

**CITY OF ALPINE
PLANNING & ZONING COMMISSION MEETING
MONDAY, APRIL 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, APRIL 22, 2024, AT THE CIVIC CENTER LOCATED AT 801 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.

1. Call to Order.

2. Public Comments.

3. Public Hearings –

- a) Public Hearing to obtain citizen views and comments regarding Rezone Application 2024-04-01, a rezoning application to allow the applicant, Vicky R. Vega, to establish a taxidermy cleaning service at the subject property. The property in question is located at 1702 East Avenue H and is legally described as Thomas Derrick Addition, Block 20; Lots 3-11, Lots 15-20, and Lots 21 & 22; located In Alpine, Brewster County, Texas as the same appears in the Map or Plat Records on file in the Office of the County Clerk of Brewster County, Texas. The Property ID of the subject property is 12816. The record property owner is Vicky R. Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District.
- b) Public Hearing to obtain citizen views and comments regarding Rezone Application 2024-04-02, a rezoning application to allow the applicant, Melinda Vega, to establish an art studio at the subject property. The property in question is located at 601 South Walker Street and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of the Railroad) to the City of Alpine, Brewster County, Texas. The property ID of the subject property is 10842. The record property owner is Melinda Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District.

4. Approval of minutes of previous Board Meeting –

- a) March 25, 2024 Regular Meeting Minutes. (M. Walter, Chair)

5. Discussion Items –

- a) Discuss proposed changes to the schedule of districts and zoning designations including amending R-4 Mobile Home Districts to include options for mobile home parks and updating commercial zones to one unified zone. (J. Laxton, Commissioner)
- b) Discuss status of zoning map and the next steps. (M. Antrim, City Manager)

6. Action Items –

- a) Approve a recommendation to the City Council regarding Rezone Application 2024-04-01, a rezoning application to allow the applicant, Vicky R. Vega, to establish a taxidermy cleaning service at the subject property. The property in question is located at 1702 East Avenue H and is legally

described as Thomas Derrick Addition, Block 20; Lots 3-11, Lots 15-20, and Lots 21 & 22; located In Alpine, Brewster County, Texas as the same appears in the Map or Plat Records on file in the Office of the County Clerk of Brewster County, Texas. The Property ID of the subject property is 12816. The record property owner is Vicky R. Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District. (G. Calderon, City Secretary)

- b) Approve a recommendation to the City Council regarding Rezone Application 2024-04-02, a rezoning application to allow the applicant, Melinda Vega, to establish an art studio at the subject property. The property in question is located at 601 South Walker Street and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of the Railroad) to the City of Alpine, Brewster County, Texas. The property ID of the subject property is 10842. The record property owner is Melinda Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District. (G. Calderon, City Secretary)
- c) Approve a recommendation to City Council to approve a proposed ordinance amending annexation processes and procedures to the Alpine Code of Ordinances; Amending chapter 9 – Annexation to provide for additional requirements upon annexation of a subject property; Amending Appendix C – Zoning to remove the requirement that that properties be designated R-1 upon annexation and providing that the City Council may establish the zoning designation upon annexation of a subject property. (M. Antrim, City Manager)
- d) Approve a recommendation to City Council to approve a proposed ordinance amending Appendix C – Zoning to the Alpine Code of Ordinances; Amending the provision that provides the ability for the city council or the planning & zoning commission to initiate a spot zoning, or non-contiguous zoning, designation. (J. Isley, Building Services)

7. Board Member Comments.

8. Adjourn.

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 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 pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on April 17, 2024, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.


Geoffrey R. Calderon, TRMC
City Secretary & Chief Governance Officer





PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

APRIL 22, 2024

PUBLIC HEARINGS

- a) Public Hearing to obtain citizen views and comments regarding Rezone Application 2024-04-01, a rezoning application to allow the applicant, Vicky R. Vega, to establish a taxidermy cleaning service at the subject property. The property in question is located at 1702 East Avenue H and is legally described as Thomas Derrick Addition, Block 20; Lots 3-11, Lots 15-20, and Lots 21 & 22; located In Alpine, Brewster County, Texas as the same appears in the Map or Plat Records on file in the Office of the County Clerk of Brewster County, Texas. The Property ID of the subject property is 12816. The record property owner is Vicky R. Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District.
- b) Public Hearing to obtain citizen views and comments regarding Rezone Application 2024-04-02, a rezoning application to allow the applicant, Melinda Vega, to establish an art studio at the subject property. The property in question is located at 601 South Walker Street and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of the Railroad) to the City of Alpine, Brewster County, Texas. The property ID of the subject property is 10842. The record property owner is Melinda Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District.

SUPPORTING MATERIALS

- 1. Feedback from surrounding property owner.

City Secretary
100 N 15th St
Alpine, Texas 79830

2-3

Dear Sir;

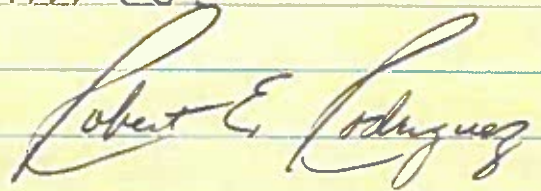
April 16, 2024

I am writing to express my strong opposition to REZONE 2024-04-02, the proposed rezoning at 601 South Walker Street. Recently there have been many new developments near my location and it appears as if this is the first in which I am being notified and allowed to voice my concerns and thoughts. While communities change and grow, there should be limits in order to help keep neighborhoods safe. Also, if the 601 South Walker is rezoned then what is to keep other neighborhoods from being impacted from the same rezoning in the future? When the 601 South Walker was a bar there were issues of trash and other discarded material finding its way on to my property without any concern from the property owner. We have seen in neighboring towns how galleries take hold and what they bring with them. A following concern would also be the traffic and noise that would be brought due to events being hosted at the 601 South Walker as well. The proximity of the residences in the area would have them experiencing issues as to other

locations that have similar zoning within the city. Local wildlife does find its way to area and would be impacted due to the increased traffic with issues occurring for both the people and wild life. I urge you to disapprove the proposed rezoning, and from recent discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Thank you for your continued service and support of our communities.

Robert E. Rodriguez
PO Box 805
Alpine, Texas 79831

A handwritten signature in cursive script that reads "Robert E. Rodriguez". The signature is written in dark ink and is positioned to the right of the typed name.



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

APRIL 22, 2024

APPROVAL OF MINUTES

1. March 25, 2024 Regular Meeting Minutes.

BACKGROUND

NONE.

SUPPORTING MATERIALS

March 25, 2024 Regular Meeting Minutes.

STAFF RECOMMENDATION

APPROVE.

**CITY OF ALPINE
PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 25, 2024 - 5:30 P.M.**

1. **Call to Order** – Matt Walter, 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:

Guy Fielder, Place 4
Joanna Laxton, Place 5, *Vice-Chair*
Matthew Walter, Place 6 – *Chair*
Eva Olivas, Place 7

City Staff & Officials Present:

Geoffrey R. Calderon, City Secretary
Jessica Isley, Building Services
Catherine Reese, Code Enforcement Officer

Commissioners Not Present:

Tom Griffith, Place 3
Vacant, Place 1
Vacant, Place 2

City Officials Present via Zoom:

Megan Antrim, City Manager

3. **Public Comments** – None.

4. **Public Hearings** –

- a) Public Hearing to obtain citizen views and comments regarding Rezone 2024-03-01, a rezoning application to allow the applicant, Ruben Losoya, to establish a recognized mobile home park on the subject property. The property in question is located at 708 S. Cactus St and is legally described as 1.52 acres, more or less, being the South part of a 3.0 acre tract of land described as the South 3.0 acres of the West Half (W/2) of Block Two (2) in Volume 36, Page 410, Official Public Records, Means Addition Subdivision “A” to the City of Alpine, Brewster County, Texas, as per Plat on file in Envelope No. 63, Map/Plat Records on file in the Office of the County Clerk of Brewster County, Texas. The Property ID of the subject property is 11311. The record property owner is Ruben Losoya. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1A Neighborhood Commercial District.

