



CITY OF ALPINE
PLANNING & ZONING COMMISSION MEETING
February 24, 2025 – 5:30 PM

City Council Chambers, 803 W. Holland Avenue, Alpine, Texas 79830

1. **CALL TO ORDER.**

2. **PUBLIC COMMENTS.**

Each person in attendance who desires to speak to the Board on an item on the agenda shall speak during this section. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees.

3. **PUBLIC HEARINGS.**

At this time, the Chair will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.

A. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2025-03-01, a special use permit allowing the applicant, American Legion Post #79, is requesting the permit be issued to obtain a Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission to allow open hours until 2:00 A.M. The subject property is located at 306 W. Sul Ross Avenue. The property owner of record is American Legion. The Parcel ID of the subject property is 11884. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved.

B. Public hearing to obtain citizen views and comments regarding the passage of an ordinance implementing updates to Appendix C - Zoning to the Alpine Code of Ordinances; Proposed updates include amendments to general zoning regulations, land use, acceptable uses, unacceptable uses, minimum standards, processes, permits, and general zoning issues in the city.

C. Public hearing to obtain citizen views and comments regarding the passage of an ordinance implementing updates to Chapter 22 - Businesses, Article IV - Alcoholic Beverages to the Alpine Code of Ordinances; Establishing regulations and requirements regarding the sale of alcohol within the city and providing for specific zoning districts in which alcohol may be sold.

D. Public hearing to obtain citizen views and comments regarding the passage of an ordinance amending Chapter 78 - Signs to the Alpine Code of Ordinances; Amending the rules, regulations, and general requirements regarding signs in corporate city limits.

4. **APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING**

A. Approval of January 27, 2025 Regular Meeting Minutes. (G. Calderon, City Secretary)

5. **DISCUSSION ITEMS**

- A. Discussion regarding updates to Appendix C - Zoning to the Alpine Code of Ordinances; Proposed updates include amendments to general zoning regulations, land use, acceptable uses, unacceptable uses, minimum standards, processes, permits, and general zoning issues in the city. (M. Antrim, City Manager)
 - B. Discussion regarding updates to Chapter 22 - Businesses, Article IV - Alcoholic Beverages to the Alpine Code of Ordinances; Establishing regulations and requirements regarding the sale of alcohol within the city and providing for specific zoning districts in which alcohol may be sold. (M. Antrim, City Manager)
6. **ACTION ITEMS.**
Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).
- A. Approve Special Use Permit 2025-03-01, a special use permit allowing the applicant, American Legion Post #79, is requesting the permit be issued to obtain a Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission to allow open hours until 2:00 A.M. The subject property is located at 306 W. Sul Ross Avenue. The property owner of record is American Legion. The Parcel ID of the subject property is 11884. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved. (G. Calderon, City Secretary)
 - B. Approve a recommendation to the City Council to approve an ordinance implementing updates to Appendix C - Zoning to the Alpine Code of Ordinances; Proposed updates include amendments to general zoning regulations, land use, acceptable uses, unacceptable uses, minimum standards, processes, permits, and general zoning issues in the city. (M. Antrim, City Manager)
 - C. Approve a recommendation to the City Council to approve an ordinance implementing updates to Chapter 22 - Businesses, Article IV - Alcoholic Beverages to the Alpine Code of Ordinances; Establishing regulations and requirements regarding the sale of alcohol within the city and providing for specific zoning districts in which alcohol may be sold. (M. Antrim, City Manager)
 - D. Approve a recommendation to the City Council to approve an ordinance amending Chapter 78 - Signs to the Alpine Code of Ordinances; Amending the rules, regulations, and general requirements regarding signs in corporate city limits. (M. Antrim, City Manager)
7. **BOARD MEMBER COMMENTS**
8. **ADJOURN.**

CERTIFICATION

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at www.cityofalpine.com/agenda pursuant to Section 551.043, Texas Government Code. The said notice was posted by 5:00 P.M. on February 20, 2025, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

WITNESS MY HAND AND SEAL
this 20th day of February, 2025.



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



**PLANNING & ZONING COMMISSION AGENDA ITEM
REPORT**

February 24, 2025

Agenda Item No. 4A

Department: Office of the City Secretary

Sponsor:

Memo Prepared By: Agenda Managers: please remove this text and enter the name and title of the individual creating the memo/item report PRIOR to producing the memo/item report so that it can be populated into the document automatically.

Staff Recommendation:



AGENDA ITEM

Approval of January 27, 2025 Regular Meeting Minutes. (G. Calderon, City Secretary)

EXECUTIVE SUMMARY

SUPPORTING MATERIALS

1. 1-27-25 P&Z Minutes

BUDGET CONSIDERATIONS

Expenditure Required:

Savings Anticipation:

Current Budget FY2024-
2025:

Additional Funding:

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

City of Alpine
PLANNING & ZONING COMMISSION MEETING
Monday, January 27, 2025 – 5:30 PM
Minutes

1. **WORKSHOP MEETING - 5:30 P.M.**

Chair Matt Walter called the meeting to order at 5:30 P.M.

Board Members Present:

Commissioner Thomas Griffith
Commissioner Lisa Nix
Chair of the Commission, Matt Walter
Mayor Catherine Eaves - *Virtually*

City Staff and Stakeholders Present:

Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager
Jessica Isley, Code Enforcement Officer
Rick Stephens, City Council

Not Present:

Commissioner Linda Molinar
Commissioner Joanna Laxton
Place 4, Vacant
Place 1, Vacant

Others Present: 1 other attendee.

- A. Discussion regarding updates to Appendix C - Zoning to the Alpine Code of Ordinances; Proposed updates include amendments to general zoning regulations, land use, acceptable uses, unacceptable uses, minimum standards, processes, permits, and general zoning issues in the city. (M. Antrim, City Manager)

2. **CALL TO ORDER - REGULAR MEETING - AT CONCLUSION OF THE WORKSHOP**

The regular meeting of the Planning & Zoning Commission was not convened due to a lack of quorum. The regular meeting was cancelled.

3. **PUBLIC COMMENTS.**

Each person in attendance who desires to speak to the Board on an item on the agenda shall speak during this section. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees.

4. **PUBLIC HEARINGS.**

At this time, the Chair will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.

- A. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2025-01-02, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #19, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit

from the Texas Alcoholic Beverage Commission. The subject property is located at 1500 W. US 90. The property owner of record is CO Jones Enterprises LLC. The Parcel ID of the subject property is 11321. The current zoning designation of the subject property is C-1a Neighborhood Commercial District. If approved, the zoning will remain C-1a Neighborhood Commercial District.

- B. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2025-01-03, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #18, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 610 W Holland Avenue. The property owner of record is Sonoqui Leonardo and Morgan. The Parcel ID of the subject property is 12360. The current zoning designation of the subject property is C-2 Business District. If approved, the zoning will remain C-2 Business District.
- C. Public Hearing to obtain citizen views and comments regarding Special Use Permit 2025-01-04, a special use application allowing the applicant, Alpine Harrys, LLC, is requesting the permit be issued to obtain a Wine and Malt Beverage Retail Dealer's On-Premise Permit (BG) and Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission. The subject property is located at 412 E. Holland Avenue. The property owner of record is Mois Harry and Lang Alois and Claudia. The Parcel ID of the subject property is 12335. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved.

