

**CITY OF ALPINE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, JANUARY 22, 2024 - 5:30 P.M.**

NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING COMMISSION OF THE CITY OF ALPINE, TEXAS, WILL HOLD A MEETING AT 5:30 P.M. ON MONDAY, JANUARY 22, 2024, AT CITY COUNCIL CHAMBERS LOCATED AT 803 WEST HOLLAND AVENUE AND VIA ZOOM FOR THE PURPOSE OF CONSIDERING THE ATTACHED AGENDA. THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS ACT. ACTION ITEMS APPROVED AT THIS MEETING WILL BE CONSIDERED BY THE CITY COUNCIL FOR FINAL ACTION.

**REGULAR MEETING AGENDA – 5:30 P.M.**

**1. Call to Order.**

**2. Public Comments.**

**3. Public Hearings – None.**

**4. Approval of minutes of previous Board Meeting –**

- a) November 27, 2023 Regular Meeting Minutes. (M. Walter, Chair)

**5. Discussion Items – None.**

**6. Action Items –**

- a) Approve a recommendation to the City Council to implement an ordinance repealing Chapter 90 – Taxation, Article V – Short Term Rentals to the Alpine Code of Ordinances; Establishing Article V – Short Term Rentals to Chapter 22 – Businesses to the Alpine Code of Ordinances; Amending the parking requirements for short term rentals within the city; Providing the establishment of up to a \$2,000 penalty per occurrence for violations of the ordinance. (A. Devaney, Director of Building Services)
- b) Approve a recommendation to the City Council to implement an ordinance amending Appendix C – Zoning, Article I – Basic Ordinance to the Alpine Code of Ordinances; Amending the city zoning ordinance to provide for regulations in the M-1 – Industrial District Zone; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance. (A. Devaney, Director of Building Services)

**7. Board Member Comments.**

**8. Adjourn.**

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**NOTICE:** This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

**CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and

readily accessible place to the general public, and to the City website at [www.cityofalpine.com](http://www.cityofalpine.com) pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on January 19, 2024, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

  
Geoffrey R. Calderon, City Secretary





**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
JANUARY 22, 2024**

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**APPROVAL OF MINUTES**

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1. November 27, 2023 Regular Meeting Minutes.

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**BACKGROUND**

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1. None.

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**SUPPORTING MATERIALS**

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1. November 27, 2023 Regular Meeting Minutes.

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**STAFF RECOMMENDATION**

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1. APPROVE.

**CITY OF ALPINE  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 27, 2023 - 5:30 P.M.**

**1. Call to Order** – Abbey Branch, Chair of the Planning & Zoning Commission, called the workshop meeting to order at 5:30 P.M. The meeting was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

**Commissioners Physically Present:**

Richard Portillo, Place 1  
Wendy Little, Place 2 – *Secretary*  
Tom Griffith, Place 3  
Abbey Branch, Place 4 – *Chair*  
Joanna Laxton, Place 5  
Matthew Walter, Place 6 – *Vice-Chair*

**City Staff & Officials Present:**

Geoffrey R. Calderon, City Secretary  
Andrew Devaney, Building Official  
Jessica Isley, Building Services

**Commissioners Present via Zoom:** None.

**Commissioners Not Present:**

Eva Olivas, Place 7

**3. Public Comments** –

- a) Tehra Vaughn expressed support of Rezone Application 2023-10-01-A.
- b) Karen Chapman expressed support of Rezone Application 2023-10-01-A.
- c) Mike Atwood expressed opposition of Rezone Application 2023-10-01-A.

**4. Public Hearings** –

- a) Public Hearing to obtain citizen views and comments regarding Rezoning Application 2023-10-01-A, a rezoning application allowing the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-0 Office Services District.
- b) Public Hearing to obtain citizen views and comments regarding Replat 2023-11-01, a replat application allowing the applicant, Jose Cobos, to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot. The subject property is located at South 6th Street and West Avenue F and is legally described as Lots 5 and 6, Block 55, Original Townsite of Alpine, Texas, as shown in the Subdivision Plat on file in Volume 2, Page 97, Deed Records of Brewster County, Texas. The record property owner is Jose Cobos. The Property ID of the subject property is 35832. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification will remain R-3 Apartment District.
- a) Public Hearing to obtain citizen views and comments regarding Replat 2023-11-02, a replat application allowing the applicant, Ruben Montilva, to combine lots to allow the applicant to install a structure over currently existing common lot lines. The subject property is located at South 14th Street

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Approved: 01-22-2024

and West Murphy Street and is legally described as Lots 5 and 6, Block 9, Thomas-Turney-Higgins Addition to the City of Alpine as shown in the subdivision plat on file in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District.