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

- a) February 26, 2024 Regular Meeting Minutes. (M. Walter, Chair)

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

6. **Discussion Items** –

- a) Discussion regarding Chapter 9 - Annexation; Discuss zoning and ward designations upon annexation. (M. Antrim, City Manager)
- b) Discuss making a recommendation to City Council to update Chapter 18 - Buildings and Building Regulations, Article XI - Dangerous Buildings, including updates to the criteria for substandard buildings. (G. Fielder, Commissioner)
- c) Discuss making a recommendation to City Council to update Chapter 78 - Signs to the Alpine Code of Ordinances including updates to the criteria for signs within the City. (G. Fielder, Commissioner)

Minutes:03-25-2024

Approved: 04-22-2024

The Chair called a 5-minute break. (6:10 P.M.)

- d) Discussion regarding making a proposed recommendation to the City Council to update to Appendix C - Zoning to the Alpine Code of Ordinances, particularly removing the requirement that City Council and the Planning & Zoning Commission may initiate a spot zoning request. (J. Isley, Building Services)
- e) Discuss proposed amendments to Appendix C - Zoning, Article I - Basic Ordinance, Schedule of Districts, Section IV-A - R-4 Mobile Home District to the Alpine Code of Ordinances; Including proposed amendments to improve the availability of affordable housing by amending to provide small housing options. (J. Isley, Building Services)

7. Action Items –

- a) Approve a recommendation to the City Council regarding Rezone 2024-03-01, a rezoning application to allow the applicant, Ruben Losoya, to establish a recognized mobile home park on the subject property. The property in question is located at 708 S. Cactus St and is legally described as 1.52 acres, more or less, being the South part of a 3.0 acre tract of land described as the South 3.0 acres of the West Half (W/2) of Block Two (2) in Volume 36, Page 410, Official Public Records, Means Addition Subdivision “A” to the City of Alpine, Brewster County, Texas, as per Plat on file in Envelope No. 63, Map/Plat Records on file in the Office of the County Clerk of Brewster County, Texas. The Property ID of the subject property is 11311. The record property owner is Ruben Losoya. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1A Neighborhood Commercial District. (G. Calderon, City Secretary)

On a motion by Commissioner Laxton and seconded by Commissioner Olivas to approve, the Planning & Zoning Commission adopted the motion with all members present voting in favor excluding Commissioner Walter who voted against.

8. Board Member Comments.

On a motion by Commissioner Laxton and seconded by Commissioner Olivas to adjourn, the meeting was adjourned.

9. Adjourn (7:18 P.M.)

APPROVED:

Officer of the Planning & Zoning Commission

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that notice of this meeting was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on March 20, 2024, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

Geoffrey R. Calderon, City Secretary

Minutes:03-25-2024
Approved: 04-22-2024



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

APRIL 22, 2024

DISCUSSION ITEMS

- a) Discuss proposed changes to the schedule of districts and zoning designations including amending R-4 Mobile Home Districts to include options for mobile home parks and updating commercial zones to one unified zone. (J. Laxton, Commissioner)
- b) Discuss status of zoning map and the next steps. (M. Antrim, City Manager)

BACKGROUND

NONE.

SUPPORTING MATERIALS

- a) Schedule of Districts.

STAFF RECOMMENDATION

NONE.

- CODE OF ORDINANCES
APPENDIX C - ZONING
ARTICLE I. - BASIC ORDINANCE
SCHEDULE OF DISTRICTS

SCHEDULE OF DISTRICTS

Section I. Establishment of districts.

In order to regulate and restrict the locations of trades and industries and the location of buildings erected or altered for specified uses, and to regulate and limit the height and bulk of the buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the City of Alpine is hereby divided into districts, of which there shall be nine known as:

- "R-1"—One-Family District
- "R-2"—Multi-Family District
- "R-3"—Apartment District
- "R-4"—Mobile Home District
- "C-1"—Neighborhood Commercial District
- "C-1A"—Neighborhood Commercial District
- "C-2"—Business District
- "C-0"—Office Services District
- "M-1"—Industrial District

The districts aforesaid and the boundaries of such districts are shown upon the map accompanying and a part of this ordinance, being designated as "Official Zoning Map," and said map and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Section II. "R-1"—One-family district.

- A. In the R-1 district, no building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except as described by the following:

Single-family residential (detached)

Local utility service

- B. Uses permitted subject to conditional use permit. The following uses may be permitted, some subject to a conditional use permit as provided in Section 20:

Bed and breakfast, VRBO

Day care services

Educational facilities*

Home occupations subject to approval of home occupation application provisions***

Libraries, museums

Municipal buildings, other city installations

Park**

Religious assembly

*School, public or private, having a curriculum equal to a public elementary, high school or institution of higher learning.

**Public parks, playgrounds, golf courses (except miniature), public and community buildings.

***Excluding beauty shops, barber shops, retail sales, and retail sale or service of food in any form.

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

Feature	Regulations
Lot size	7,000 square feet minimum
Lot width	50 feet
Height	2½ stories or 35 feet
Front yard	25 ft*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	25% of depth or not < 25 feet
Residential density	One per lot, not to include accessory structures
Minimum dwelling areas (Footprint of Home)	1000 Sq Ft
Maximum building coverage	40% primary structure
Maximum impervious coverage	49% all structures
Nonconforming uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	1 Off street minimum
Temporary/accessory building	≤ 40% of required rear yard
Home occupations	Section 20

*No window sills, belt courses, cornices, and other architectural features will project within the setbacks stated above.

D. Modular home specifications:

- (1) Modular homes must have a certified seal is set by the manufacturing housing standards classifying homes as "modular homes".
- (2) All modular homes shall have the appearances and foundation structure of a site built home.
 - a. Masonite, hardy board, wood, brick or stucco types of siding shall be permissible. No type of crib walls for underpinning are allowed.
 - b. Under floor venting shall be installed as required in the 2012 International Residential Code.
 - c. Foundation footings shall comply with minimum of 12-inch width and 12-inch depth unless certain soil types require more footing depth or width.
 - d. All exterior wall shall be supported on a continuous solid concrete footing placed on undisturbed soil with a stem wall of concrete or grouted masonry block (8x8x16) containing vertical #3 or #4 rebar, every four feet on center.
 - e. There shall be an exterior masonry (block) stem wall filled with concrete at every vertical rebar riser with the appropriate concrete anchor system installed. All exterior stem wall blocking on the last course shall be filled with concrete to form a bond beam. Column footings, pier pads must be 24-inch width, 24- inch length and 12- inch depth with #4 rebar with a 12-inch center grid.

Blocking for pier pads shall be at least an 8x8x16 inch concrete block mortared or grouted into place with vertical rebar extending from the pier pad into the block courses.

- f. All modular homes after completion shall have backfill material placed around the perimeter to facilitate drainage of water away from the building with a minimum fall of six inches within ten feet.

Section III. "R-2"—Multi-family district.

- A. This zone is intended to provide for medium density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. (See Site Development Regulations). Additional uses necessary and incidental to multiple family residential dwellings are also permitted.

- B. Principal permitted uses:

Duplex

Local utility service

Group Residential*

R-1 single-family residential

Townhouses

*Two separate single-family structures on one lot.

The following uses may be permitted, some subject to a conditional use permit as provided in Section 20.

Bed and breakfast, VRBO

Day care services

Educational facilities*

Home occupations subject to approval of home occupation application provisions***

Libraries, museums

Municipal buildings, other city installations

Park**

Religious assembly

*, **, *** same as stated in R-1.