5. **APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING**

- A. Approval of November 18, 2024 regular meeting minutes. (G. Calderon, City Secretary)

6. **DISCUSSION ITEMS**

- A. Discussion regarding updating the zoning designation of the West Side of South Highway 118 from R-4 to C-1 Commercial zoning. (M. Antrim, City Manager)
- B. Discussion regarding updates to Chapter 78 - Signs to the Alpine Code of Ordinances; Proposed updates include amending general regulations of signs within the city. (M. Antrim, City Manager)

7. **ACTION ITEMS.**

Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).

- A. Approve a recommendation to City Council to approve Special Use Permit 2025-01-02, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity #18, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 1500 W. US 90. The property owner of record is CO Jones Enterprises LLC. The Parcel ID of the subject property is 11321. The current zoning designation of the subject property is C-1a Neighborhood Commercial District. If approved, the zoning will remain C-1a Neighborhood Commercial District. (G. Calderon, City Secretary)
- B. Approve a recommendation to City Council to approve Special Use Permit 2025-01-03, a special use permit application allowing the applicant, Alpine Velocity Ops LLC dba Velocity

#18, to obtain a Wine and Malt Beverage Retail Dealer's Off-Premise (BQ) permit from the Texas Alcoholic Beverage Commission. The subject property is located at 610 W Holland Avenue. The property owner of record is Sonoqui Leonardo and Morgan. The Parcel ID of the subject property is 12360. The current zoning designation of the subject property is C-2 Business District. If approved, the zoning will remain C-2 Business District. (G. Calderon, City Secretary)

- C. Approve a recommendation to City Council to approve Special Use Permit 2025-01-04, a special use application allowing the applicant, Alpine Harrys, LLC, is requesting the permit be issued to obtain a Wine and Malt Beverage Retail Dealer's On-Premise Permit (BG) and Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission. The subject property is located at 412 E. Holland Avenue. The property owner of record is Mois Harry and Lang Alois and Claudia. The Parcel ID of the subject property is 12335. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved. (G. Calderon, City Secretary)

8. **BOARD MEMBER COMMENTS**

9. **ADJOURN.**

APPROVED:

ATTEST:

Officer of the Board

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

CERTIFICATION

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at www.cityofalpine.com/agenda pursuant to Section 551.043, Texas Government Code. The said notice was posted by January 23 P.M. on 2:00 P.M., 2025, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

WITNESS MY HAND AND SEAL

this 23rd day of January, 2025



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



PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

February 24, 2025

Agenda Item No. 5A

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: None



AGENDA ITEM

Discussion regarding updates to Appendix C - Zoning to the Alpine Code of Ordinances; Proposed updates include amendments to general zoning regulations, land use, acceptable uses, unacceptable uses, minimum standards, processes, permits, and general zoning issues in the city. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

On January 27, 2025, the Planning & Zoning Commission discussed making updates to Appendix C - Zoning to the Alpine Code of Ordinances. Jessica Isley, Code Enforcement Officer, presented to the Commission regarding the updates. The Commission recommended edits to the proposed ordinance and they have been completed. This item is being added to facilitate a discussion regarding the updates. The actual ordinance being considered is located in the backup of the action item in the agenda packet. The Commission may make an official recommendation during the action item portion of the agenda.

SUPPORTING MATERIALS

None

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

February 24, 2025

Agenda Item No. 5B

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: None

AGENDA ITEM

Discussion regarding updates to Chapter 22 - Businesses, Article IV - Alcoholic Beverages to the Alpine Code of Ordinances; Establishing regulations and requirements regarding the sale of alcohol within the city and providing for specific zoning districts in which alcohol may be sold. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

On January 27, 2025, the Planning & Zoning Commission discussed making updates to alcoholic beverage regulations to the Alpine Code of Ordinances. This item is being added to facilitate a discussion regarding the updates. The actual ordinance being considered is located in the backup of the action item in the agenda packet. The Commission may make an official recommendation during the action item portion of the agenda.

SUPPORTING MATERIALS

None

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

February 24, 2025

Agenda Item No. 6A

Department: Office of the City Secretary

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: Approve

AGENDA ITEM

Approve Special Use Permit 2025-03-01, a special use permit allowing the applicant, American Legion Post #79, is requesting the permit be issued to obtain a Late Hours Certificate (LH) from the Texas Alcoholic Beverage Commission to allow open hours until 2:00 A.M. The subject property is located at 306 W. Sul Ross Avenue. The property owner of record is American Legion. The Parcel ID of the subject property is 11884. The current zoning classification of the subject property is C-2 Business District and will remain the same if the application is approved. (G. Calderon, City Secretary)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

1. SUP 2025-03-01_Redacted

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager



CONDITIONAL/SPECIAL USE PERMIT APPLICATION

City of Alpine Building Services Department
309 W. Sul Ross Av., Alpine Texas, 79830
432.837.3281

*Please complete one application per property. Application must be completely filled out.

SECTION 1: APPLICANT INFORMATION (applicant/agent/company/contact)

Name <u>American Legion Post #79</u>		City, State, Zip <u>ALPINE, TX 79830</u>
Address <u>306 W SUL ROSS AVE</u>		
Primary Telephone Number <u>432-940-8060</u>	Email Address <u></u>	

SECTION 2: PROPERTY INFORMATION

Street Address of public property <u>306 W SUL ROSS AVE</u>		
LEGAL DESCRIPTION OF SUBJECT PROPERTY (meets and bounds must be described on 8 1/2 x 11 sheet)		
Lot <u>4-10</u>	Block <u>14</u>	Addition
Square footage of property	Acres <u>.69</u>	Present zoning classification <u>C-2</u>
Proposed use of the property		
Zoning ordinance provision requiring a conditional use (in-depth description & hours of operation) <u>12 PM - 2 AM</u> <u>AMERICAN LEGION HALL / HOURS OF OPERATION Sunday - SATURDAY</u>		

SECTION 3: PROPERTY OWNER INFORMATION

Name of current property owner <u>Big Bend Post No. 79, THE AMERICAN LEGION</u>		City, State, Zip <u>ALPINE, TX 79830</u>
Address <u>306 W SUL ROSS AVE</u>		
Primary Telephone Number <u>432-940-8060</u>	Email Address <u></u>	

Submit a letter describing the proposed conditional use and note the request on the site plan document in the same letter.

1. Describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users).
2. Describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of the other property in the neighborhood.
3. Describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.

 **PAID**
ck#8975
INV# 25-007884

SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE
A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

Sammy Villarreal
Print Applicant Name

[Signature]
Applicant signature

The State Of Texas

County Of Brewster

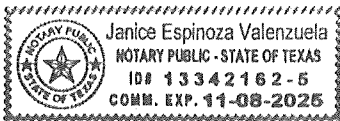
Before Me Janice Espinoza-Valenzuela
Notary

on this day personally appeared Sammy Villarreal
Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of the office this 15th day of January, A.D. 2025

Seal.



[Signature]
Notary in and for the State of Texas

Andy Ramos
Print Property Owners Name

[Signature]
Property Owners Signature

The State Of Texas

County Of Brewster

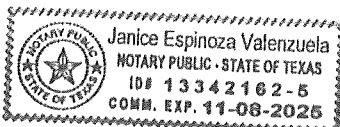
Before Me Janice Espinoza-Valenzuela
Notary

on this day personally appeared Andres Ramos
Applicant

Known to me (or proved to me on the oath of card of other documents) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Seal

Given under my hand and seal of the office this 15th day of January, A.D. 2025



[Signature]
Notary in and for the State of Texas

ACKNOWLEDGEMENT

All conditional Use and Special Use Applications must be completed when filed and will be placed on the agenda.

All public hearings will be opened, and testimony given by the applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

After approval, changes to a conditional use or special use permit (no matter how minor or major) can only be approved by city council through the public hearing process.

