

**REGULAR MEETING OF THE  
CITY OF ALVARADO PLANNING AND ZONING COMMISSION  
104 W. COLLEGE AVE.  
SEPTEMBER 12, 2024  
6:30 PM  
AGENDA**

The Planning and Zoning Commission of the City of Alvarado will meet in a regularly called session on Thursday, September 12, 2024 at 6:30 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.

**APPROVAL OF MINUTES**

1. Consideration and action to approve Minutes from the 9/3/2024 Special Called Planning and Zoning Commission Meeting.

**CONSENT AGENDA: NA**

**NEW BUSINESS:**

1. **(Withdrawn by Applicant)** Public hearing, consideration and action on the application by Natasha Harris on behalf of 379 Property Group for approval of a specific use permit in the General Commercial (C-2) District with Floodplain (FP) Overlay for *child care center* use on 0.195 acres known as Tract 110 of the I. Glaze Survey, Abstract 313, addressed at 202 N. Parkway Drive. (French)

2. Public hearing, consideration and action on an ordinance amending the zoning ordinance regulations in Chapter 42 of the Alvarado Code of Ordinances, relating to *building materials, hardware (inside and outside storage)* uses. (French)

**EXECUTIVE SESSION: (OPTIONAL WITH ADVANCED NOTICE TO CITY ATTORNEY)**

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: §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 provisions of Chapter 551.

**COMMISSIONER COMMENTS:**

Pursuant to LGC Section 551.0415, Commission Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest may include, but not necessarily limited to any of the following:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;

- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

## **ADJOURN**

### **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](mailto: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 at 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 September 6, 2024 before 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



Justin French, AICP  
Community Development Director  
City of Alvarado, Texas

**REGULAR MEETING OF  
THE CITY OF ALVARADO PLANNING AND ZONING COMMISSION**

**104 W. COLLEGE  
September 3, 2024 @ 6:30 PM**

**MINUTES**

The Planning and Zoning Commission of the City of Alvarado met in a special called session on Tuesday, September 3, 2024 at 6:30 p.m. in the Council Chambers at City Hall. The following members were present for roll call:

Bryan Thornton  
Mike McBee  
Kelly Richardson  
Ryan Banister  
Joshua Rendon

The following alternate was absent for roll call:  
Flint Webb

City personnel present: Justin French, Community Development Director

Chairman Thornton called the meeting to order at 6:30 p.m.

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION AND PUBLIC INPUT – None**

**APPROVAL OF MINUTES** – Commissioner McBee moved to approve the July 11, 2024 minutes as written. Commissioner Banister seconded the motion. Motion passed with five votes in favor and none opposed.

**CONSENT AGENDA – None**

**NEW BUSINESS**

Consideration and action on the application of Chris Wall with JBI Partners, Inc. on behalf of GRBK Edgewood LLC & Century Land Holdings of Texas, LLC for approval of the Lone Oak Addition Phase 1 final plat on 70.219 acres known as tracts and portions of tracts out of the James B. Conger Survey, A-150, and the George S. McIntosh Survey, A-625, approximately addressed at 825 and 1029 CR 607. Mr. French presented a brief overview of the request. The applicant was present to answer questions. Being no one further to speak upon the request, Chairman Thornton asked for a motion. Commissioner Banister moved to recommend approval. Commissioner Richardson seconded the motion. Motion passed with five votes in favor and none opposed.

## **ADJOURNMENT**

Chairman Thornton adjourned the regular meeting at 6:39 p.m.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Bryan Thornton, Chairman

Attest:

\_\_\_\_\_  
Justin French, Community Development Director



## **Planning and Zoning Commission Meeting Management Report**

Meeting Date: September 12, 2024

Contact: Justin French, Community Development Director

### **AGENDA ITEM:**

The applicant has withdrawn their request for approval of a specific use permit in the General Commercial (C-2) District with Floodplain (FP) Overlay District for *child care center* use on 0.195 acres known as Tract 110 of the I. Glaze Survey, Abstract 313, addressed at 202 N. Parkway Drive.