**5. Approval of minutes of previous Board Meeting –**

- a) October 23, 2023 Regular Meeting Minutes. (A. Branch, Chair)

*On a motion by Commissioner Laxton and seconded by Commissioner Walter to approve the minutes, the Planning & Zoning Commission unanimously voted to adopt the motion.*

**6. Discussion Items –**

- a) Discuss updating the M-1 Industrial District Ordinance. (J. Isley, Building Services)
- b) Discuss updating parking requirements for the Short Term Rental Ordinance. (A. Devaney, Director of Building Services)

**7. Action Items –**

- a) Approve a recommendation to City Council to approve Rezoning Application 2023-10-01-A, a rezoning application allowing the applicant, Tehra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-0 Office Services District. (M. Antrim, City Manager)

*On a motion by Commissioner Walter and seconded by Commissioner Laxton to approve the zoning change designation for 401 W. Sul Ross, from R-2 Two Family District to C-0 Office Services District, and I move that the Commission make a finding that C-0 Office Services District is a less intensive, and more appropriate, zoning district than the applied for C-2 Business District., the Planning & Zoning Commission unanimously voted against the motion and the motion failed.*

- b) Approve Replat 2023-11-01, a replat application allowing the applicant, Jose Cobos, to combine lots in order to provide the ability to use a primary address at the subject property without the necessity of building a primary structure on one lot. The subject property is located at South 6th Street and West Avenue F and is legally described as Lots 5 and 6, Block 55, Original Townsite of Alpine, Texas, as shown in the Subdivision Plat on file in Volume 2, Page 97, Deed Records of Brewster County, Texas. The record property owner is Jose Cobos. The Property ID of the subject property is 35832. The current zoning classification of the property is R-3 Apartment District. If the replat is approved the zoning classification will remain R-3 Apartment District. (A. Devaney, Director of Building Services)

*On a motion by Commissioner Laxton and seconded by Commissioner Griffith to approve, the Planning & Zoning Commission unanimously voted to adopt the motion.*

- c) Approve Replat 2023-11-02, a replat application allowing the applicant, Ruben Montilva, to combine

lots to allow the applicant to install a structure over currently existing common lot lines. The subject property is located at South 14th Street and West Murphy Street and is legally described as Lots 5 and 6, Block 9, Thomas-Turney-Higgins Addition to the City of Alpine as shown in the subdivision plat on file in envelope 108, plat records of Brewster County, Texas. The record property owners are Ruben Montilva and Nieves Paredes. The Property ID of the subject property is 12885. The current zoning classification of the property is R-4 Mobile Home District. If the replat is approved the zoning classification will remain R-4 Mobile Home District. (A. Devaney, Director of Building Services)

***On a motion by Commissioner Walter and seconded by Commissioner Laxton to approve, the Planning & Zoning Commission unanimously voted to adopt the motion.***

- d) Approve a recommendation to City Council to approve an ordinance amending Appendix C - Zoning, Schedule of Districts, Article I - Schedule of Districts, Section II - R-1 One Family District to the Alpine Code of Ordinances; Repealing the requirement that beauty salons are not an acceptable use in a residential area by approved special use permit; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance. (M. Antrim, City Manager)

***On a motion by Commissioner Laxton and seconded by Commissioner Griffith to approve, the Planning & Zoning Commission unanimously voted to adopt the motion 5 to 1, with all members present voting in favor excluding Commissioner Portillo who voted against the motion.***

- c) Appoint the Chair of the Planning & Zoning Commission. (G. Calderon, City Secretary)

***On a motion by Commissioner Laxton and seconded by Commissioner Portillo to appoint Matt Walter as the Chair of the Planning & Zoning Commission, the Planning & Zoning Commission voted to adopt the motion 5 to 1, with all members present voting in favor excluding Commissioner Walter who abstained.***

