

ORDINANCE NO. 2024-0018

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

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

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

WHEREAS, the Planning and Zoning Commission of the City of Alvarado, Texas held a public hearing on September 12, 2024, with respect to the proposed amendments described herein and recommended approval by a vote of 3 in favor and zero opposed; and

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

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

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

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

SECTION 1.

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

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

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SECTION 2.

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

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

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SECTION 3.

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

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

- (4) In the CBD, the following regulations shall apply:
- a. No less than fifty percent (50%) of all outdoor display and outdoor storage must be located on a paved concrete surface.

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SECTION 4.

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

SECTION 5.

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

SECTION 6.

All rights or remedies of the City of Alvarado, Texas are expressly saved as to any and all violations of any ordinance affecting subdivisions or design standards that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

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

SECTION 8.

The City Secretary of the City of Alvarado is hereby directed to the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.013 of the Local Government Code.

SECTION 9.

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

AND IT IS SO ORDAINED.

PASSED AND APPROVED ON this the 16th day of September, 2024.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

Beth A. Walls
Beth A. Walls, City Secretary