- C. Each site in the R-2 district shall be subject to the following site development regulations:

Feature	Regulation
Lot size	7,000 square feet
Lot width	50 feet
Height	2½ stories or 35 feet
Front yard	25 feet*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	20% of depth or not < 20 feet
Minimum dwelling areas (living area only)	750 square feet

Residential density	Minimum site area per dwelling units: 1 Bedroom 3,000 square feet 2 Bedroom 3,500 square feet
Maximum impervious coverage	49% all structures
Maximum building coverage	32% of allotted space per unit
Nonconforming Uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	Off street, 1 per unit minimum
Temporary/accessory building	≤ 40% of required rear yard
Home occupations	Section 20

*No window sills, belt courses, cornices, and other architectural features will project within the setbacks stated above.

Section IV. "R-3"—Apartment district.

- A. This zone is intended to provide for higher density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with the medium density residential land use category, but is not allowed within other land use categories.

Principal permitted uses. Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses:

Apartment houses
Local utility service
Multiple family dwellings
R-1 single-family residential
R-2 Duplex
R-2 group residential*
R-2 townhouses

*Same as stated in R-2.

- B. Uses permitted subject to conditional use permit. The following uses may be permitted subject to a conditional use permit as provided in Section 20.

Bed and breakfast, VRBO
Day care services
Educational facilities*
Home occupations subject to approval of home occupation application provisions***
Libraries, museums
Municipal buildings, other city installations
Religious assembly

*, *** Same as stated in R-1.

C. Each site in the R-3 district shall be subject to the following site development regulations:

Feature	Regulation
Lot size	7,000 square feet
Lot width	50 feet
Height	3 stories or \leq 45 feet
Front yard	25 feet*
Street side yard	\leq 2 stories same as R-1, > 2 stories additional 1 foot*
Interior side yard	\leq 2 stories same as R-1, > 2 stories additional 1 foot*
Rear yard	20% of depth or not \leq 20 feet
One-family	4,000 square feet
Two-family	5,000 square feet
> two families	+ 500 square feet per family
Maximum impervious coverage	Interior lot 55%, corner lot 46%
Maximum building coverage	Interior lot 45%, corner lot 40%
Nonconforming uses	Section 4
Site development regulations	R-3 apartment use requires submittal of architectural plans.
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	Off street, 1 per unit minimum
Home occupations	Section 20

*No window sills, belt courses, cornices, and other architectural features will project within the setbacks stated above.

Section IV-A. "R-4"—Mobile home district.

A. This zone is intended to provide homes manufactured in one or more modules at a site other than the home site. Additional uses necessary and incidental to the operation of a residential dwelling are also permitted. This zone is typically associated with the low and medium density residential land use category and is not permitted in other land use categories.

Principal permitted uses. Buildings, structures and lands shall be used and structures shall hereinafter be erected, altered, or enlarged only for the following uses:

HUD Code manufactured homes**

Local utility service

R-1 Single-family residential

R-2 Duplex

R-2 Group Residential*

R-2 Townhouses

*Same as stated in R-2.

****HUD Code manufactured home compliance:** Certificate of occupancy shall not be issued until compliance with the Texas Department of Housing and Community Affairs/Manufactured housing Division: Administrative Rules of the Texas Department of Housing and Community Affairs 10 Texas Administrative Code, Chapter 80.

- B. Uses permitted subject to conditional use permit. The following uses may be permitted subject to a conditional use permit as provided in Section 20.

Bed and Breakfast, VRBO

Day care services

Home occupations subject to approval of home occupation application provisions***

New concept housing****

Religious assembly

***Same as stated in R-1.

****housing built with non-standard building practices such as: connex containers, rammed earth, papercrete, hay bail, and those not specifically addressed in the building code.

Each lot in the R-4 district shall be subject to the following site development regulations:

Feature	Regulation
Lot size	6,000 square feet
Lot width	50 feet
Height	1 story
Front yard	20 feet*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	18% or \leq 25 feet
Residential density	1 mobile home per lot
Minimum dwelling area	850 square feet
Maximum impervious area	56% all structures
Nonconforming uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	Off street, 1 per unit minimum
Home occupations	Section 20
Manufactured home skirting	Required within 90 days of occupancy**

*No window sills, belt courses, cornices, and other architectural features will project within the setbacks stated above.

**All mobile homes and prefabricated units shall be skirted on all four sides with a material that is compatible in strength and decor with the main structure.

Section V. "C-1"—Neighborhood commercial district.

- A. This zone is intended to provide for the establishment of restricted commercial facilities, to serve the conveniences and needs of the immediate neighborhood and must be compatible with the residential character and environment of the neighborhood. These uses generally result in limited traffic generation.

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:

Automatic laundry
Automobile parking lots
Bakery employing not more than five persons
Bank
Barber and beauty shops
Billiard or pool hall
Cafeteria
Cleaning and pressing shops
Clinic
Drug Store
Filling station
Florist shops
Grocery
Ice retail distributing, no manufacture
Mortuaries
Motel and tourist courts
Moving picture theater, not drive-in
Office
R-1 single family residential
R-2 multi-family residential
Radio repair and sales
Radio studio
Real estate office
Restaurant and taverns
Shoe repair
Stores and shops for custom work of the making of articles to be sold at retail on the premises only.
Stores and shops for retail only
Studio (art, music, photography)
Washateria
Any other retail use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas, fumes or vibration, but excluding such uses as are enumerated in the business and industrial districts.

*None of these stores or uses shall be open for business before 7:00 a.m. nor 12:00 p.m., on any day of the week, except by special permit of the city council.

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

Feature	Regulation
Lot size	7,000 square feet
Lot width	50 ft
Height	2½ stories or 35 feet
Front yard	25 feet*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	15 feet
Maximum impervious coverage	N/A
Maximum building coverage	N/A
Nonconforming uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	1 space for each 400 square feet, 1 additional space for each 1,000 square feet above first floor
Signs	Sign Ordinance

*No window sills, belt courses, cornices, and other architectural features will project within the setbacks stated above

Section Va. "C-1A"—Neighborhood commercial district.

A. 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:

Automatic laundry

Automobile parking lots

Bakery employing not more than five persons

Bank

Barber and beauty shops

Billiard or pool hall

Cafeteria

Clinic

Cleaning and pressing shops

Drug store

Filling station

Florist shops

Grocery

Ice retail distributing, no manufacture

Manufactured housing, manufactured housing park, and recreational vehicle parks

Mortuaries

Motel and tourist courts

Moving picture theater, not drive-in

Office

R-1 single-family residential

R-2 multi-family residential

R-4 mobile home district

Radio repair and sales

Real estate office

Restaurant and taverns

Radio studio

Shoe repair

Stores and shops for retail only

Stores and shops for custom work of the making of articles to be sold at retail on the premises only.

Studio (art, music, photography)

Washateria

Any other retail use provided such use is not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas, fumes or vibration, but excluding such uses as are enumerated in the business and industrial districts.

- B. Each site not used for manufactured housing park or recreational vehicle park in the C-1A district shall be subject to the following site development regulations:

Feature	Regulation
Lot size	7,000 square feet
Lot width	50 feet
Height	2½ stories or 35 feet
Front yard	25 feet*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	15 feet
Maximum impervious coverage	N/A
Maximum building coverage	N/A
Nonconforming uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	1 space for each 400 square feet, 1 additional space for each 1,000 square feet above first floor
Signs	Sign Ordinance

- C. Each manufactured home park in the C-1A district shall be subject to the following site development regulations:

Feature	Regulation
Site area	1 acre minimum
Minimum site density	6 space minimum

Individual site area	5,376 square feet
Manufactured home space width	42 feet
Depth	128 feet
Front yard	20 feet*
Street side yard	≥ 10 feet
Interior side yard	5 feet*
Rear yard	15 feet
Driveway Requirement	Homes shall abut driveway not < 12 feet in width, which shall have unobstructed access to a public street. Entrances and exits to a public street or highway must meet approval of the city.
Height	1 story
Fire protection	No open fires
Parking	1 off-street per unit
Fences, walls and visibility	Section 6
Open space requirements	10% of the total park area for active and passive recreation
Skirting	Required within 90 days of occupancy* **

*All mobile homes and prefabricated units shall be skirted on all four sides with a material that is compatible in strength and decor with the main structure.