- d) Appoint other officers of the Planning & Zoning Commission. (G. Calderon, City Secretary)

***On a motion by Commissioner Walter and seconded by Commissioner Little to appoint Joanna Laxton as the Vice Chair, the Planning & Zoning Commission voted to adopt the motion 5 to 1 with all members present voting in favor, excluding Commissioner Laxton who abstained.***

- e) Appoint a member of the Commission to provide a report to the City Council at the December 5, 2023, City Council meeting regarding the Commission's recommendation to approve/deny Rezoning Application 2023-10-01-A and the recommendation to approve/deny recommending an ordinance to update to provide that beauty salons may be approvable by special use permit in a residential zone. (G. Calderon, City Secretary)

***On a motion by Commissioner Laxton and seconded by Commissioner Griffith to appoint Matt Walter to provide a report to the City Council, the Planning & Zoning Commission unanimously voted to adopt the motion.***

## **8. Board Member Comments.**

## **9. Adjourn (6:25 P.M.)**

APPROVED:

Minutes: 11-27-2023

Approved: 01-22-2024

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Officer of the Planning & Zoning Commission

**CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at [www.cityofalpine.com](http://www.cityofalpine.com) pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on November 20, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

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Geoffrey R. Calderon, City Secretary



**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO**

**JANUARY 22, 2024**

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**ACTION ITEMS**

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1. Approve a recommendation to the City Council to implement an ordinance repealing Chapter 90 – Taxation, Article V – Short Term Rentals to the Alpine Code of Ordinances; Establishing Article V – Short Term Rentals to Chapter 22 – Businesses to the Alpine Code of Ordinances; Amending the parking requirements for short term rentals within the city; Providing the establishment of up to a \$2,000 penalty per occurrence for violations of the ordinance. (A. Devaney, Director of Building Services)

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**BACKGROUND**

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1. None.

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**SUPPORTING MATERIALS**

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1. Proposed Ordinance 2024-02-01 for Short Term Rentals.

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**STAFF RECOMMENDATION**

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1. APPROVE.



**ORDINANCE 2024-02-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS REPEALING CHAPTER 90 – TAXATION, ARTICLE V – SHORT TERM RENTALS TO THE ALPINE CODE OF ORDINANCES; ESTABLISHING ARTICLE V – SHORT TERM RENTALS TO CHAPTER 22 – BUSINESSES TO THE ALPINE CODE OF ORDINANCES; AMENDING THE PARKING REQUIREMENTS FOR SHORT TERM RENTALS WITHIN THE CITY; PROVIDING THE ESTABLISHMENT OF UP TO A \$2,000 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE.**

**WHEREAS**, it is the intent of the Building Services Department to recognize and identify areas of concern with planning and zoning ordinances within the City; and

**WHEREAS**, the Building Services Department has recommended updates to parking requirements for short term rentals within the city to enhance uniformity with the current planning and zoning codes of the city; and

**WHEREAS**, the Building Services Department has also recommended that the short term rental ordinance of the city be moved from Chapter 90 – Taxation to Chapter 22 – Businesses to the Alpine Code of Ordinances to better align with the subject matter of the ordinance; and

**WHEREAS**, the Planning & Zoning Commission (“Commission”) is composed of community members who advise the City Council on policy decisions that affect zoning issues of the city; and

**WHEREAS**, the Commission met on January 22, 2024, to discuss the proposed updates to the short term rental ordinance and voted **X to X** to recommend approval of the aforementioned updates; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code and Section 2.01(B)(8) of the City’s Charter provides that City may, by ordinance, provide land use and development regulations, including but not limited to zoning and subdivision regulations; and

**WHEREAS**, the City Council deems it to be in the public interest to update the short term rental ordinance as recommended by City Administration, the Building Services Department, and by the Planning and Zoning Commission.

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

**SECTION I  
FINDINGS OF FACT**

The Alpine Code of Ordinances Chapter 90 – Taxation, Article V – Short Term Rentals is hereby repealed. Chapter 22 – Businesses, is hereby amended to reflect the establishment of Article V – Short Term Rentals hereto attached as Exhibit “A.” The premises attached as Exhibit “A” are

found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
INCLUSION IN THE CODE OF ORDINANCES**

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word. The codifier of the city is empowered to make amendments to match the style of the existing code.