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal



Owner/Agent Signature

Sammy Villanreal

Printed Name

JAN 15, 2025

Date

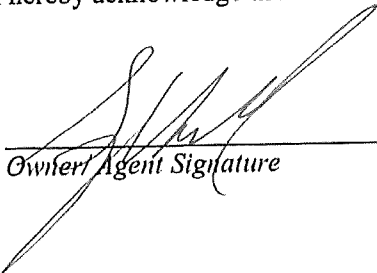
ILLUMINATION PLAN

An illumination plan to include a site photometric (including illuminated signs) and all fixture details shall be submitted as part of the site plan review process.

Applications will not be accepted without this requirement.

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS | Code of Ordinances | Alpine, TX | Municode Library
"Outdoor Lighting Ordinance."

I hereby acknowledge that an illumination plan has been included as part of this submittal.



Owner/Agent Signature

Sammy Villanreal

Printed Name

JAN 15, 2025

Date

PLATTING VERIFICATION

This verification statement must be signed prior to the submittal of this conditional use application.

It has been determined that the property described below does require platting or replatting and the applicant has been instructed on this procedure.

mi It has been determined that the property described below is currently platted or does not require platting or replatting at this time.

P.O. Box 695 / 306 W. Sul Ross Ave
Address of subject property

Lot 4-10 Block 14
Legal description of subject property

Verify by:

mi
Name Building Services Department

Signature

01/27/2025
Date



**TEXAS ALCOHOLIC
BEVERAGE COMMISSION**
Texans Helping Businesses & Protecting Communities

**Required
Certifications**

Join TABC in the fight against human trafficking

L-CERT (7/2022)

Submit this form to the proper officials to obtain certification for the type of license/permit for which you are applying as required by TX Alc. Bev. Code, Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. This Required Certifications form must be submitted with your Initial Application form.
Contact your local TABC office for assistance.

LOCATION INFORMATION

1. Trade Name of Location (Name of restaurant, bar, store, etc.) AMERICAN LEGION POST #79			
2. Owner of Business/Applicant (Name of Corporation, LLC, etc.) BIG BEND POST NO. 79, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, ALPINE, TEXAS			
3. Type of Owner ☒ Corporation ☐ Limited Liability Company ☐ Partnership ☐ Limited Partnership ☐ Limited Liability Partnership ☐ Other: _____			
4. Location Address 306 W SUL ROSS AVE			
City ALPINE	County Brewster	State TX	Zip Code 79830
5. Mailing Address PO BOX 695			
City ALPINE	County Brewster	State TX	Zip Code 79831
6. Business Telephone Number PENDING	Alternate Telephone Number	E-mail Address	
7. Application for:			
☒ Original	☐ Reinstatement License/Permit Number	☐ Reinstatement and Change of Trade Name License/Permit Number	
	☐ Change of Location License/Permit Number	☐ Change of Location and Trade Name License/Permit Number	
8A. Type of Off-Premise Retailer License/Permit:			
☐ BF Retail Dealer's Off-Premise License	☐ E Local Cartage Permit	☐ P Package Store Permit	
☐ BQ Wine and Malt Beverage Retail Dealer's Off-Premise Permit	☐ ET Third-Party Local Cartage Permit	☐ Q Wine Only Package Store	
☐ LP Local Distributor's Permit			
8B. Type of On-Premise Retailer License/Permit			
☐ BE Retail Dealer's On-Premise License	☐ E Local Cartage Permit	☐ MB Mixed Beverage	
☒ BG Wine and Malt Beverage Retail Dealer's On-Premise Permit	☐ FB Food and Beverage Certificate	☐ WP Waterpark Permit	
☐ BP Brewpub License	☒ LH Late Hours Certificate		
8C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit			
☐ BB General Distributor's License	☐ D Distillers and Rectifiers Permit - allows on-premise consumption	☐ S Nonresident Seller's Permit	
☐ BC Branch Distributor's License	☐ DS Out-of-State Winery Direct Shipper's Permit	☐ SD Brewer's Self-Distribution License	
☐ BN Nonresident Brewer's License	☐ G Winery - allows on-premise consumption	☐ W Wholesaler's Permit	
☐ BW Brewer's License	☐ J Bonded Warehouse	☐ X General Class B Wholesaler Permit	
☐ JD Bonded Warehouse (Dry Area)			
9. For On or Off-Premise Applicants, Indicate Primary Business Type at this Location			
☒ Bar	☐ Grocery/Market	☐ Package Store	☐ Sexually Oriented
☐ Civic Center	☐ Hotel	☐ Public Entertainment Fac. (PEF as defined in Sec. 108.73)	☐ Sporting Arena
☐ Convenience Store	☐ Motel	☐ Racetrack	
☐ Delivery Company	☐ Movie Theater	☐ Restaurant	

Trade Name: _____ AMERICAN LEGION POST #79

Location Address: 306 W SUL ROSS AVE

City: ALPINE

County: Brewster

Off-Premise Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the city secretary...shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.

Certificate of City Secretary: P, Q, BF, BQ

TX Alc. Bev. Code, Section 11.37 & 61.37

☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought as the place of business is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
☐ BF	The legal sale of malt beverages for off-premise consumption only ☐ greater than 5% alcohol by volume OR ☐ 5% or less alcohol by volume
☐ BF, BQ, Q	The legal sale of malt beverages and wine for off-premise consumption only
☐ BF, BQ, Q, P	The legal sale of all alcoholic beverages for off-premise consumption only

OR

☐ I hereby refuse on this _____ day of _____, 20____ to certify this location.

SIGN

HERE _____, _____, TEXAS
City Secretary/Clerk City

SEAL

On-Premise Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the city secretary...shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.

Certificate of City Secretary (FOR MB, MB/FB, BG, BG/FB, BE, & BE/FB)

TX Alc. Bev. Code, Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20____, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
☐ MB	Mixed Beverage Permit
☐ MB/FB	Mixed Beverage Restaurant Permit with required Food and Beverage Certificate
☐ BG*	Wine and Malt Beverage Retail Dealer's On-Premise Permit
☐ BG/FB*	Wine and Malt Beverage Retail Dealer's On-Premise Permit with required Food and Beverage Certificate
☐ BE*	Retail Dealer's On-Premise License
☐ BE/FB*	Retail Dealer's On-Premise License with required Food and Beverage Certificate
*Mark box on right for BE and/or BE/FB	☐ greater than 5% alcohol by volume OR ☐ 5% or less alcohol by volume
*Mark box on right for any of the following license or permit types BG, BG/FB BE, BE/FB	Election for given location was held for: ☐ legal sale of malt beverage/wine (17%) on-premise AFTER Sept. 1, 1999 OR ☐ legal sale of malt beverage/wine (14%) on-premise BEFORE Sept. 1, 1999

SIGN

HERE _____, _____, TEXAS
City Secretary/Clerk City

SEAL

Certification for Late Hours Certificate (LH)

TX Alc. Bev. Code, Chapters 29 & 70 et seq.

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

☐	The governing body of this city or county has by ordinance or order authorized the sale of mixed beverages between midnight and 2:00 A.M.;
OR	
☐	The governing body of this city or county has by ordinance or order authorized the sale of malt beverage between midnight and _____ A.M.;
OR	
☐	The population of the city or county where premises are located was 500,000 or more according to the 24 th Decennial Census of the United States as released by the Bureau of the Census on April 1, 2020;
OR	
☐	The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2020).