### **BACKGROUND & FINDINGS:**

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Interstate Business, which is generally includes big box retailers and lifestyle shopping centers. This land use category is intended to increase the non-residential tax revenue for the City and attract residents and visitors.

### **FINANCIAL IMPACT:**

None.

### **RECOMMENDATION:**

No action is necessary.

### **MANAGEMENT REVIEW:**

Paul DeBuff, City Manager

### **ATTACHMENT:**

Application

Receipt  
# 390103

# CITY OF ALVARADO

## APPLICATION FOR A SPECIFIC USE PERMIT

DATE: 8/14/24 CLERK: Pray FEE: 250<sup>00</sup> CASE NO: 2024-0426

NAME OF APPLICANT: Natasha Harris PH: (682) 465 8486

MAILING ADDRESS: PO Box 1175 Mansfield 76063

APPLICANT IS THE: OWNER LEASER PURCHASER OF THE PROPERTY.

NAME OF OWNER: Johnny Thompson Property Group PH: (817) 368-0673

MAILING ADDRESS: 6204 CR 707 Alvarado TX 76009

STREET ADDRESS OF PROPERTY: 202 N Parkway ACREAGE: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

PRESENT ZONE OF PROPERTY: C2 PRESENT USE: \_\_\_\_\_

REASON FOR NEEDING A SPECIFIC USE PERMIT: Day Care expansion

USAGE OF ADJACENT PROPERTY NORTH: \_\_\_\_\_

SOUTH: \_\_\_\_\_

EAST: \_\_\_\_\_

WEST: \_\_\_\_\_

**PLEASE ATTACH REQUIRED SITE PLAN FOR APPLICATION CONSIDERATION.**

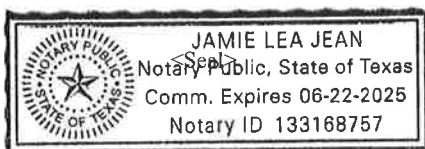
**NOTE:** If the property can be identified by the subdivision or addition please include that with the lot and block numbers as the legal description. You must also attach a copy of the appropriate portion of the subdivision or addition plat with the subject property clearly indicated on it. If property 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: \_\_\_\_\_

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

OWNER: Susan Watson - 379 Property Group

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of August, 2024, by the person whose signature appears directly above.



Jamie Lea Jean  
Notary Public in and for The State of Texas.  
My Commission expires 06/22/2025



## **Planning and Zoning Commission Meeting Management Report**

Meeting Date: September 12, 2024

Contact: Justin French, Community Development Director

### **AGENDA ITEM:**

Hold a public hearing and consideration and action approving an ordinance amending the zoning ordinance regulations in Chapter 42 of the Alvarado Code of Ordinances, relating to *building material/hardware store with outside storage* in the Central Business District.

### **BACKGROUND & FINDINGS:**

Regulations and districts in the Alvarado zoning ordinance are established in accordance with the comprehensive plan, for the purpose of promoting the health, safety, morals and welfare of the City. From time to time the City Council may find it necessary to amend the zoning regulations to address new uses and development trends. The attached ordinance has been prepared to provide use allowances that are not presently in ordinance today and provide design criteria for such uses.

### **FINANCIAL IMPACT:**

None.

### **RECOMMENDATION:**

Staff suggests the Commission make a recommendation to Council on the drafted Ordinance 2024-0018.