**SECTION III  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance, in which event the conflicting provisions of such ordinance are hereby repealed.

**SECTION IV  
SEVERABILITY CLAUSE**

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

**SECTION V  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VI  
PUBLIC HEARING**

A public hearing was held on February 20, 2024, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche, the official newspaper of the City of Alpine on February 15, 2024.

**SECTION VII  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF FEBRUARY 2024 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**  
FEBRUARY 6, 2024

**APPROVED:**

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Catherine Eaves, Mayor

**APPROVED AS TO FORM:**

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City Attorney

**SECOND AND FINAL READING**  
FEBRUARY 20, 2024

**ATTEST:**

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Geoffrey R. Calderon, City Secretary

**EDITOR'S NOTE:**

To increase transparency in government, the following designations have been made in the text to demonstrate the changes to the parking requirements of the ordinance previously codified in Section 90 – Taxation:

Additions are Underlined.

~~Omissions appear in Red Strikethrough Text.~~

**EXHIBIT “A”**

***ARTICLE V. SHORT TERM RENTALS***

**Sec. 22-160. Generally.**

This article as herein established has been written for the purpose to control, manage and limit short term rentals commonly referred to as vacation rentals within allowable districts described in the zoning ordinance. The intent of this chapter is to safeguard the life, health, safety, welfare and property of the occupants of residential dwelling units, the neighbors of said occupants, the general public and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-161. Definitions.**

*Administrator* means the director of the department designated by the city manager to enforce and administer this chapter, including the director's designees.

*Advertise* means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

*Bedroom* means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

*Booking service* means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an owner and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

*Hosting platform* means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, booking services through which an owner may offer premises for an occupant on a short-term basis. Hosting platforms usually, though not necessarily, provide booking service through an online platform that allows an owner to advertise the premises through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be-occupant pays rent directly to the owner or to the hosting platform.

*Occupant* means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

*Owner* means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

*Premises* means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

*Short-term rental (STR)* means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than 30 consecutive days. The definition of short-term rental does not include a bed and breakfast as defined in the Code.

(Ord. No. 2021-01-01, 2-2-21)

#### **Sec. 22-162. Unpermitted short-term rentals prohibited.**

- (a) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted short-term rental.
- (b) All hosting platforms shall provide the following information in a notice to any owner listing a short-term rental located within the city through the hosting platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: the "short-term rental" article of this Code prohibits the short-term rental of residential premises within the city without an active short-term rental permit.
- (c) Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant, or housing platform of the obligations imposed by the applicable provisions of state law and this Code, including but not limited to, those obligations imposed by the Tax Code. Further, nothing in this article shall be construed to limit any remedies available under the applicable provisions of state law and this Code.

(Ord. No. 2021-01-01, 2-2-21)

#### **Sec. 22-163. Short-term rental permit required.**

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Each rentable unit must be permitted. Upon application to the city, a short-term rental permit shall be approved by the administrator, or designee, if the application satisfies all the conditions of this chapter, the "taxation chapter," and the zoning ordinance. The administrator may place reasonable conditions on short-term rental permits to ensure compliance with the provisions of this article.

(Ord. No. 2021-01-01, 2-2-21)

#### **Sec. 22-164. Permit limitations.**

- (a) Short-term rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.

- (b) If the subject dwelling is on property that has a homeowners association (HOA) at the time of permitting, the owner of the dwelling shall provide the city with an affidavit of proof that the HOA allows for vacation rental of their dwelling, if not allowed, then the application will be denied.
- (c) A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. If the renewal application satisfies all the conditions of this chapter and zoning ordinance, an application for the renewal of a short-term rental permit shall be approved by the Administrator, or designee.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-165. Requirements of application.**