SIGN

HERE _____, _____, TEXAS
City Secretary/Clerk City

SEAL

Trade Name: _____ AMERICAN LEGION POST #79 _____

Location Address: 306 W SUL ROSS AVE

City: ALPINE

County: Brewster

Wholesaler, Distributor or Manufacturer Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the city secretary...shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.

Certificate of City Secretary for: J

☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this ____ day of _____, 20__, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

SIGN

HERE _____, TEXAS
City Secretary/Clerk City

S E A L

Certificate of City Secretary for Winery (G) Applicants

Per Sec. 16.011, "A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election..."

I hereby certify on this ____ day of _____, 20__, that this location address ☐ is ☐ is not in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

OR

☐ I hereby refuse on this ____ day of _____, 20__ to certify this location.

SIGN

HERE _____, TEXAS
City Secretary/Clerk City

S E A L

Certificate of City Secretary for: BW & D

I hereby certify on this ____ day of _____, 20__, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages, and

☐ does ☐ does not allow for on-premise consumption and

☐ does ☐ does not allow for off-premise consumption in accordance with 501.035 of the Election Code.

OR

☐ I hereby refuse on this ____ day of _____, 20__ to certify this location.

SIGN

HERE _____, TEXAS
City Secretary/Clerk City

S E A L

Certificate of City Secretary for: BB, BC, W & X

Applicants Per Sec. 251.79 "a wholesaler's permit, general class B wholesaler's permit, or a general or branch distributor's license may be issued and licensed premises maintained *in any area where the sale of any alcoholic beverage is legal.*"

I hereby certify on this ____ day of _____, 20__, that this location address ☐ is ☐ is not in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

OR

I hereby refuse on this ____ day of _____, 20__ to certify this location.

SIGN

HERE _____, TEXAS
City Secretary/Clerk City

S E A L

Trade Name: _____ AMERICAN LEGION POST #79

Location Address: 306 W SUL ROSS AVE City: ALPINE County: Brewster

Off-Premise Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the county clerk...shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by any valid order....

Certificate of County Clerk: P, Q, BF, BQ

TX Alc. Bev. Code, Section 11.37 & 61.37

☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought as the place of business is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
☐ BF	The legal sale of malt beverages for off-premise consumption only ☐ greater than 5% alcohol by volume OR ☐ 5% or less alcohol by volume
☐ BF, BQ, Q	The legal sale of malt beverages and wine for off-premise consumption only
☐ BF, BQ, Q, P	The legal sale of all alcoholic beverages for off-premise consumption only

OR

☐ I hereby refuse on this _____ day of _____, 20____ to certify this location.

SIGN

HERE _____, _____ County
County Clerk

SEAL

On-Premise Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the county clerk...shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by any valid order....

Certificate of County Clerk (FOR MB, MB/FB, BG, BG/FB, BE, & BE/FB)

TX Alc. Bev. Code, Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20____, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
☐ MB	Mixed Beverage Permit
☐ MB/FB	Mixed Beverage Restaurant Permit with required Food and Beverage Certificate
☐ BG*	Wine and Malt Beverage Retail Dealer's On-Premise Permit
☐ BG/FB*	Wine and Malt Beverage Retail Dealer's On-Premise Permit with required Food and Beverage Certificate
☐ BE*	Retail Dealer's On-Premise License
☐ BE/FB*	Retail Dealer's On-Premise License with required Food and Beverage Certificate
*Mark box on right for BE and/or BE/FB	☐ greater than 5% alcohol by volume OR ☐ 5% or less alcohol by volume
*Mark box on right for any of the following license or permit types BG, BG/FB BE, BE/FB	Election for given location was held for: ☐ legal sale of malt beverage/wine (17%) on-premise AFTER Sept. 1, 1999 OR ☐ legal sale of malt beverage/wine (14%) on-premise BEFORE Sept. 1, 1999

SIGN

HERE _____, _____ County
County Clerk

SEAL

Certification for Late Hours Certificate (LH)

TX Alc. Bev. Code, Chapters 29 & 70 et seq.

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

☐	The governing body of this city or county has by ordinance or order authorized the sale of mixed beverages between midnight and 2:00 A.M.;
OR	
☐	The governing body of this city or county has by ordinance or order authorized the sale of malt beverage between midnight and _____ A.M.;
OR	
☐	The population of the city or county where premises are located was 500,000 or more according to the 24 th Decennial Census of the United States as released by the Bureau of the Census on April 1, 2020;
OR	
☐	The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2020).

SIGN

HERE _____, _____ County
County Clerk

SEAL

Trade Name: _____ AMERICAN LEGION POST #79 _____

Location Address: 306 W SUL ROSS AVE

City: ALPINE

County: Brewster

Wholesaler, Distributor or Manufacturer Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the county clerk...shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by any valid order...

Certificate of County Clerk for: J

☐ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this ____ day of _____, 20____, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

SIGN

HERE _____, _____ County
County Clerk

S E A L

Certificate of County Clerk for Winery (G) Applicants

Per Sec. 16.011, "A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election..."

I hereby certify on this ____ day of _____, 20____, that this location address ☐ is ☐ is not in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

OR

☐ I hereby refuse on this ____ day of _____, 20____ to certify this location.

SIGN

HERE _____, _____ County
County Clerk

S E A L

Certificate of County Clerk for: BW & D

I hereby certify on this ____ day of _____, 20____, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages, and

☐ does ☐ does not allow for on-premise consumption and

☐ does ☐ does not allow for off-premise consumption in accordance with 501.035 of the Election Code.

OR

☐ I hereby refuse on this ____ day of _____, 20____ to certify this location.

SIGN

HERE _____, _____ County
County Clerk

S E A L

Certificate of County Clerk for: BB & BC, W & X

Applicants Per Sec. 251.79 "a wholesaler's permit, general class B wholesaler's permit, or a general or branch distributor's license may be issued and licensed premises maintained *in any area where the sale of any alcoholic beverage is legal.*"

I hereby certify on this ____ day of _____, 20____, that this location address ☐ is ☐ is not in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

OR

I hereby refuse on this ____ day of _____, 20____ to certify this location.

SIGN

HERE _____, _____ County
County Clerk

S E A L

Trade Name: _____ AMERICAN LEGION POST #79 _____

Location Address: 306 W SUL ROSS AVE

City: ALPINE

County: Brewster

Publisher's Affidavit for All Applicants Except BN, DS, S
TX Alc. Bev. Code, Section 11.39 and 61.38

Name of newspaper		ATTACH PRINTED COPY OF THE NOTICE HERE Click here to see example of newspaper publication
City, County		
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)		
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown.</i>		
Signature of publisher or designee		
Sworn to and subscribed before me on this date (MM/DD/YYYY)		
Signature of Notary Public		
S E A L		

Comptroller of Public Accounts Certificate for All Applicants
TX Alc. Bev. Code, Section 11.46 (b) & 61.42 (b)

This is to certify on this _____ day of _____, 20_____, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit and that none of the persons making this application are indebted to the State of Texas.

Sales Tax Permit Number _____ Outlet Number _____

Print Name of Comptroller Employee _____

Print Title of Comptroller Employee _____

SIGN HERE _____ FIELD OFFICE _____ **S E A L**



All Transactions Approved

Bureau: 2512479 - Brewster Co, TX Misc CNT

Reference Number	Amount	Qty	Conv. Fee	Result
Copies	\$3.00	1	\$2.00	Approved
Payment ID: 100315714255				
Miscellaneous Fee				
Total Amounts + All Fees:	\$5.00			

BILLING INFORMATION

Payment will be billed to:
ANDRES E RAMOS
Card ending in ...3172 (Visa)
Processed at 01/09/2025 2:29:35 PM CST

LEGAL NOTICE

Certified Payments provides a service for consumers and businesses to make payments via their credit card for various types of services and taxes. By utilizing Certified Payments, you, the cardholder, are subject to the following terms and conditions. By submitting your payment through Certified Payments, you are agreeing to the terms and conditions listed in the Legal Notices link below. Please read all terms and conditions carefully.