**HUD Code Manufactured Home Compliance: Certificate of Occupancy shall not be issued until compliance with the Texas Department of Housing and Community Affairs/Manufactured housing Division: Administrative Rules of the Texas Department of Housing and Community Affairs 10 Texas Administrative Code, Chapter 80.

D. *Register of occupants.* It shall be the duty of each licensee under the provisions of the article to keep a register containing a record of all manufactured housing owners and occupants located within the manufactured housing park. The register shall contain the following information:

1. The name and address of each manufactured housing occupant.
2. The license number and owner of each manufactured housing.

The park shall keep the registration available for inspection at all times by law enforcement officials, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed from a period of three years following the date of registration.

E. *Supervision.* A responsible attendant or care taker, owner or operator shall be in charge of a park at all times to keep the manufactured housing park, its facilities and equipment in a clean orderly and sanitary condition. The attendant or caretaker, owner or operator shall be responsible, with the licenses, for any violation of the provisions of this article.

F. *Required.* It shall be unlawful for any person to maintain or operate a manufactured housing park within the limits of the city unless such person shall first obtain a license.

G. *Application.* Application for a manufactured housing park license shall be filed with the administrative official. The application and all accompanying plans and specifications shall be in writing, signed by the applicant and shall include the following:

1. The name and address of the applicant.
2. The location and legal description of the manufactured housing park.
3. A complete plan of the park showing compliance with the requirements of this article.

4. Plans and specifications of all building and other improvements constructed or to be constructed within the manufactured housing park.
 5. A fee for application and license of \$500.00.
- H. *Application of nonconforming mobile home space.* Upon a written application of the owner, a legal nonconforming manufactured housing space as defined herein may be registered as such. Such application shall contain a site plan. If the city official is satisfied with the correctness of the information contained therein, the administrative official shall register such space(s) as legal nonconforming manufactured housing spaces and a record of such registration shall be maintained in the planning and inspection department. Upon making a determination of the accuracy of the information contained therein, the administrative official is authorized and directed to place or cause to be placed upon every manufactured housing occupying legal nonconforming space as of the date of such determination, a weather resistant sticker containing such information as is deemed necessary by the administrative official for proper enforcement.
- I. *Registration period, applicable provisions.* Any person owning a manufactured housing park having therein a manufactured housing space(s) in existence, as evidenced by utility hookups, on the effective date of this chapter shall have a period of six months from such date to register such space or spaces and have same designated as legal nonconforming spaces. The failure to timely file a completed application for such designation will result in the loss of any nonconforming rights.
- J. *Newly annexed territory, applicable provisions.* With regard to any newly annexed territory, the owners of any manufactured housing spaces contained therein shall have a period of six months from the date annexation is completed to apply for registration as a legal nonconforming space.
- K. *Transfer of ownership to legal nonconforming space.* The designated legal nonconforming space shall run with the land and the transfer of ownership in property so designated shall in no way work to terminate the nonconforming status of such property. Provided however, when an individual owning a registered legal nonconforming manufactured housing space transfers ownership in the same by any means, notice shall be given to the administrative official within six months after the title thereto is transferred.
- L. *Nonconforming space coverage.* No more than 50 percent of the total square footage of any legal nonconforming manufactured housing space may be covered by any manufactured housing placed thereon. The total floor area excluding the hitch shall be used in the computation of space coverage.
- M. *Violation; penalty; additional remedy.* A person who violates this chapter is guilty of a separate offense for each day or portion of a day on which the violation is committed, and each offense is punishable at \$100.00 a day. A person violating any provision of this chapter may be enjoined by a suit filed by the city in a court of competent jurisdiction, and this remedy is in addition to any other penalty provision.
- N. Each recreational vehicle park in the C-1A district shall be subject to the following site development regulations:

Feature	Regulation
Site area	1 acre minimum
Maximum site density	30-space maximum per acre
Individual site area	1,250 square feet
Recreational vehicle space width	25 feet
Depth	50 feet
Fences, walls and visibility	Section 6
Open space requirements	10% of the total park area for active and passive recreation
Fire protection	No open fires
Driveway requirement	Homes shall abut driveway not < 12 feet in width, which shall have unobstructed access to a public street. Entrances and exits to a public street or highway must meet approval of the city.

-
- O. *Water supply.* An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park.
- P. *Sewage; waste disposal.* Each R.V. space shall be provided with a trapped sewer and individual clean-out at least three inches in diameter, which shall be connected to receive the R.V. facilities.
- Q. *Sanitation facilities in parks allowing temporary overnight parking.* Each park that allows temporary overnight parking shall be provided with toilets, baths or showers, shop sinks, and other sanitation facilities which shall conform to the following requirements:
1. The toilet and other sanitation facilities for males and females shall either be in separate buildings or shall be separated, if in the same building, by a soundproof wall.
 2. Toilet facilities for males shall consist of not less than one flush toilet and one urinal for every 15 dependent R.V.'s, one shower or bathtub with individual dressing accommodations for every ten dependent R.V.'s and one lavatory for every ten dependent R.V.'s.
 3. Toilet facilities for females shall consist of not less than one flush toilet for every ten dependent R.V.'s, one shower or bathtub with individual dressing accommodations for every ten dependent R.V.'s, and one lavatory for every ten dependent R.V.'s.
 4. Each toilet and each shower or bathtub with individual dressing accommodation and handicap accessibility shall be in a private compartment.
 5. Service buildings housing the toilet facilities shall be permanent structures complying with all applicable laws and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
 6. Service buildings housing the toilet facilities shall be located not closer than ten feet nor farther than 300 feet from any R.V.s.
 7. The service buildings shall be lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture proof material and shall be maintained at a temperature of at least 68 degrees Fahrenheit. The floors of the service buildings shall be of water impervious material.
 8. All services buildings and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- R. *Register of occupants.* It shall be the duty of each licensee under the provisions of the article to keep a register containing a record of all R.V. owners and occupants located within the R.V.'s park. The register shall contain the following information:
1. The name and address of each R.V. owner or occupant.
 2. The license number and owner of each R.V.
- The park shall keep the registration available for inspection at all times by law enforcement officials, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration.
- S. *Supervision.* A responsible attendant or care taker, owner or operator shall be in charge of a park at all times to keep the R.V. park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant shall be answerable, with the licenses, for any violation of the provisions of this article.
- T. *Required.* It shall be unlawful for any person to maintain or operate a R.V. park within the limits of the city unless such person shall obtain a license.