- (a) Except as provided in this section, every complete application for a short-term rental permit shall include the following information with such detail and in form approved by the administrator:
  - (1) The name, address, contact information and authenticated signature for the owner of the premises;
  - (2) The name, address and contact information of the operator, agent if any, and designated local responsible party.
  - (3) The city registration number for hotel occupancy tax;
  - (4) A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
  - (5) A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
  - (6) Release of liability;
  - (7) The name and contact information of the property owner's association, if any, of which the premises are covered by dedicatory instruments;
  - (8) A copy of the proposed host rules for the short-term rental.
- (b) An application for short-term renewal permit may be filed beginning 30 days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete.
- (c) An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (a) of this section.
- (d) If a complete application for a short-term renewal permit is submitted less than 30 days prior to expiration of the current permit, the administrator in his sole discretion may grant a one-time extension of the current permit not to exceed ten days.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-166. Designation of local responsible party required.**

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be

available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one hour of the call from the administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants and shall not act to release the owner of any liability under this chapter.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-167. Release of liability required.**

It shall be unlawful for the owner of premises operating as a short-term rental to operate without either proof of insurance or a release of liability indemnifying and holding the city harmless from any and all claims that should arise out of the operation of the short-term rental.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-168. Building permits required.**

All work done to the property must meet all city permitting requirements as spelled out in this Code.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-169. Permit fees.**

An initial permit fee of \$350.00 (nonrefundable) will include the preliminary fire inspection fees. Upon completion of all required forms, approval of each dwelling unit by the administrator or his designee, and payment of the initial permit fee, the administrator may recommend a special use permit (short term rental permit) to be considered by the city council. Once approved by the city council, a special use permit (short term rental permit) shall be issued.

The annual permit renewal fee shall be \$100.00.

An annual fire inspection is required, the fee of which shall be established by city ordinance.

City short-term rental taxes must be paid quarterly for the permit to remain valid, as verified by the city short-term rental tax form.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-170. Hotel occupancy tax; request for occupancy history.**

It shall be unlawful for any owner of premises used for a short-term rental to fail to pay hotel occupancy taxes under state law and this chapter. Upon the request of the administrator or the finance department of the city, the owner of a premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner. Short term rental operators must adhere to the guidelines of Chapter 90 – Taxation, Article III – Hotel Occupancy Tax.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-171. Short-term rental permit non transferable.**

A short-term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Only by inheritance is a short-term rental transferable.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-172. Parking restrictions.**

~~Parking is established by the International Building Codes (IBC) and will differ based on the zoning districts.~~

Guidelines are as follows: One parking space per sleeping unit, ~~plus one parking space per 500 square feet of common area.~~ The parking spaces required shall be located on the same lot or where use of such is provided on another lot not more than 500 feet radially from the subject lot.

The motor vehicles of all occupants of the short-term rental property shall be parked only on the permitted and approved driveway of the short-term rental property. No motor vehicles shall be parked on the vegetated area of a short-term rental property, or in the public right of way. While occupying a short-term rental property, no person shall park in violation of this Ordinance or in violation of the parking plan the owner must submit in accordance with Sec. 22-165 (a)(4).

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-173. Neighbor notice.**

The city shall provide [by] mailing, email or otherwise distribute by hand a flier to neighbors within 200-foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and city website address where the information is also posted. The neighbors and the city shall be informed whenever there is a change in contact information.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-174. Zones.**

Vacation rentals are permitted in zones R-1, R-2, R-3, R-4, M-1, C-2a, C-2, C-1, C-1a, C-O by conditional use permit. All permits must meet general zoning regulations as defined in appendix C, zoning, of this Code.

(Ord. No. 2021-01-01, 2-2-21)

**Sec. 22-175. Penalties.**

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Ord. No. 2021-01-01, 2-2-21)



**Sec. 22-176. Enforcement.**

- (a) The owner of a short-term rental use that was not registered with the city for hotel occupancy tax prior to April 1, 2021 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of the ordinance from which this article derived, shall discontinue the short-term rental use no later than April 30, 2021.
- (b) If the permit of a short-term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.
- (c) This article shall be and is hereby declared to be cumulative of all other ordinances of the city; and this article shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this article, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.
- (d) If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this article.
- (e) All of the regulations provided in this article are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the city council or any city official or employee charged with the enforcement of this article, acting for the city in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

(Ord. No. 2021-01-01, 2-2-21)



**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO**

**JANUARY 22, 2024**

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**ACTION ITEMS**

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2. Approve a recommendation to the City Council to implement an ordinance amending Appendix C – Zoning, Article I – Basic Ordinance to the Alpine Code of Ordinances; Amending the city zoning ordinance to provide for regulations in the M-1 – Industrial District Zone; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance. (A. Devaney, Director of Building Services)

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**BACKGROUND**

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1. None.