Privacy Statement - www.certifiedpayments.net/PrivacyStatement.aspx
Legal Notice - www.certifiedpayments.net/LegalNotices.aspx



All Transactions Approved

Bureau: 2512479 - Brewster Co, TX Misc CNT

Reference Number	Amount	Qty	Conv. Fee	Result
Copies	\$8.00	1	\$2.00	Approved
Payment ID: 100315718207				
Miscellaneous Fee				
Total Amounts + All Fees:	\$10.00			

BILLING INFORMATION

Payment will be billed to:
ANDRES E RAMOS
Card ending in ...3172 (Visa)
Processed at 01/09/2025 2:50:52 PM CST

LEGAL NOTICE

Certified Payments provides a service for consumers and businesses to make payments via their credit card for various types of services and taxes. By utilizing Certified Payments, you, the cardholder, are subject to the following terms and conditions. By submitting your payment through Certified Payments, you are agreeing to the terms and conditions listed in the Legal Notices link below. Please read all terms and conditions carefully.

Privacy Statement - www.certifiedpayments.net/PrivacyStatement.aspx
Legal Notice - www.certifiedpayments.net/LegalNotices.aspx

I hereby certify that the foregoing instrument was filed for record in my office on September 20, 1961, at 11 o'clock A.M., and duly recorded on September 20, 1961, at 1:20 o'clock P.M.

(Seal)

J. W. Frazer, County Clerk, Brewster County,

By Alonso L. Rivera Deputy.

Texas.

ALONZO HORD, ET UX

TO

CARL E. THAIN

WARRANTY DEED

THE STATE OF TEXAS,)
COUNTY OF BREWSTER.)

KNOW ALL MEN BY THESE PRESENTS:

That we, Alonzo Hord and wife, Ethel P. Hord, of the County of Brewster and the State of Texas, for and in consideration of the sum of Ten and Other Dollars cash to us in hand paid by Carl E. Thain, the receipt of which is hereby acknowledged and confessed, and the further consideration of the assumption by the Grantee, Carl E. Thain, and his agreement to take up, pay off and discharge as the same may become due that certain Promissory Deed of Trust Note in the original principal sum of Seven Thousand Five Hundred and no/100 Dollars (\$7,500.00) dated June 6, 1959, executed by Carl E. Thain, Alonzo Hord and Ethel P. Hord to the First National Bank in Alpine, Texas, with interest thereon at seven per cent (7%) and payable in monthly installments of Ninety Dollars (\$90.00) per month, plus interest, the first installment being due July 8, 1959, and on the 8th day of each month thereafter until the whole of said note is fully paid; and to the terms of such note and its record in Volume 135 at Page 172 of the Deed of Trust Records of Brewster County, Texas, reference to which is here made for a better description of such debt, and the Grantee herein, upon accepting this deed, expressly assumes said Deed of Trust Note and Lien and agrees to pay off the balance of the same according to the face, tenor and effect of said Note as a part of the consideration of this deed, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said Carl E. Thain of the County of Brewster and the State of Texas, all of our right, title and interest in and to that certain tract or parcel of land situated in Brewster County, Texas, described as follows, to-wit:

Being a part of Lots Six (6), Seven (7) and Eight (8) of Block Fourteen (14) of the Original Townsite of Alpine, Brewster County, Texas, described by metes and bounds as follows, to-wit:

BEGINNING at the NW Cor. of Lot 6 in said Block:

THENCE S. along the W. Boundary Line of said Block 14 a distance of 60 varas to the SW Cor. of Lot 8 in said Block:

THENCE E. along the S. Boundary Line of said Lot 8 a distance of 19.2 varas:

THENCE N. 30 Deg. 31' E. to the SW Cor. of the American Legion Tract;

THENCE N. and along the W. Boundary Line of said American Legion Tract to its NW Cor., same being in the N. line of Lot 6, said Block, and the NE Cor. of this Tract:

THENCE W. along the N. Boundary Line of said Lot 6 in said Block, a distance of 90.5 feet to the place of Beginning.

TO HAVE AND TO HOLD all of our right, title and interest in the above described premises together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Carl E. Thain, his heirs and assigns Forever, and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend (save and except as to the indebtedness herein assumed), all and singular the said premises unto the said Carl E. Thain, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands at Alpine, Texas, this 24th day of March, 1961.

Documentary Stamps \$1.10,
Cancelled A.H., 3-24-61

Alonzo Hord
Alonzo Hord
Ethel P. Hord
Ethel P. Hord

THE STATE OF TEXAS, }
COUNTY OF BREWSTER. }

BEFORE ME, the undersigned authority, a Notary Public in and for the County of Brewster and the State of Texas, on this day personally appeared Alonzo Hord and Ethel P. Hord, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Ethel P. Hord, wife of the said Alonzo Hord, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Ethel P. Hord, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN under my hand and seal of office, this the 24th day of March, A. D., 1961.

(SEAL)

VASHTI M. CREIGH,

Vashti M. Creigh,

My Commission Expires June 1, 1961.

Notary Public, Brewster County, Texas.

I hereby certify that the foregoing instrument was filed for record in my office on September 21, 1961, at 10:10 o'clock A.M., and duly recorded on September 21, 1961, at 11:00 o'clock A.M.

(SEAL)

J. W. Frazer, County Clerk, Brewster County, Texas.

By Sara Rugh Deputy.

H. M. WATTERS ESTATE BY ANITA H. HOLLIS TO W. I. WINTER ADMINISTRATRIX DEED
ADMINISTRATRIX

THE STATE OF TEXAS, }
COUNTY OF BREWSTER. }

WHEREAS, by an order of the County Court of Brewster County, Texas, sitting in matter of probate, made on the 14 day of June, A. D., 1960, directing the sale of All of Section 27, Block G-5, Grantee D. & W. Ry. Company, in Brewster County, Texas, being lands belonging to the estate of H. M. Watters, deceased, pursuant to an application for an order to sell said Section of land belonging to said estate, made to said Court on the 2nd day of June, A. D., 1960, I, Anita H. Hollis, Administratrix of the estate of H. M. Watters, deceased, joined pro forma herein by her husband, Werner Hollis, of Brewster County, Texas, did on the 10 day of August A. D., 1961, sell at private sale at Alpine, in the County of Brewster said Section of land to W. I. Winter, of Brewster County, Texas, for the sum of THIRTY TWO HUNDRED AND NO/100 (\$3200.00) DOLLARS on these terms, viz.: cash in hand in accordance with the said order of sale; and

WHEREAS, the report of said sale, having been filed on the 12 day of August, A.D., 1961, and made to said court, such sale, was on the 18 day of August A. D., 1961, in all respects confirmed by the decree of said Court, which decree reads and was and is as follows:

"No. 826.

IN THE MATTER OF THE ESTATE OF
H. M. WATTERS, DECEASED.

IN THE COUNTY COURT OF
BREWSTER COUNTY, TEXAS.