### **MANAGEMENT REVIEW:**

Paul DeBuff, City Manager

### **ATTACHMENTS:**

Current Sec. 42-33 CBD District

Current Sec. 42-55 Supplementary District Regulations (Outdoor Display)

Drafted Ordinance 2024-0018

---

**Sec. 42-33. CBD central business district.**

- (a) *Purpose.* The CBD district is established to accommodate the unique characteristic of the historical center of the city and to ensure that future development in the CBD district is compatible with maintaining the economic and historic integrity of the area. The central business district is designed to provide an area for shopping, dining, working, residing, and entertainment which will remain active during evenings and weekends as well as standard work hours. Historically, the retail and cultural core of the city, the CBD includes the central downtown area of the city, extending from Patton Street to Atchley Street and from Spears Street to Sparks Street, the CBD is projected as a mixed-use district that will including residential, retail and commercial uses as set forth in this section.
- (b) *Permitted uses and parking regulations.* The CBD allows commercial, retail and residential-above-retail/commercial uses. Where a residential use occurs above a retail or commercial use, the facade of the building should differentiate between the two uses with architectural features, e.g., different window designs, contrasting exterior surfaces, harmonizing colors or other subtle distinctions. The minimum area for a residential unit that is located over a commercial/retail/office use shall be 650 square feet. In the CBD business district, no buildings or land shall be used or undertaken, and no buildings shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

| USE                                    | PARKING REGULATIONS                                                                                                                                                                                                       |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Accessory building to main use         | 1 space per employee to be occupying the building                                                                                                                                                                         |
| Antique shop                           | 1 space for every 200 square feet of floor area                                                                                                                                                                           |
| Arts, crafts store (inside sales)      | 1 space for every 200 square feet of floor area                                                                                                                                                                           |
| Bakery and confectionary, retail sales | 1 space per 300 square feet of gross floor area                                                                                                                                                                           |
| Bank, savings and loan, credit union   | 1 space per 200 square feet of gross floor area                                                                                                                                                                           |
| Bar, tavern, nightclub                 | 1 space per 300 square feet of gross floor area                                                                                                                                                                           |
| Barbershop                             | 1 space per 200 square feet of gross floor area                                                                                                                                                                           |
| Beauty shop                            | 1 space per 200 square feet of gross floor area                                                                                                                                                                           |
| Bowling alley                          | Six spaces for each lane                                                                                                                                                                                                  |
| Business service                       | 1 space per 300 square feet of gross floor area                                                                                                                                                                           |
| Candle manufacturing                   | 1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater |
| Custom personal service shop           | 1 space per 200 square feet of gross floor area                                                                                                                                                                           |
| Discount, variety, or department store | 1 space per 200 square feet of gross floor area                                                                                                                                                                           |
| Drapery, needlework, or weaving shop   | 1 space per 300 square feet of gross floor area                                                                                                                                                                           |
| Florist                                | 1 space per 300 square feet of gross floor area                                                                                                                                                                           |
| Furniture, appliance store             | 2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet                                                                                                              |
| General merchandise indoor auction     | 1 space per 300 square feet of gross floor area                                                                                                                                                                           |
| General merchandise store              | 1 space per 200 square feet of gross floor area                                                                                                                                                                           |
| Gymnastic or dance studio              | 1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet                                                                                                                           |
| Handcraft shop                         | 1 space per 300 square feet of gross floor area                                                                                                                                                                           |
| Library                                | 10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet.                                                                                                            |

|                                                                    |                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                    | If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains                                                                                                                |
| Local utility distribution lines                                   | 0 spaces                                                                                                                                                                                                                                                                                                         |
| Mobile food vendor                                                 | 0 spaces                                                                                                                                                                                                                                                                                                         |
| Museum or art gallery                                              | 10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains |
| Office center                                                      | 1 space per 300 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Office, professional or general administrative                     | 1 space per 300 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Personal service shop                                              | 1 space per 200 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Print shop                                                         | 1 space per 300 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Restaurant or cafeteria, without drive-in or drive-through service | 1 parking space per 100 square feet of gross floor area                                                                                                                                                                                                                                                          |
| Tattoo parlor/body piercing studio                                 | 1 space per 200 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Second hand store, furniture/clothing                              | 1 space per 200 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Service, retail                                                    | 1 space per 200 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Shopping center                                                    | 1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area                      |
| Studio (photographer, musician, artist)                            | 1 space per 200 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Telephone exchange                                                 | 1 space per employee                                                                                                                                                                                                                                                                                             |
| Telephone line                                                     | 0 spaces                                                                                                                                                                                                                                                                                                         |
| Theater (indoor)                                                   | 1 space for each 4 seats or bench seating spaces                                                                                                                                                                                                                                                                 |

(c) *Site plan required.* A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the CBD district.