-
- U. *Application.* Application for a R.V. park license shall be filed with the administrative official. The application and all accompanying plans and specifications shall be in writing, signed by the applicant and shall include the following:
1. The name and address of the applicant.
 2. The location and legal description of the R.V. park.
 3. A complete plan of the park showing compliance with the requirements of this article.
 4. Plans and specifications of all building and other improvements constructed or to be constructed within the R.V. park.
 5. A fee for application and license of \$500.00.
- V. *Application of nonconforming space.* Upon a written application of the owner, a legal nonconforming R.V. park as defined herein may be registered as such. Such application shall contain a site plan. If the city official is satisfied with the correctness of the information contained therein, the building official shall register such R.V. park as legal nonconforming and a record of such registration shall be maintained in the planning and inspection department.
- W. *Registration period, applicable provisions.* Any person owning an R.V. park having therein an R.V. park space(s) in existence, as evidence by utility hookups, on the effective date of this chapter shall have a period of six months from such date to register such R.V. park and have same designated as legal nonconforming spaces. The failure to timely file a completed application for such designation will result in the loss of any nonconforming rights.
- X. *Newly annexed territory, applicable provisions.* With regard to any newly annexed territory, the owners of any R.V. park contained therein shall have a period of six months from the date annexation is completed to apply for registration as a legal nonconforming.
- Y. *Transfer of ownership to legal nonconforming space.* The designated legal nonconforming park shall run with the land and the transfer of ownership in property so designated shall in no way work to terminate the nonconforming status of such property. Provided however, when an individual owning a registered legal nonconforming R.V. park transfers ownership in the same by any means, notice shall be given to the administrative official within six months after the title thereto is transferred.
- Z. *Violation; penalty; additional remedy.* A person who violates this article is guilty of a separate offense for each day or portion of a day on which the violation is committed, and each offense is punishable at \$100.00 a day. A person violating any provision of this chapter may be enjoined by a suit filed by the city in a court of competent jurisdiction, and this remedy is in addition to any other penalty provision.

Section VI. "C-2"—Business district.

- A. 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:

Any use permitted in C-1

Auto repair garage

Automobile, truck and bus service and repairs

Baggage, transfer, storage, and warehouse

Cabinetmaker

Carpenter Shop

Carpet cleaning

Ice manufacture

Lumber yard
Motorcycle repairing
Paint shop
R-1 single-family residential
R-2 multi-family residential
Sheet metal shop
Stone monument works, retail only
Storage warehouse
Taxicab storage and repair
Used car lot

Any other retail or wholesale use provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise or vibrations, not excluding such uses are enumerated in the industrial district

B. Each site in the C-2 District shall be subject to the following site development regulations:

Feature	Regulation
Lot size	5,000 square feet
Lot width	50 feet
Height	3 stories or 35 feet
Front yard	N/A
Street side yard	N/A
Interior side yard	N/A

Section VI-A. "C-0"—Office services district.

A. *Purposes of district.* The office services district is designed to permit those business and professional services that serve primarily the nearby residential areas or adjacent retail and commercial establishments. Activity is characterized by a relatively low daily volume of direct customer contact. The regulations of the district are designed to permit the allowed uses while providing protections to adjacent residential development. The district may be located appropriately either as a buffer between residential and more intensive commercial or industrial uses, or as freestanding zone placed for maximum efficiency of service to surrounding residential 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:

Beauty shop

Dental, medical and optical laboratories.

Health service facilities: Clinics, offices for dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas

Office, business: Any office in which goods, wares or merchandise are not commercially sold or exchanged

Office, professional: Accountant, architect, engineer, lawyer, surveyor, or realtor.

Offices for specialists in supportive health fields such as physical, audio and speech therapy, physiotherapy, podiatry, and psychological testing and counseling.

R-1 single family residential

Studio: for professional work or teaching of any form of commercial or fine arts, photography, music, and drama dance.

Each site in the C-0 district shall be subject to the following site development regulations:

Feature	Regulation
Lot size	7,000 square feet
Lot width	50 feet
Height	2½ stories or 35 feet
Front yard	25 feet
Street side yard	12 feet 6 inches
Interior side yard	5 feet
Parking	1 off street minimum, 1 for every 400 square feet of commercial use
Site development regulations	Property use category defines site regulations

- B. *Accessory uses.* Any use may be established as an accessory use to any permitted principal use, provided that such accessory use:
- (a) Is customarily incident to and is maintained and operated as a part of the principal use; and
 - (b) Is not hazardous to, and does not impair the use or enjoyment of, the nearby property in greater degree than the principal use with which it is associated; and
 - (c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
 - (d) Is located behind the minimum front and side street building setback lines, except that parking areas may extend to the property lines along front and side streets.

(Ord. No. 2015-06-02A, 7-16-2015)

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

- A. *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:

R-1 single-family residential

R-2 multi-family residential

R-4 mobile home district

C-1 neighborhood commercial district

C-2 business district

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

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 in accordance with ordinances which may be hereafter adopted by the City of Alpine. In the absence of such ordinances, there shall be no height 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 an 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.

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



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

APRIL 22, 2024

ACTION ITEMS

- a) Approve a recommendation to the City Council regarding Rezone Application 2024-04-01, a rezoning application to allow the applicant, Vicky R. Vega, to establish a taxidermy cleaning service at the subject property. The property in question is located at 1702 East Avenue H and is legally described as Thomas Derrick Addition, Block 20; Lots 3-11, Lots 15-20, and Lots 21 & 22; located In Alpine, Brewster County, Texas as the same appears in the Map or Plat Records on file in the Office of the County Clerk of Brewster County, Texas. The Property ID of the subject property is 12816. The record property owner is Vicky R. Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District. (G. Calderon, City Secretary)

BACKGROUND

- Vicky Vega has applied for a zoning change to commercial so that her family member can operate a taxidermy cleaning business.
- If the zoning change is approved, it would be considered spot zoning because the surrounding area is not zoned commercial. Spot zoning is typically illegal.
- Our current ordinance stipulates that the zoning does not have to be contiguous if the request is initiated by the City Council or by the Planning & Zoning Commission.

SUPPORTING MATERIALS

1. Rezone Application 2024-04-01.
2. Alpine Zoning Map and closeup of area in question.

STAFF RECOMMENDATION

NONE.



CITY OF ALPINE BUILDING SERVICES DEPARTMENT

309 W SUL ROSS AVENUE ALPINE, TX 79830

(432) 837-3281

APPLICATION FOR REZONING & CONDITIONAL USE PERMIT

Section 21.03. The city council shall have jurisdiction with respect to all rezone requests. The planning and zoning commission shall review and submit a recommendation to the city council on all applications for rezoning.

ADDRESS OF PROPERTY:		ACREAGE OF SITE:	
1702 E Ave H		Less than one	
LEGAL DESCRIPTION:		CURRENT ZONE:	
TJ block 20 Lot 3 thru 11 and 15 thru 20		R4	
PROPERTY OWNER:	APPLICANT NAME:	TELEPHONE:	EMAIL:
Vicky Vega	Martin Sandate	432 294 2043	ward@sandateci.com
APPLICANT MAILING ADDRESS:		CITY, STATE & ZIP:	
1107 E Ave I		Alpine TX 79830	
APPLICANT MAILING ADDRESS:		CITY, STATE & ZIP:	
1702 E Ave H		Alpine TX 79830	
PROJECT FOR WHICH REZONING IS SOUGHT:		APPLICABLE SECTION/SUBSECTION ORDINANCE:	
Commercial			
SPECIFIC USE OF THE PROPERTY:		EXISTING USES OF ADJACENT PROPERTIES:	
Taxidermy cleaning service		residential	
PARCEL ID#:	12816	SURVEY INCLUDED: <input type="checkbox"/>	

**If the applicant is not the legal owner of the property, a signed statement by the owner that the applicant is the authorized agent of the owner of the property

REZONING CHECKLIST

Initiation of zoning or rezoning:

- ☐ Section 21.01. Zoning or rezoning of property may be initiated by the:
 - ☒ Council;
 - ☐ Planning and zoning commission;
 - ☐ Record owner;
 - ☐ Petition of:
 - a. The owners of at least 51 percent of the land, by land area, in the proposed district; or
 - b. At least 51 percent of the owners of individual properties in the proposed district.
 - i. Property owned by the City Of Alpine or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that

contribute to the historic character of the district, as determined by the historic landmark commission. The amount of such property to be calculated as supporting shall not exceed one-third of the 51 percent of the land in the proposed district.