On this the 18 day of August A. D., 1961, came on to be heard in the above entitled and numbered proceeding at a regular term of the above court the report of sale of Anita H. Hollis, Administratrix of the estate of H. M. Watters, deceased, hereinafter called "The Representative" of the following described property belonging to said estate, to-wit:

All of Section 27, Block G-5, Grantee, D. & W. Ry. Company, containing 640 acres of land and lying and being situated in Brewster County, Texas:

made
made on the 12 day of August A. D., 1961, in obedience to the order of this court, on the 14

4023

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS X

COUNTY OF BREWSTER X

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned CARL E. THAIN and MARY THAIN, duly and lawfully married husband and wife of the County of Brewster, State of Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration paid to the undersigned by the Grantees herein named, the receipt and sufficiency of which are hereby acknowledged and confessed, and in further consideration of the execution and delivery to Grantors by Grantees of Grantees' Promissory Note of even date herewith in the principal amount of FOURTEEN THOUSAND AND NO/100 (\$14,000.00) DOLLARS, bearing interest as therein specified, payable as therein specified, secured by the Vendor's Lien retained herein and further secured by the lien of the Deed of Trust of even date herewith executed by Grantees, HAVE GRANTED, SOLD, AND CONVEYED, and by these presents DO HEREBY GRANT, SELL, AND CONVEY unto WAYNE E. SCHULZ and LINDA F. SCHULZ, duly and lawfully married husband and wife, of the County of Brewster, State of Texas, all of that certain real property lying and being situated in Brewster County, Texas, more particularly described as follows, to-wit:

Being a part of Lots Six (6), Seven (7), and Eight (8) of Block Fourteen (14) of the Original Townsite of Alpine, Brewster County, Texas, described by metes and bounds as follows, to-wit:

BEGINNING at the NW Cor. of Lot 6 in said Block;

THENCE S along the W Boundary Line of said Block 14 a distance of 60 varas to the SW Cor. of Lot 8 in said Block;

THENCE E along the S Boundary Line of said Lot 8 a distance of 19.2 varas;

THENCE N 30 Deg. 31' E to the SW Cor of the American Legion Tract;

THENCE N and along the W Boundary Line of said American Legion Tract to its NW Cor., same being in the N line of Lot 6, said Block, and the NE Cor. of this Tract;

THENCE W along the N Boundary Line of said Lot 6 in said Block, a distance of 90.5 feet to the place of Beginning, and being that same tract of land described and conveyed in Volume 139 at Page 618 of the Deed Records of Brewster County, Texas.

TO HAVE AND TO HOLD the above described real property, together with all and singular the rights and appurtenances thereto in anywise belonging and any right, title, and interest of Grantors in and to adjacent streets, alleys, and rights-of-way, unto the said WAYNE E. SCHULZ and LINDA F. SCHULZ, their heirs, personal representatives, successors; and assigns forever and Grantors do hereby bind themselves and their heirs, representatives, successors, and assigns, to warrant and forever defend all and singular the above described real property unto Grantees and their heirs, personal representatives, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, subject, however, to those conditions herein set forth.

It is expressly agreed and stipulated that a Vendor's Lien and the superior title are retained against the property hereby conveyed until the above described note, and all interest thereon, are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute; provided, however, that Grantors or their assigns shall not be entitled to enforce said Vendor's Lien or assert said superior title unless Grantors or their assigns are also at such time entitled to exercise any rights of foreclosure under the terms of that certain Deed of Trust of even date herewith from Grantees to JACK WILLIAMS, Trustee for the benefit of Grantors, covering said real property and securing payment of said note.

EXECUTED this 8th day of September, 1975.

Carl E. Thain
CARL E. THAIN, Grantor

Mary Thain
MARY THAIN, Grantor

THE STATE OF TEXAS X
COUNTY OF BREWSTER X

BEFORE ME, the undersigned authority, on this date personally appeared CARL E. THAIN and MARY THAIN, known to me to be the persons

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-3-

whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 8th day of September, 1975.



Merrell S. Hopson
Notary Public in and for
Brewster County, Texas

FILED FOR RECORD the 8th day of SEPTEMBER A.D., 19 75 at 11:55 o'clock A.M.

RECORDED the 9th day of SEPTEMBER A.D., 19 75 at 3:35 o'clock P.M.

By Hortensia Ramos Deputy

HELEN CRONE, County Clerk,
Brewster County, Texas

8915

THE STATE OF TEXAS X
COUNTY OF BREWSTER X KNOW ALL MEN BY THESE PRESENTS:

That we, DONALD E. GOODRICH and WILLIAM M. BEESON, (each owning, occupying and claiming other property as our homestead), doing business as BULLDOG ANCHOR COMPANY, a partnership, and sometimes doing business as, and receiving property in the name of BULLDOG ANCHOR COMPANY, a Texas corporation, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, cash to us in hand paid by ROBERT R. KIM, the receipt of which is hereby acknowledged and confessed, and for which no lien, either expressed or implied, is reserved or shall exist, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY, unto the said ROBERT R. KIM, of the County of Brewster, State of Texas, all that certain tract or parcel of land located and situated in the County of Brewster, State of Texas, to-wit:

Being a part of Lots Six (6), Seven (7), and Eight (8) of Block Fourteen (14) of the Original Townsite of Alpine, Brewster County, Texas, described by metes and bounds as follows, to-wit:

BEGINNING at the NW corner of Lot 6 in said Block;

THENCE S. along the W. Boundary Line of said Block 14 a distance of 60 varas to the SW corner of Lot 8 in said Block;

THENCE E. along the S. Boundary Line of said Lot 8 a distance of 19.2 varas;

THENCE N. 30°31' E. to the SW corner of the American Legion Tract;

THENCE N. and along the W. Boundary Line of said American Legion Tract to its NW corner same being the N. line of Lot 6, said Block, and the NE corner this tract;

THENCE W. along the N. Boundary Line of said Lot 6 in said Block, a distance of 90.5 feet to the place of BEGINNING, and being the same tract of land described and conveyed in Volume 139 at Page 618 of the Deed Records of Brewster County, Texas, and as described in Warranty Deed from Carl E. Thain et ux, in Volume 190, Page 212, Deed Records of Brewster County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said ROBERT R. KIM, his heirs and assigns forever; and we do hereby bind ourselves, our heirs, successors, assigns, exectuors and administrators to WARRANT AND FOREVER DEFEND, all and singular, the said premises, unto the said ROBERT R. KIM, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS our hands on this the 31st day of October, A.D., 1977.

Donald E. Goodrich
DONALD E. GOODRICH, PARTNER

William M. Beeson
WILLIAM M. BEESON, PARTNER

BULLDOG ANCHOR COMPANY

ATTEST:

By: William M. Beeson
WILLIAM M. BEESON, President
Donald E. Goodrich
DONALD E. GOODRICH, Secretary

THE STATE OF TEXAS X
COUNTY OF BREWSTER X

BEFORE ME, the undersigned authority, on this day personally appeared DONALD E. GOODRICH, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 25th day of ~~October~~ November, A.D., 1977.



Merritt L. Hopson
NOTARY PUBLIC IN AND FOR
BREWSTER COUNTY, TEXAS

MERRITT L. HOPSON
Notary Public, Brewster County, Texas
My commission expires 10-31-78

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THE STATE OF CALIFORNIA X
COUNTY OF ORANGE X

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM M. BEESON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of October, A.D., 1977.

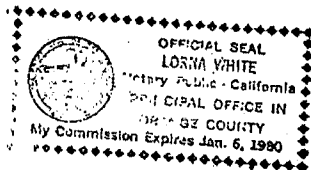


Lorna White
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE.

THE STATE OF CALIFORNIA X
COUNTY OF ORANGE X

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM M. BEESON, as President of BULLDOG ANCHOR COMPANY, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of October, A.D., 1977.