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**SUPPORTING MATERIALS**

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1. Proposed Ordinance 2024-02-02, providing regulations for M-1 Industrial District.

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**STAFF RECOMMENDATION**

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1. APPROVE.

**ORDINANCE 2024-02-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING APPENDIX C – ZONING, ARTICLE I – BASIC ORDINANCE TO THE ALPINE CODE OF ORDINANCES; AMENDING THE CITY ZONING ORDINANCE TO PROVIDE FOR REGULATIONS IN THE M-1 – INDUSTRIAL DISTRICT ZONE; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE.**

**WHEREAS**, the Planning & Zoning Commission (“Commission”) is composed of community members who advise the City Council on policy decisions that affect zoning issues of the city; and

**WHEREAS**, the Commission recognized the need for regulations to be implemented for the the M-1 Industrial District to mitigate concerns with industrial projects that might impact the health and safety of surrounding residents near industrial zones; and

**WHEREAS**, the Building Services Department has recommended updates to the industrial district zone, based on feedback by the Commission; and

**WHEREAS**, the Commission met on January 22, 2024, to discuss the proposed updates to the M-1 – Industrial Zoning ordinance and voted **X to X** to recommend approval of the updates proposed by the Building Services Department; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code and Section 2.01(B)(8) of the City’s Charter provides that City may, by ordinance, provide land use and development regulations, including but not limited to zoning and subdivision regulations; and

**WHEREAS**, the City Council deems it to be in the public interest to update the M-1 – Industrial District regulations as recommended by City Administration, the Building Services Department, and by the Planning and Zoning Commission.

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

**SECTION I  
FINDINGS OF FACT**

The Alpine Code of Ordinances Appendix C – Zoning, Article I – Basic Ordinance, is hereby amended to reflect the updates attached hereto as Exhibit “A.” The premises attached as Exhibit “A” are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
INCLUSION IN THE CODE OF ORDINANCES**

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the ordinance may be renumbered or re-lettered to accomplish such,

and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word. The codifier of the city is empowered to make amendments to match the style of the existing code.

**SECTION III  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinance, in which event the conflicting provisions of such ordinance are hereby repealed.

**SECTION IV  
SEVERABILITY CLAUSE**

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

**SECTION V  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VI  
PUBLIC HEARING**

A public hearing was held on February 20, 2024, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche, the official newspaper of the City of Alpine on February 15, 2024.

**SECTION VII  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF FEBRUARY 2024 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**  
FEBRUARY 6, 2024

**SECOND AND FINAL READING**  
FEBRUARY 20, 2024

**APPROVED:**

**ATTEST:**

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Catherine Eaves, Mayor

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Geoffrey R. Calderon, City Secretary

**APPROVED AS TO FORM:**

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City Attorney

**EDITOR'S NOTE:**

Additions are Underlined.

~~Omissions appear in Red Strikethrough Text.~~

**EXHIBIT "A"**

**Section VII. "M-1"— Industrial district.**

- A. Purposes of district. M-1 Is a Manufacturing Zone is intended for limited manufacturing and limited industrial uses. Principal permitted uses. Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses:

~~R-1 single family residential~~

~~R-2 multi-family residential~~

~~R-4 mobile home district~~

C-1 neighborhood commercial district\*

C-2 business district\*

Assembly plants

Automobile painting, an reconditioning, body and fender work, and truck or tractor repairing or overhauling when enclosed within solid masonry walls not less than 6' (Six feet) in height.

Bakeries, wholesale

Bottling Plants

Breweries & Distilleries

Cabinet shops & furniture manufacture

Canning and packing

Canvas product manufacture

Cereal factories

Cleaning and dyeing plants

Cosmetic manufacture

Creameries

Electroplating

Feed & Fuel yards when enclosed with solid masonry walls not less than 6' (Six feet) in height.

Food products manufacture

Fruit & Vegetable packing plants

Garment Manufacture

Ice and Cold Storage & manufacture

Laboratories, experimental and the like

Laundries

Machine, Welding, and blacksmith shops, excluding the use of equipment producing undue noise or vibration.

