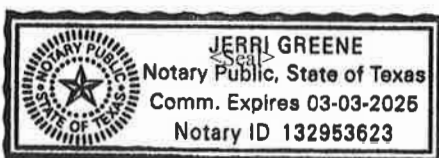
NOTE: If the property can be identified by the subdivision or addition please include that with the lot and block numbers as the legal description. You must also attach a copy of the appropriate portion of the subdivision or addition plat with the subject property clearly indicated on it. If property is not part of a subdivision or addition plat, give the complete metes and bounds description of the property and indicate the location of said property by identifying one or more adjacent tracts and/or rights-of-way or attach a surveyor's plat of the property.

APPLICANT'S SIGNATURE: [Signature]

The undersigned hereby, on oath, states that he or she is the record owner of the property for which this application is made.

OWNER: Greg La Fountain

SWORN TO AND SUBSCRIBED before me this 20th day of September, 2022, by the person whose signature appears directly above.



[Signature]
Notary Public in and for The State of Texas.
My Commission expires 3-3-2026

Sidewalk

loading

G+L
General Store

40'

Proposed
Storage

40'

20'

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, APPROVING A SPECIFIC USE PERMIT ON LOT 6A, 7, 8, BLOCK 35, ORIGINAL TOWN ADDITION, ALSO KNOWN AS 118 E. WEAVER AVE., ALVARADO, JOHNSON COUNTY, TEXAS, BY AUTHORIZING THE ISSUANCE OF A SPECIFIC USE PERMIT TO ALLOW OUTDOOR STORAGE OF LAWN AND GARDEN PRODUCTS IN A CBD (CENTRAL BUSINESS DISTRICT) ZONING DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Alvarado, Texas at least 15 days before such hearing; and

WHEREAS, public hearings to approve a Specific Use Permit on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the Specific Use Permit; and

WHEREAS, The City Council is of the opinion that the Specific Use Permit herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Alvarado;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, THAT:

SECTION 1.

That the Comprehensive Zoning Ordinance and the Zoning Map of the City of Alvarado are hereby amended by approving a Special Use Permit on Lot 6A, 7, 8, Block 35, Original Town Addition, also known as the 118 E. Weaver Ave., Alvarado, Johnson County, Texas, by authorizing the issuance of a Specific Use Permit to allow outdoor storage of lawn and garden products in a CBD Central Business District with the stipulations as described in Exhibit "A".

SECTION 2.

The use of the property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit "A" and to all applicable regulations contained in the Comprehensive Zoning Ordinance, as amended, and all other applicable and pertinent ordinances of the City of Alvarado, Texas. In addition, the authorization to conduct the land use described in Section 1 hereof is valid for one (1) year following publication as prescribed in Section 6 and may be renewed for an additional period of one (1) year by subsequent permission of the City Council of the City of Alvarado, Texas.

SECTION 3.

This ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Alvarado, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance involving zoning, fire safety, or public health and sanitation shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Alvarado is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Alvarado on this _____ day of _____, 2022 by a vote of _____ ayes _____ ayes _____ abstentions.