Lorna White
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE.

FILED FOR RECORD the 7 day of December A.D. 1977 at 2:00 o'clock P.M.

RECORDED the 8 day of December A.D. 1977 at 2:05 o'clock P.M.

BY Justina Ramos Deputy

HELEN CRONE, County Clerk,
Brewster County, Texas'

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

February 24, 2025

Agenda Item No. 6B

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approve a recommendation to the City Council to approve an ordinance implementing updates to Appendix C - Zoning to the Alpine Code of Ordinances; Proposed updates include amendments to general zoning regulations, land use, acceptable uses, unacceptable uses, minimum standards, processes, permits, and general zoning issues in the city. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

On January 27, 2025, the Planning & Zoning Commission discussed making updates to Appendix C - Zoning to the Alpine Code of Ordinances. Jessica Isley, Code Enforcement Officer, presented to the Commission regarding the updates. The Commission recommended edits to the proposed ordinance and they have been completed. This item is being added so that the Commission may make a formal recommendation to the City Council regarding the proposed updates.

SUPPORTING MATERIALS

1. Ordinance 2025-XX-XX Zoning Regulations

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

ORDINANCE 2025-05-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING APPENDIX C – ZONING TO THE ALPINE CODE OF ORDINANCES; ESTABLISHING PROPOSED UPDATES TO INCLUDE AMENDMENTS TO GENERAL ZONING REGULATIONS, LAND USE, ACCEPTABLE USES, UNACCEPTABLE USES, MINIMUM STANDARDS, PROCESSES, PERMITS, AND GENERAL ZONING ISSUES IN THE CITY; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, PENALTY, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE CLAUSES.

WHEREAS, the City of Alpine, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Alpine (“City”) adopted Ordinance No. ; and

WHEREAS, the Planning & Zoning Commission is composed of community members who advise the City Council on policy decisions that affect the health, safety, and character of the City through comprehensive zoning regulations; and

WHEREAS, the Planning & Zoning Commission has recommended amendments to the City Council that would implement and update requirements related to zoning regulations within the corporate city limits of Alpine; and

WHEREAS, the amendments recommended by the Planning & Zoning Commission will allow the City to provide a more effective and efficient service to the community and to ensure adequate zoning regulations within the City; and

WHEREAS, Chapter 211 of the Texas Government Code provides for the procedures governing the adoption of zoning regulations and district boundaries; and

WHEREAS, it is deemed by the City Council to be in the best interest of the City to amend the current zoning ordinances as recommended by the Planning & Zoning Commission and that such amendments will serve to protect the health, safety, and welfare of the citizens of the City and are in the best interest of the public.

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

**SECTION I
FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes 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 PENALTY CLAUSE

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

SECTION V SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION VI 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 VII 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. A public hearing was held on **MONTH DAY, 2025**, 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 **MONTH DAY, 2025**.

SECTION VII EFFECTIVE DATE

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

PASSED AND ADOPTED THIS (DAY) DAY OF (MONTH) 2025 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

MONTH DAY, 2025

SECOND AND FINAL READING

MONTH DAY, 2025

APPROVED:

Catherine Eaves, Mayor

ATTEST:

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.~~

The portion of text replaced by the trunkus symbol (***) indicates that the particular portion of the code replaced by the symbol remains unchanged from one section to the next.

20 GENERAL ZONING REGULATIONS

Section 1. Establishment of districts: provisions for official zoning map.

1. *Official zoning map*—The city is hereby divided into zones, or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The official zoning map shall be identified by the signature of the mayor attested by the city secretary, and bearing the seal of the city under the following words: "This is to certify that this is the official zoning map referred to in Section 1 of Ordinance Number 445 of the City of Alpine, Texas," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and the above stated V.T.C.A, Local Government Code Ch. 211, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council, with an entry on the official zoning map as follows: "On (date), by official action of the city council, the following (change) changes were made in the official zoning map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Secretary. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person

or persons shall be considered a violation of this ordinance and punishable as provided under Section 16. Any change shall be made by the planning and zoning commission and approved by the city council pursuant to the recommendation of the planning and zoning commission following the requirements of Chapter 211 of the Texas Local Government Code.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the city secretary, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

2. *Replacement of official zoning map*—In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city secretary, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of Ordinance No. 445 of the City of Alpine, Texas." Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Cross reference(s)—For ordinances amending the zoning map, see article II of this appendix.

Section 2. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4, above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 5, above, the administrative official shall interpret the district boundaries;
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the city may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

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.

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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 -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. Existing legal uses on the annexed property may be registered as non-conforming uses in accordance with the provisions of this ordinance.

Section 4. Nonconforming lots, nonconforming uses of land, nonconforming structures, nonconforming uses of structures and premises, and nonconforming characteristics of use.

1. *Intent*—Within the districts established by this ordinance or amendments that may later be adopted there exist:
 - (a) Lots;
 - (b) Structures;
 - (c) Uses of land and structures; and
 - (d) Characteristics of use

Which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be changed or be enlarged upon, expended or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Continuance: Except as otherwise required by law, a structure or use legally established prior to the adoption date of this code be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

Discontinuance:

1. **Vacancy:** Any lot or structure, or portion hereof, occupied by a nonconforming use, that is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 6 months shall not thereafter be occupied, except by a use that conforms to this code.
2. **Damage:** If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value as determined by the code official, it shall not thereafter be reconstructed as such.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans. Construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work be carried on diligently.

2. ~~Nonconforming lots of record—In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.~~

~~If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and n~~No portion of said a parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by the ordinance, nor shall any division or any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

3. ~~Nonconforming uses of land (or land with minor structures only)—Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:~~
- ~~(a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.~~
 - ~~(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.~~
 - ~~(c) If such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;~~
 - ~~(d) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.~~
- 3.4. *Nonconforming structures*—Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 - (b) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
 - (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. ~~Nonconforming uses of structures and premises in combination—If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the~~

~~terms of this ordinance,~~ The lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located;
 - (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
 - (c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
 - (d) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the current regulations of the district in which it is located.
 - (e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming use status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.
6. *Repairs and maintenance*—On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared to be unsafe or unlawful by reason of physical condition, and such condition is verified by the administrative official, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
7. *Uses under special exception provision not conforming uses*—Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through city action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

Section 5. Schedule of district regulations adopted.

District regulations shall be as set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this ordinance, and in Section 6 of this ordinance, entitled "Supplementary District Regulations."

Section 6. Supplementary district regulations.

1. *Visibility of intersections in residential districts*—On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such manner as materially to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets in the 15-foot × 15-foot sight triangle beginning from the point of intersection along the owner's property lines.