Public utility service yards and electric receiving and transforming stations.

Radio manufacture and assembly and electric receiving and transforming stations.

Rug & Carpet Cleaning

Storage of goods, materials, liquids and equipment (except the bulk storage of matter or materials such as gasses, or chemical substances which are flammable or explosive, pose a danger to residents, may create dust, toxic, odor or fumes).

Wholesale buildings

B. Each site in the M-1 district shall be subject to the following site development regulations:

The following uses shall be permitted in the M-1 Zone provided site plans are approved by the Building Official or an approved authority:

C. Open Storage. Not more than 20 percent of the lot or tract may be used for open storage of products, materials or equipment, all of which shall be screened (not visible) from adjoining properties or streets.

D. Conditional Uses. The following uses may be permitted, provided they meet the provisions of, and a Conditional Use Permit is issued.

1. Distilleries

2. Breweries

3. Central mixing plants for asphalt, concrete, or other paving materials.

4. Animal Kennels with outdoor runs.

5. Automotive Rental

6. Building Trades contractor within a completely enclosed building, with storage yard for materials and equipment.

E. LIMITATIONS OF USES: The following uses shall not be permitted within this District: "High Risk or hazardous industrial use" means any industrial use whose operation, involves a much higher than average risk to public health and safety. These uses include but are not limited to facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals, or substances, or highly combustible or explosive materials are present, used, produced, stored, or disposed of. All uses shall not disseminate dust, gases, noxious odors, obnoxious by reason of sound, fumes, smoke, glare, harmful to humans or animals,

pose a danger, obnoxious odors, combustible materials, or anything considered high hazard by the adopted code.

- F. BUFFER AREA REGULATIONS: Whenever the Industrial District (M-1) abuts a residentially zoned district, a landscape buffer zone of not less than twenty-five (25) feet in depth shall be provided from the lot line. No buildings or structures, parking, loading or storage shall occur in the buffer area and such shall be landscaped to provide visual acoustical privacy to adjacent property.

### Section VIII. Additional use, height and area regulations and exceptions.

- A. \*\*Use regulations. On all existing rights-of-way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad tracks and accessories to railroad movement may be constructed or maintained.
- B. Height and area regulations.
1. ~~Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit otherwise provided in the district in which the building is located.~~
  2. ~~Chimneys, cooling towers, elevator bulk heads, fire towers, grain elevators, flour mills, monuments, stacks or scenery lofts, tanks, water towers, ornamental towers and spired church steeples.~~ Radio or television towers or necessary mechanical appurtenances, may be erected to a height exceeding in height in accordance with ordinances which may be hereafter adopted by the City of Alpine only accompanied with a variance approved from the city council. ~~In the absence of such ordinances, there shall be no and limitation for these structures.~~
- C. Area regulations.
1. ~~Front yard—Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.~~
  2. A side yard of not less than 25 feet on the side of the lot adjoining any residential zone (R-1, R-2, R-3 & R-4) R-1 or R-2 district, shall be provided for all schools, libraries, churches, community houses, clubs and other public or semi-public buildings hereafter erected or structurally altered.
  3. ~~Garages detached or attached to the main use building which enter on the side street of a corner lot, shall maintain a side yard of five feet in front of the garage.~~
  4. \*Excluding Residential uses.

Cross reference(s)—Businesses, Ch. 22.



<u>Feature</u>	<u>Regulation</u>
<u>Lot size</u>	<u>Minimum 5,000 square feet</u>
<u>Lot width</u>	<u>50 feet</u>
<u>Height</u>	<u>3 stories or 35 feet</u>
<u>Front yard</u>	<u>Twenty-Five (25) feet</u>
<u>Street side yard</u>	<u>Fifteen (15) feet</u>
<u>Interior side yard</u>	<ul style="list-style-type: none"> <li>a) <u>Twenty-Five (25) feet adjacent to residential district.</u></li> <li>b) <u>Ten (10) feet nonresidential district</u></li> </ul>
<u>Rear Yard</u>	<u>Fifteen (15) feet</u>
<u>Signs</u>	<u>See Sign Ordinance</u>
<u>Maximum Impervious Coverage</u>	<u>85%</u>
<u>Maximum Building Coverage</u>	<u>Percentage of total lot, 75%</u>