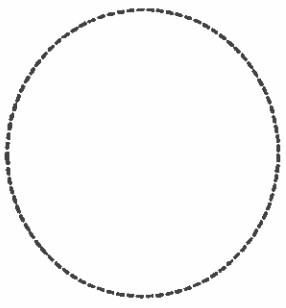
(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

☐ **Section 21.02. Proposed district boundaries must be contiguous.**

Except as provided in section 21.01, the boundaries of the districts proposed in a zoning or rezoning application must be contiguous.

*** The boundaries of the districts proposed in a zoning application may be noncontiguous if the zoning is initiated by the council or the planning and zoning commission. (Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)*

SUBMITTAL VERIFICATION/INSPECTION AUTHORIZATION:	
I as owner of the property hereinafter referenced, do hereby execute this document, and acknowledge the above statements to be true and, accurate to the best of knowledge. I have received, read and understand the terms and conditions of this request and agree to compliance with all applicable codes and ordinances of the City. I authorize the City or their representatives to visit and inspect the property for which this application is being submitted	
OPTIONAL:	
I authorize my duly authorized agent to coordinate with the City and its representatives and speak in my behalf for the purpose of representing me in regards to this request	
 APPLICANT SIGNATURE 	
PRINTED NAME <u>Martin Sandate</u>	DATE <u>03/12/2024</u>

FOR STAFF USE ONLY
PERMIT # <u>24-007410</u>
TOTAL FEES <u>0 EXEMPT</u>
DATE: <u>03/14/24</u>


Section 21.15. Refunds.

The fees established shall be non-refundable to the applicant unless the request is completely withdrawn before the procedure of notices as set forth in section 20.13 have begun.

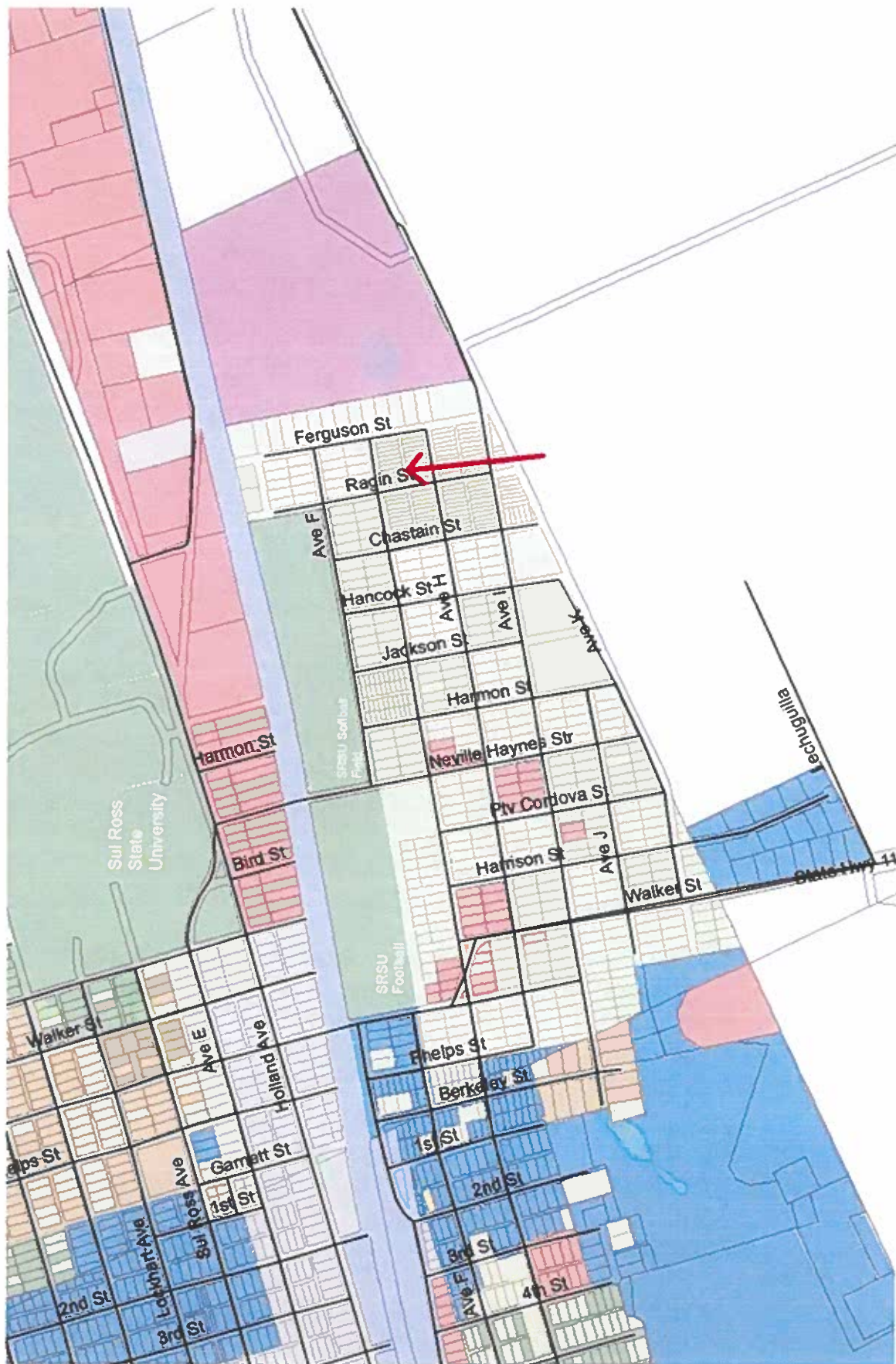
(Ord. No. 2016-08-02, 9-20-16. Ord. No. 2016-10-03, 11-1-16)

RECEIVED

MAR 14 2024



Section 21.04. -Conditional Use Permit Application fee \$250.00 & \$100.00 REZONING Application Fee Total amount due: \$350.00





PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

APRIL 22, 2024

ACTION ITEMS

- b) Approve a recommendation to the City Council regarding Rezone Application 2024-04-02, a rezoning application to allow the applicant, Melinda Vega, to establish an art studio at the subject property. The property in question is located at 601 South Walker Street and is legally described as Lots No. Three (3), Four (4), and Five (5), Block Forty-Nine (49), Hancock Addition (South of the Railroad) to the City of Alpine, Brewster County, Texas. The property ID of the subject property is 10842. The record property owner is Melinda Vega. The current zoning of the property is R-4 Mobile Home District. The zoning classification if the rezoning is approved will be C-1 Neighborhood Commercial District. (G. Calderon, City Secretary)

BACKGROUND

- Melinda Vega has applied for a zoning change to commercial so that she can establish an art studio.
- If the zoning change is approved, it would be considered spot zoning because the surrounding area is not zoned commercial. Spot zoning is typically illegal.
- Our current ordinance stipulates that the zoning does not have to be contiguous if the request is initiated by the City Council or by the Planning & Zoning Commission.

SUPPORTING MATERIALS

1. Rezone Application 2024-04-02.
2. Alpine Zoning Map and closeup of area in question.

STAFF RECOMMENDATION

NONE.



CITY OF ALPINE BUILDING SERVICES DEPARTMENT

309 W SUL ROSS AVENUE ALPINE, TX 79830

(432) 837-3281

APPLICATION FOR REZONING & CONDITIONAL USE PERMIT

Section 21.03. The city council shall have jurisdiction with respect to all rezone requests. The planning and zoning commission shall review and submit a recommendation to the city council on all applications for rezoning.