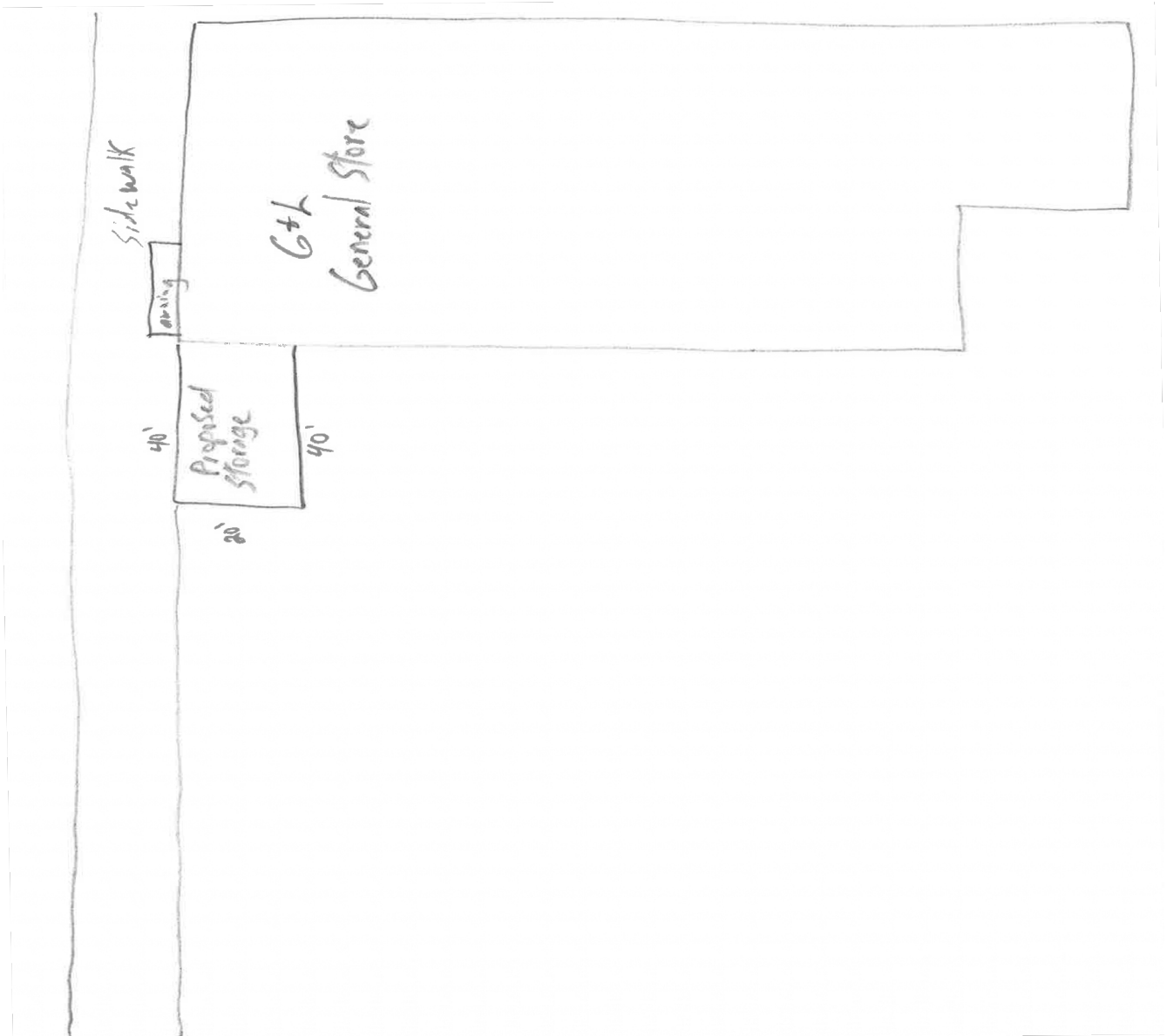
CITY OF ALVARADO, TEXAS

ATTEST:

By: _____
Jacob Wheat, Mayor

By: _____
Beth Walls, City Secretary

“Exhibit A”



MEMORANDUM

To: Planning & Zoning Commission

From: Emile Moline, Jr. – Planning /Economic Development Director

Subject: Garage Sale Ordinance

Date: 11/07/2022

Staff is requesting an amendment to Ordinance Section 42.55. We would like to provide clarity and uniformity of guidelines to all citizens who wish to conduct garage sales. This amendment would designate the location of garage sales and authorize city staff to regulate the locations of garage sales.

City Staff Recommendation:

Staff recommends approval of the amendment to Chapter 42, Section 42.55.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 42.55, "SUPPLEMENTARY DISTRICT REGULATIONS," OF ARTICLE IV, "SUPPLEMENTARY REGULATIONS," OF CHAPTER 42, "ZONING," OF THE ALVARADO CODE BY DESIGNATING THE LOCATION OF GARAGE SALES; AUTHORIZING CITY STAFF TO REGULATE THE LOCATION OF GARAGE SALES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas is a Type A general law municipality located in Johnson County, created in accordance with Chapter 6 of the Local Government Code; and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to amend the regulations regarding garage sales in the City to designate the location of garage sales; and

WHEREAS, the City Council aims to preserve the residential character of its neighborhoods and promote the general health, safety, and welfare of its citizens by regulating garage sales; and

WHEREAS, the City Council has determined after reviewing the current ordinance pertaining to garage sales that it is necessary to update and clarify these regulations in certain respects.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, THAT:

SECTION 1.

Subsection (l) of Section 42.55, "Supplementary District Regulations," of Article IV, "Supplementary Regulations," of Chapter 42, "Zoning," of the Alvarado Code is hereby amended to read as follows:

"(l) *Garage sales.*

(1) *Definition.* A garage sale is the sale of items normally accumulated by a household.

(2) *Permits and conditions of sales.*

a. No person or business shall conduct a garage sale without a city-issued garage sale permit. A garage sale permit fee as adopted by resolution of the city council from time to time shall be paid to the city at the time

application is made. The permit applicant must be at least 18 years of age, present a state-issued form of identification and provide a valid mailing address when obtaining a garage sale permit.

- b. No more than three garage sales shall be permitted for the same residence during any 12-month period. The duration of the garage sale shall not exceed three consecutive days.
- c. Garage sales are to be held on a lot that has a physical structure such as a home or business with an active city water account.
- d. No items shall be purchased for a garage sale for the purpose of resale.
- e. Signs advertising the garage sale shall comply with the sign code of the city.
- f. If a garage sale permit was purchased and the majority of the scheduled dates for the sale are affected by rain or other inclement weather, as determined by the city manager, a rainout permit may be issued at no cost provided the applicant notifies the city the next business day following the expiration of the garage sale permit. A rainout permit shall authorize the continuation of the garage sale for the number of days the sale was disrupted by inclement weather, as determined by the city manager. The new permit must be issued within 30 days of the date of issuance of the original permit. If the permit was issued for two or three days and the rain or inclement weather affects only one day during the permit period, a rainout permit shall not be issued.”

SECTION 2.

The City staff is hereby authorized and directed to regulate locations of garage sales in accordance with this Ordinance.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Alvarado Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance involving zoning, fire safety, or public health and sanitation shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Alvarado, Texas, are expressly saved as to any and all violations involving garage sales which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary is hereby directed to publish in the official newspaper of the City, the caption and penalty clause of this Ordinance as authorized by Section 52.011 of the Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Alvarado on this ____ day of _____, 2022.

CITY OF ALVARADO, TEXAS

By: _____
Jacob Wheat, Mayor

ATTEST:

Beth Walls, Interim City Secretary