(d) *Development requirements.*

|                           |      |
|---------------------------|------|
| Minimum lot area:         | None |
| Minimum lot width:        | None |
| Minimum lot depth:        | None |
| Minimum front yard:       | None |
| Minimum side yard:        | None |
| Minimum rear yard:        | None |
| Maximum ground coverage:  | None |
| Maximum density per acre: | None |
| Height:                   | None |

- (e) *Specific uses.* The following specific uses are allowed in the CBD district when authorized under the provisions of section 42-45:

| USE                                                                                                      | PARKING REGULATIONS                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Amusement, commercial (indoor or outdoor)                                                                | 1 space for every 1,000 square feet of gross floor area                                                                                                                                                                                                                                                          |
| Arcade                                                                                                   | 1 space for every 200 square feet of floor area                                                                                                                                                                                                                                                                  |
| Arts, crafts store (outdoor sales)                                                                       | 1 space for every 200 square feet of floor area or                                                                                                                                                                                                                                                               |
| Bakery and confectionary, commercial                                                                     | 1 space per 300 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Building materials, hardware (inside storage)<br>Building materials, hardware (inside & outside storage) | 2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet                                                                                                                                                                                                     |
| Community center, private                                                                                | 10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains |
| Community center, public                                                                                 | 10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains |
| Dance hall                                                                                               | 1 space per 100 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Exhibition area                                                                                          | 1 space per employee, plus 1 space for each 2 patrons based on maximum patron load                                                                                                                                                                                                                               |
| Food store; grocery store                                                                                | 1 space per 300 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Forge plant                                                                                              | 1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater                                                                                        |
| Foundry (iron, steel, brass or copper)                                                                   | 1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater                                                                                        |
| Glass products                                                                                           | 1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater                                                                                        |
| Metal dealer, crafted precious                                                                           | 1 space per 300 square feet of gross floor area                                                                                                                                                                                                                                                                  |
| Metal fabrication                                                                                        | 1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater                                                                                        |
| Musical instrument manufacturing                                                                         | 1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1                                                                                                                                                              |

|                                                           |                                                                                              |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------|
|                                                           | space per 1,000 square feet of gross floor area, whichever is greater                        |
| Park, playground or recreation center (public or private) | 1 space per acre plus additional parking per facility constructed as herein provided         |
| Parking lot or parking garage, automobile                 | 1 space per employee, plus 1 space per vehicle to be parked                                  |
| School, commercial                                        | 1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area |

(f) *Masonry requirements.*

- (1) All single-story buildings hereafter constructed or placed in the CBD district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (2) All buildings having more than a single story hereafter constructed or placed in the CBD district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (3) All additions hereafter constructed to buildings in the CBD district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

- (g) *Signs.* Projection signs may be erected in the CBD in accordance with the requirements of this subsection. The horizontal portion of any projecting sign shall not be more than six feet in length measured from the building face and shall not be closer than two feet from the back of the curb line. The height of a projection sign shall not exceed four feet and shall be an integral part of the architectural design of the attached building. The vertical clearance of a projection sign shall be as shown below:

| Vertical Clearance | Maximum Projection |
|--------------------|--------------------|
| 7 feet or less     | 3 inches           |
| 7 — 8 feet         | 12 inches          |
| 8 feet or more     | 4 inches           |

Signs on commercial buildings should fit within existing features of the building's facade and not detract from or hide significant architectural details of the building. Sign styles common between the 1880's and 1950's are appropriate for the CBD.