ADDRESS OF PROPERTY:		ACREAGE OF SITE:	
601 South Walker		less than one	
LEGAL DESCRIPTION:		CURRENT ZONE:	
Hancock Block 49, lots 3, 4, 5,		R 4	
PROPERTY OWNER:	APPLICANT NAME:	TELEPHONE:	EMAIL:
Melinda A Vega	Martin Sandate	432 294 2043	ward1sandate@ci alpine.tx.us
APPLICANT MAILING ADDRESS:		CITY, STATE & ZIP:	
265 CT Jones Cove Cibola TX 79168			
APPLICANT MAILING ADDRESS:		CITY, STATE & ZIP:	
1107 E Ave I		Alpine TX 79830	
PROJECT FOR WHICH REZONING IS SOUGHT:		APPLICABLE SECTION/SUBSECTION ORDINANCE:	
Commercial			
SPECIFIC USE OF THE PROPERTY:		EXISTING USES OF ADJACENT PROPERTIES:	
Art studio		residential	
PARCEL ID#: 108412		SURVEY INCLUDED: <input type="checkbox"/>	

**If the applicant is not the legal owner of the property, a signed statement by the owner that the applicant is the authorized agent of the owner of the property.

REZONING CHECKLIST

Initiation of zoning or rezoning:

- ☐ Section 21.01. Zoning or rezoning of property may be initiated by the:
 - ☒ Council;
 - ☐ Planning and zoning commission;
 - ☐ Record owner;
 - ☐ Petition of:
 - a. The owners of at least 51 percent of the land, by land area, in the proposed district; or
 - b. At least 51 percent of the owners of individual properties in the proposed district.
 - i. Property owned by the City Of Alpine or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that

contribute to the historic character of the district, as determined by the historic landmark commission. The amount of such property to be calculated as supporting shall not exceed one-third of the 51 percent of the land in the proposed district.

(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

☐ **Section 21.02. Proposed district boundaries must be contiguous.**

Except as provided in section 21.01, the boundaries of the districts proposed in a zoning or rezoning application must be contiguous.

**** The boundaries of the districts proposed in a zoning application may be noncontiguous if the zoning is initiated by the council or the planning and zoning commission. (Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16**

SUBMITTAL VERIFICATION/INSPECTION AUTHORIZATION:

I as owner of the property hereinafter referenced, do hereby execute this document, and acknowledge the above statements to be true and, accurate to the best of knowledge. I have received, read and understand the terms and conditions of this request and agree to compliance with all applicable codes and ordinances of the City. I authorize the City or their representatives to visit and inspect the property for which this application is being submitted

OPTIONAL:

I authorize my duly authorized agent to coordinate with the City and its representatives and speak in my behalf for the purpose of representing me in regards to this request.

APPLICANT SIGNATURE

Martin Sandate

PRINTED NAME

Martin Sandate

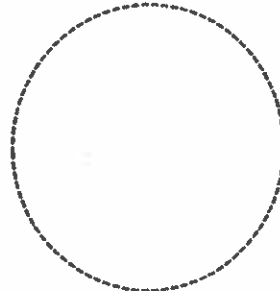
DATE 3-25-2024

FOR STAFF USE ONLY

PERMIT # 24-007422

TOTAL FEES 0 EXEMPT

DATE: 03/27/24



Section 21.15. Refunds.

The fees established shall be non-refundable to the applicant, unless the request is completely withdrawn before the procedure of notices as set forth in section 20.13 have begun.

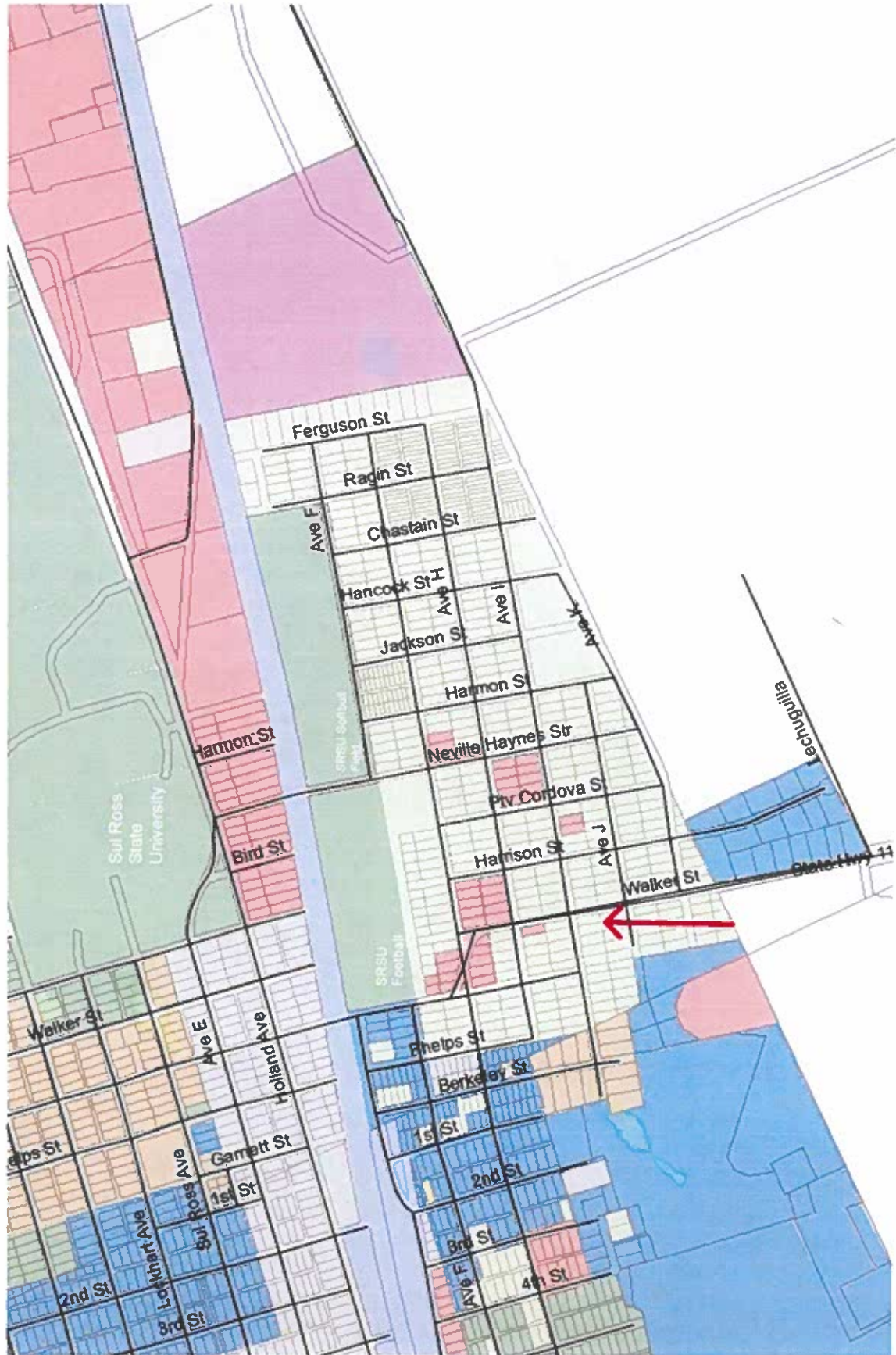
(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

RECEIVED

MAR 27 2024

mi

Section 21.04. -Conditional Use Permit Application fee \$250.00 & \$100.00 REZONING Application Fee Total amount due: \$350.00





PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

APRIL 22, 2024

ACTION ITEMS

- c) Approve a recommendation to City Council to approve a proposed ordinance amending annexation processes and procedures to the Alpine Code of Ordinances; Amending chapter 9 – Annexation to provide for additional requirements upon annexation of a subject property; Amending Appendix C – Zoning to remove the requirement that that properties be designated R-1 upon annexation and providing that the City Council may establish the zoning designation upon annexation of a subject property. (M. Antrim, City Manager)

BACKGROUND

- City administration has recommended updates to the annexation process.
- This was discussed initially at the March 25, 2024 Planning & Zoning Commission Meeting.