(h) *Architectural guidelines.*

- (1) New development sites within the CBD shall not be permitted unless integrated with other historic buildings within the area to maintain the functional and visual appearance of the historic architectural style.
- (2) Buildings within the CBD shall be oriented toward the streets and pedestrian traffic in order to create a cohesive, pedestrian-oriented development plan. Building fronts and sidewalks may also be maintained for outdoor uses such as cafes, restaurant seating, street side seating, etc. Parking areas may be located in the front or rear of buildings to improve the overall appearance of the development from the street.
- (3) New development/renovation in the CBD may incorporate design elements dating from the 1800's and early 1900's. Retail uses are preferred with parking in common areas. Roof lines featuring parapets, articulated cornice line, articulated ground floor levels, and strong corner treatments are a few of the design options. Exterior finishes should utilize the classic base colors of the state environment, e.g., tan, ochre, beige and terra cotta.

- 
- (4) A high quality durable base material, such as terra cotta, natural stone, cast stone, clay fired tile, or other approved masonry material is suggested for building facades abutting the sidewalk. The base should be a minimum of 18 inches in height and appropriately proportioned and detailed for the facade of the building.
- (i) *Design.* A minimum of three of the following elements must be incorporated in the design of a new or refurbished building in the CBD:
- (1) Overhangs.
  - (2) Cornices.
  - (3) String courses.
  - (4) Peaked roof forms.
  - (5) Arches.
  - (6) Lintels.
  - (7) Pilasters.
  - (8) Rustication.
  - (9) Canopies.
  - (10) Awnings or porticos.
  - (11) Outdoor patios.
- (j) *Pedestrian circulation requirements.* Each lot within the CBD must provide on-site pedestrian facilities or public plazas or spaces that encourage pedestrian traffic on and to adjacent properties.
- (k) *Street furnishings and lighting.* Private new developments and expansions to existing developments within the CBD shall coordinate the selection and installation of street furniture and lighting in accordance with the standards approved by the city for the public areas adjacent to streets, in order to maintain design continuity.
- ( Ord. No. 2015-005, § 1, 4-20-2015 )

## ARTICLE IV. - SUPPLEMENTARY REGULATIONS

---

### Sec. 42-55. Supplementary district regulations.

- (a) *Generally.* To the extent applicable, the regulations set forth in this section shall supplement the general regulations set forth in the various zoning districts, and to the extent there is a conflict between such general regulations and these supplementary district regulations, these supplementary district regulations shall supersede them.
- (j) *Outdoor display.* The outside display or sale of goods, products, or inventory is not permitted within the non-residential zoning districts except as set forth herein or as specifically authorized in each district.
  - (1) C-1 and C-2 commercial districts.
    - a. Outside display or sale of goods, products, or inventory shall be permitted only on the sidewalk adjacent to the building; provided such goods, products or inventory shall not extend more than ten feet from the building and shall not be more than five feet in height; and provided further, that there shall be at least five feet in width of unobstructed sidewalk remaining.
    - b. The restrictions in subsection (j)(1)a. shall not be construed to prohibit the following, provided the sidewalk clearances as stated in subsection (j)(1)a. are met:
      - 1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.
      - 2. Merchandise dispensing units placed adjacent to a building.
      - 3. Storage and display of merchandise normally placed on gasoline pump islands.
      - 4. Storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.
      - 5. "Sidewalk sales" for periods not exceeding five days in each month.
    - c. The accessory seasonal display of plant and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the zoning administrator only under the following conditions:
      - 1. The plants and related materials shall be located on an all-weather hard surface.
      - 2. All of the plant and related materials shall be located behind the front and side building lines.
      - 3. The storage area for display of plants and related materials shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements in this subsection (j) are met.
      - 4. The storage area for display of plants shall not occupy more than five percent of the total lot area.
    - d. The restrictions in subsection (j)(1)a. shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted uses.
  - (2) In districts M-1 and M-2 that do not abut a residential district, the following regulations shall apply:
    - a. Outdoor display shall not be located in any required parking/loading space.
    - b. If display is located within the required front yard setback, the stacking height of merchandise/inventory shall not exceed five feet nor shall merchandise/inventory be located within the public open space easement or visibility triangle of a corner lot.