SUPPORTING MATERIALS

1. Proposed ordinance.

STAFF RECOMMENDATION

APPROVE.

ORDINANCE 2024-05-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING ANNEXATION PROCESSES AND PROCEDURES TO THE ALPINE CODE OF ORDINANCES; AMENDING CHAPTER 9 – ANNEXATION TO PROVIDE FOR ADDITIONAL REQUIREMENTS UPON ANNEXATION OF A SUBJECT PROPERTY; AMENDING APPENDIX C – ZONING TO REMOVE THE REQUIREMENT THAT THAT PROPERTIES BE DESIGNATED R-1 UPON ANNEXATION AND PROVIDING THAT THE CITY COUNCIL MAY ESTABLISH THE ZONING DESIGNATION UPON ANNEXATION OF A SUBJECT PROPERTY; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; PROVIDING FINDINGS OF FACT, REPEALER, SEVERABILITY, EFFECTIVE DATE, PROPER NOTICE, AND HEARING CLAUSES.

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, City Administration identified areas of concern involving the annexation process and has recommended updates to the annexation ordinance to better align with requirements implemented by state law; and

WHEREAS, City Administration presented proposed updates to the Commission during the Commission on March 25, 2024 and on April 22, 2024; and

WHEREAS, the Commission voted **X to X** to recommend approval of the updates proposed by the City Administration; 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 annexation requirements as recommended by City Administration and the Planning & 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 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 judgment 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 June 4, 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 May 30, 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 4TH DAY OF JUNE 2024 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING
MAY 21, 2024

SECOND AND FINAL READING
JUNE 4, 2024

APPROVED:

ATTEST:

Catherine Eaves, Mayor

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

EDITOR'S NOTE:

Additions are Underlined.

~~Omissions appear in Red Strikethrough Text.~~

Chapter 9 ANNEXATION

Sec. 9-1. In general.

In accordance with the city Charter, all annexations by the city, whether by action of the city council or by petition, shall be undertaken in strict compliance with state law, including V.T.C.A., Local Government Code ch. 43.

(Ord. No. 2023-02-01 , § I(Exh. A), 2-21-23)

Sec. 9-2. Disannexation.

Disannexation procedures shall be followed in compliance with the city Charter and state law, including V.T.C.A., Local Government Code ch. 43.

(Ord. No. 2023-02-01 , § I(Exh. A), 2-21-23)

Sec. 9-3. Neighbor notice.

In addition to the requirements prescribed in V.T.C.A., Local Government Code ch. 43, the city shall send notice by United States Postal Service regular mail to property owners within 200 feet of a property that will be considered for annexation by the city council. Said notices must be sent to property owners within 200 feet at least ten days prior to the second and final public hearing.

(Ord. No. 2023-02-01 , § I(Exh. A), 2-21-23)

Sec. 9-4. Ward Designation.

The ordinance annexing property into the corporate city limits shall designate the city ward that the subject property will belong to upon annexation.

Sec. 9-5. Post Annexation Procedures.

1. Upon annexation of the subject property, city administration shall arrange for the official annexation map of to be updated (Texas Local Government Code, Sec. 41.001). Updates to the annexation map shall make a reference to the ordinance number. The updated map shall be available in the office of the city secretary and posted on the city website.
2. Upon annexation City administration shall submit official notification to the Texas Comptroller (Tax Code Sec. 321.102) and the Brewster County Appraisal District (Tax Code Sec. 6.07).

APPENDIX C - ZONING

ARTICLE I – BASIC ORDINANCE

GENERAL ZONING REGULATIONS

Section 3. Application of district regulations.

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered.
 - (a) To exceed the height or bulk;
 - (b) To accommodate or house a greater number of families;
 - (c) To occupy a greater percentage of lot area;
 - (d) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required (for the purpose of complying with this ordinance) shall be included as part of a yard, open space, or off-street parking or loading space, required for any other building.
4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

5. All territory which may hereafter be annexed to the city shall be ~~considered to be zoned R-1 until otherwise~~ classified by the city council ~~in accordance with recommendations of the planning and zoning commission in accordance with Chapter 211 of the Texas Local Government Code~~ upon annexation. Existing legal uses on the annexed property may be registered as non-conforming uses in accordance with the provisions of this ordinance.



PLANNING & ZONING COMMISSION MEETING AGENDA ITEM COVER MEMO

APRIL 22, 2024

ACTION ITEMS

- d) Approve a recommendation to City Council to approve a proposed ordinance amending Appendix C – Zoning to the Alpine Code of Ordinances; Amending the provision that provides the ability for the city council or the planning & zoning commission to initiate a spot zoning, or non-contiguous zoning, designation. (J. Isley, Building Services)

BACKGROUND

- Building Services has recommended updates to the zoning requirements that allows a City Council Member or a member of the Planning & Zoning Commission to initiate a spot zoning request. Spot zoning is typically illegal in Texas.
- This was discussed initially at the March 25, 2024 Planning & Zoning Commission Meeting.

SUPPORTING MATERIALS

1. Proposed ordinance.

STAFF RECOMMENDATION

APPROVE.

STATE OF TEXAS
COUNTY OF BREWSTER

CITY OF ALPINE

ORDINANCE 2024-05-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING APPENDIX C – ZONING TO THE ALPINE CODE OF ORDINANCES; AMENDING APPENDIX C – ZONING TO REMOVE THE PROVISION THAT PROVIDES THE ABILITY FOR THE CITY COUNCIL OR THE PLANNING & ZONING COMMISSION TO INITIATE A SPOT ZONING, OR NON-CONTIGUOUS ZONING, DESIGNATION; PROVIDING FINDINGS OF FACT, REPEALER, SEVERABILITY, EFFECTIVE DATE, PROPER NOTICE, AND HEARING CLAUSES.

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 Building Services Department identified areas of concern involving the ability for individual members of the Commission or the City Council to initiate non-contiguous zoning (“spot zoning”) requests; and

WHEREAS, the Texas Supreme Court has defined spot zoning as an unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in conditions; and

WHEREAS, the Texas Supreme Court established 4 guidelines to be applied in a balancing test to determine whether a rezoning constitutes spot zoning; and

WHEREAS, the Building Services Department presented proposed updates to the Commission during the Commission on March 25, 2024 and on April 22, 2024; and

WHEREAS, the Commission voted **X to X** to recommend approval of the updates proposed by the department; and

WHEREAS, the City Council deems it to be in the public interest to remove the provision in the municipal code that allows a spot zoning to occur.

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

**SECTION I
FINDINGS OF FACT**

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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**

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**SECTION IV
SEVERABILITY CLAUSE**

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**SECTION VI
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**SECTION VII
EFFECTIVE DATE**

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**PASSED AND ADOPTED THIS 4th DAY OF JUNE 2024 BY THE CITY COUNCIL OF
THE CITY OF ALPINE, TEXAS.**

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APPROVED:

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ATTEST:

Catherine Eaves, Mayor

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APPROVED AS TO FORM:

City Attorney

EXHIBIT “A”

EDITOR’S NOTE:

Additions are Underlined.

~~Omissions appear in Red Strikethrough Text.~~

APPENDIX C - ZONING

ARTICLE I – BASIC ORDINANCE

GENERAL ZONING REGULATIONS

Section 21.02. Proposed district boundaries must be contiguous.

Except as provided in section 21.01, the boundaries of the districts proposed in a zoning or rezoning application must be contiguous.

~~The boundaries of the districts proposed in a zoning application may be noncontiguous if the zoning is initiated by the council or the planning and zoning commission.~~

(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)