## ARTICLE IV. - SUPPLEMENTARY REGULATIONS

---

- c. The restrictions in subsection (j)(2)b. shall not be construed to prohibit the following, provided the height restrictions as stated in subsection (j)(2)b. are met.
  - 1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.
  - 2. Merchandise dispensing units placed adjacent to a building.
  - 3. Storage and display of merchandise normally placed on gasoline pump islands.
  - 4. Storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.
- (3) In districts M-1 and M-2 that abut a residential district, the following regulations shall apply:
  - a. Outdoor display shall not be located in any required parking/loading space.
  - b. Any property line of the non-residential district adjacent to a residential district shall be screened from view with a screening device as defined in this chapter.
  - c. No stacking of outdoor displays shall exceed the height of the required screening device.
  - d. If display is located within the required front yard setback, the stacking height of merchandise/inventory shall not exceed five feet nor shall merchandise/inventory be located within the public open space easement or visibility triangle on a corner lot.
  - e. A ten-foot landscaped buffer strip shall be installed adjacent to the screening device. Said landscaped buffer strip shall consist of dense evergreen shrubs, each shrub being from no less than a five-gallon container, capable of growing a minimum of six feet in height within two years of planting. A combination of evergreen shrubs and trees accomplishing the same effect as stated above may be used.
  - f. The prohibition in subsection (j)(3)d. shall not apply to:
    - 1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.
    - 2. Merchandise dispensing units placed adjacent to a building.
    - 3. Storage and display of merchandise normally placed on gasoline pump islands.
    - 4. Storage display and sale of newspapers in newspaper racks.
- (m) *Parking of major recreational vehicles in a street or public right-of-way.* in all residential districts, major recreational vehicles may be parked on a street for the express purpose of being loaded or unloaded only. Such vehicles shall not be parked in any street or public right-of-way for a period exceeding 24 hours.
- (n) *Parking of vehicles for the purpose of sale.* No vehicle shall be parked on any property within the city for the principal purpose of displaying such vehicle for sale except:
  - (1) On a property that is zoned and licensed for vehicle sales; or
  - (2) On residentially zoned property not more than one vehicle may be displayed for sale at any time if such vehicle is owned by a resident on the residential premises. There shall be a rebuttable presumption that a vehicle is parked for the principal purpose of displaying said vehicle for sale if it is parked in such a location with a "for sale" sign or other indication that the vehicle is for sale.

( Ord. No. 2015-005, § 1, 4-20-2015 )

**ORDINANCE NO. 2024-0018**

**AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, AMENDING CHAPTER 42, "ZONING" OF THE CODE OF ORDINANCES, CITY OF ALVARADO, TEXAS, AS AMENDED, BY REMOVING THE SPECIFIC USE PERMIT REQUIREMENT AND ALLOWING BY-RIGHT IN THE CENTRAL BUSINESS DISTRICT THE USE OF BUILDING MATERIALS/HARDWARE STORE WITH INSIDE AND OUTSIDE STORAGE; AND BY ADDING SUPPLEMENTARY REGULATIONS FOR THE CENTRAL BUSINESS DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICAITION IN THE OFFICAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alvarado, Texas is a home-rule municipality located in Johnson County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the provisions of, and subject only to the limitations imposed by the State Constitution, State Laws, and the City Charter; and

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City has previously adopted a Zoning Ordinance for the purpose of promoting health, safety, and general welfare of the citizens of the City of Alvarado to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

**WHEREAS**, the Planning and Zoning Commission of the City of Alvarado, Texas held a public hearing on September 12, 2024, with respect to the proposed amendments described herein and recommended approval by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed; and

**WHEREAS**, in accordance with Section 211 of the Texas Local Government Code the City Council of the City of Alvarado, Texas held a public hearing on September 16, 2024, with respect to the proposed amendments described herein; and

**WHEREAS**, the City has complied with all requirements of Chapter 211 of the Local Government Code, City ordinances, and all other laws dealing with notice, publication, and procedural requirements for approval of an ordinance amending the zoning ordinance; and

**WHEREAS**, the City Council finds that the amendments as outlined herein are in the best interest of the City of Alvarado and will promote the health, safety, and general welfare of the citizens of the City of Alvarado and the general public.

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

**SECTION 1.**

Section 42-33(e) of Chapter 42, “Zoning,” of the Code of Ordinances, City of Alvarado, Texas, as amended, is hereby amended by the deletion of the requirement of a specific use permit for building materials, hardware store (inside storage) and building materials, hardware store (outside and inside storage) in the Central Business District.

\*\*\*

| USE                                                       | PARKING REGULATIONS                                                                                          |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Building materials, hardware (inside storage)             | 2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet |
| Building materials, hardware (outside and inside storage) | 2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet |

\*\*\*”

**SECTION 2.**

Section 42-33(b) of Chapter 42, “Zoning,” of the Code of Ordinances, City of Alvarado, Texas, as amended, is hereby amended by the addition of building materials, hardware store (inside storage) and building materials, hardware store (outside and inside storage) as permitted uses by-right in the Central Business District.

\*\*\*

| USE                                                       | PARKING REGULATIONS                                                                                          |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Building materials, hardware (inside storage)             | 2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet |
| Building materials, hardware (outside and inside storage) | 2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet |

\*\*\*”

**SECTION 3.**

Section 42-55 of Chapter 42, “Zoning,” of the Code of Ordinances, City of Alvarado, Texas, as amended, is hereby amended by the addition of the following.

\*\*\*

(j) Outdoor display. The outside display or sale of goods, products, or inventory is not permitted within the non-residential zoning districts except as set forth herein or as specially authorized in each district.

(4) In the CBD, the following regulations shall apply:

a. Outdoor display and outdoor storage must be located on a paved concrete surface.

\*\*\*”

#### **SECTION 4.**

This ordinance shall be cumulative of all other ordinances of the City of Alvarado, Texas, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

#### **SECTION 5.**

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 sections 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 6.**

All rights or remedies of the City of Alvarado, Texas are expressly saved as to any and all violations of any ordinance affecting subdivisions or design standards that 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, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 7.**

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the City Council of the City of Alvarado shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 9-67 of the Code of Ordinances, City of Alvarado, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

#### **SECTION 8.**

The City Secretary of the City of Alvarado is hereby directed to 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 52.013 of the Local Government Code.

**SECTION 9.**

This ordinance shall be in full force and effect from and after its passage as required by law,

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED ON** this the 16<sup>th</sup> day of September, 2024.

**CITY OF ALVARADO**

By: \_\_\_\_\_  
**Jacob Wheat, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Beth A. Walls, City Secretary**

## PUBLIC NOTICE

Notice is hereby given that the Alvarado Planning and Zoning Commission will conduct a public hearing at their regularly scheduled meeting on Thursday, September 12, 2024 at 6:30 p.m. to consider and act on the items below in the Council Chambers at Alvarado City Hall, 104 W. College Avenue.

Application by Natasha Harris on behalf of 379 Property Group for approval of a specific use permit in the General Commercial (C-2) District with Floodplain (FP) Overlay for *child care center* use on 0.195 acres known as Tract 110 of the I. Glaze Survey, Abstract 313, addressed at 202 N. Parkway Drive.

Consideration and action approving an ordinance amending the zoning ordinance regulations in Chapter 42 of the Alvarado Code of Ordinances, relating to *building materials/hardware store* use in the Central Business District (CBD).

The Alvarado City Council will also conduct a public hearing and consider the recommendations of the Planning and Zoning Commission regarding the above matters on Monday, September 16, 2024 at 6:30 p.m. in the Council Chambers at Alvarado City Hall, 104 W. College Avenue.