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2. *Fences, walls and hedges*—Notwithstanding other provisions of this ordinance, fences, walls and hedges may be permitted in any ~~required~~ permissible yard, ~~or along the edge of any yard,~~ provided that no fence, wall or hedge along the sides or front edge of any front yard, up to the front of the house or structure, shall not be over four feet in height. Fences, walls and hedges may be permitted in any permissible yard, provided that no fence shall be over eight feet in height in the designated side yard (behind the front door of the primary structure) and designated back yard.
3. *Accessory buildings*—No accessory building shall be erected in any prohibited yard as described by the regulations below for each specific zoned district ~~and no separate accessory building shall be erected within five feet of any other building~~ or otherwise stated by the adopted building code. No accessory building shall be erected within five feet of property lines. Accessory buildings are not to be used as habitable units. Accessory buildings are to be considered temporary not permanently affixed *(For structures to be used as living, dwelling, permanently affixed as a secondary living space see Accessory Living Quarters).*
4. ~~Erection of more than one principal structure on a lot—In any district, more than one structure or housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.~~
5. *Exceptions to height regulations*—The height limitations contained in the Schedule of District Regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
6. *Structures to have access*—Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire prevention and required off-street parking.
7. *Parking, storage or use of major recreational and commercial equipment*—
- (a) Major recreational equipment is defined as including boats and boat trailers, travel trailers, tiny-homes, pick-up campers (designed to be mounted on automotive vehicles), coaches, motorized dwellings, tent trailers, other equipment for which the primary purpose or use is recreational and the like, and cases or boxes to be used for transporting such recreational equipment.
 - (b) Commercial equipment is defined as vehicles, and trailers, and other equipment used in enterprises of retail trade, wholesale trade, the food service industry, and in warehouses and supply depots.
- No major recreational or commercial equipment shall be parked or stored on any street or alley in a residential use district or other district not approved for such use. Exception will be loading and unloading, during daylight hours only. No such equipment shall be used for living, sleeping, retail, home occupation, or housekeeping purposes, when parked or stored on a residential lot or in any location not approved for such use. Parking and storage on a residential lot means: No water, sewer connections are to be attached, all slides and bump outs must be closed. Any major recreational equipment as defined in this section must be stored travel ready, not in poor repair or unable to be easily moved.
8. Carports; a shelter for a car consisting of a roof supported on posts, built beside a house. Not to be covered on more than two sides. Not to exceed the height or bulk of primary structure. The carport can never be converted into a dwelling space. No carport shall be erected within three feet of interior property lines, unless constructed on non-combustible material and may not have any covered sides. Sight triangle regulations apply with corner lots. Maximum of two (2) carports per lot.

9. CONEX CONTAINERS AS ACCESSORY BUILDINGS:

Accessory buildings as defined in section 6. Supplementary district regulations of this title, may be used as storage buildings, only in accordance with the following:

- 1. Permitted: Storage containers fabricated for the purpose of transporting freight or goods on a truck, railroad or ship (Conex) shall be allowed to be set up as a residential storage structure or accessory building.
 - 2. Building Permit Required: Purchasers, owners or users of storage containers shall obtain a building permit from the City for each container prior to placing or moving the container onto their property.
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3. Setback Requirements: Placement of the storage container shall meet all setback and hold down requirements for the zone in which it will be located.

4. Exterior Appearance: The exterior of the storage container shall be painted or altered to cover any advertising, lettering or numbers.

5. Stacking Prohibited: No stacking of storage containers shall be allowed.

6. Ground Level Location; Permanent Foundation: All storage containers shall be located at ground level for safety. Any storage container located on a permanent foundation must meet all Building Code requirements.

7. Dwelling Use Prohibited: Storage containers shall not be used as a dwelling unit.

8. Ventilation: Storage containers shall provide adequate ventilation for personal safety.

B. Penalty: Any violation of this section shall be punishable as set forth in this title or under the applicable State Building Code.

Section 7. Administration and enforcement; building permits and certificates of zoning compliance.

1. *Administration and enforcement*—An administrative official designated by the city manager shall administer and enforce this ordinance, and may be provided with the assistance of such other persons as the city manager may direct.
2. *Building permits required*—Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of the building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted code(s) and this ordinance, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

~~No building or other structure shall be erected, moved, added to or structurally altered, without a permit, issued by the administrative official in accordance with the most recently adopted version of the International Building Codes and this ordinance.~~ No building permit shall be issued by the administrative official, except in conformity with the provisions of this ordinance.

3. *Application for building permit*—All applications for building permits shall be accompanied by plans drawn to scale, showing the surveyed dimensions and shape of the lot to be built upon (not required for remodeling to existing structures); the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed use of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

The original copy shall be retained by the administrative official. ~~Before a building permit for new construction in excess of \$10,000.00 valuation can be approved, it must be made publically available for a period of five working days, and easily accessedible, on the City of Alpine, Texas web page. The building permit must contain all necessary information and designate the location of the plans required.~~

4. *Certificates of occupancy for new, altered or nonconforming uses*—It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of **zoning compliance** occupancy shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No nonconforming structure or use shall be renewed, changed or extended until a certificate of **zoning** occupancy compliance shall have been issued by the administrative official.

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.

Temporary certificates of occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of occupancy, and a copy shall be furnished upon request to any person, for review.

Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable under Section 16 of this ordinance.

5. *Expiration of building permit*—If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; if the work described in any building permit is not completed within a reasonable time of that designated for completion in the permit, the permit shall expire by limitation and be void. The administrative official shall cancel the permit, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit, shall not proceed unless and until a new building permit has been obtained.

Section 8. ~~Reserved.~~ Home occupations

Home occupation— The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes, provided that all home occupation uses are subject to conditional use permit as provided in [Section 20](#):

- (a) Other than members of the family residing on the premises, not more than one person shall be employed by the *home occupation*.
- (b) The *home occupation* shall not exceed 15 percent of the floor area of the primary structure.
- (c) Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a *home occupation*.
- (d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in the area, non-illuminated, and mounted flat against the wall of the principal building.
- (e) *Home occupation* can be used if the business or occupation falls within the listed occupations such as a professional office, technology office, or telecommunicating business, or professional doctor or pharmacist. *Home occupations* involving beauty shops or barber shops shall require a conditional-use permit.
- (f) There shall be no on-site store front retail or wholesale sales of goods in connection with such home occupation.
- (g) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and two additional parking spaces shall be provided on the premises, except only one need be provided if the *home occupation* does not have an employee. Said parking shall comply with the parking requirements in Chapter 8 of the International Zoning Code.
- (h) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
- (i) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

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- (j) Occupant must reside and must be the primary business occupant of the residence, occupant must maintain the property as the main residence and not allow that the home occupation become the primary use of the property.
 - (k) The character of the home must remained intact and the neighborhood must not change in character, the preservation of a residential neighborhood must be a priority.

Section 9. Building and standards commission.

A. *Created.*

1. There is hereby created a building and standards commission consisting of five regular members and two alternates (alternate position 1 and alternate position 2) who are citizens of the city and/or own property as taxpayers and are qualified voters, and who are not members of the city council or the city planning and zoning commission. Each member of the city council will appoint one member to the commission from their ward, for a term of two years which shall align and coincide with that of the appointing councilmember. The two alternate members will be selected by the voting majority of the city council from a list submitted by the city manager; removable for cause by the appointing authority upon written charges after a public hearing. It is the policy of the city council that a member or alternate who misses three consecutive meetings without excuse by the council is cause for removal of said member or alternate. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant for any cause, in the same manner as the original appointment was made. All cases to be heard by the building and standards commission shall be heard by a quorum of members.
2. The two alternate members are required to attend all meetings in the same manner as the regular members of the board. Alternate members shall not vote unless filling an absence of a regular member or the chairperson. If a regular member or the chairperson is absent from a meeting, alternate position 1 shall take his place. If a second regular member and/or the chairperson is absent from a meeting, alternate position 2 shall take his place. Commission shall select a vice-chair, to serve when the chair is absent.

B. *Proceedings of building and standards commission*

1. A chairperson of the building and standards commission shall be selected by the city council. The building and standards commission shall adopt rules of procedure in accordance with the provisions of this section. Meetings of the building and standards commission shall be held at the call of the chairperson and at such other times as at least a quorum of the commission may determine and at least quarterly. Such chairperson, or in his absence the vice-chairperson, may administer oaths and compel the attendance of witnesses.
2. All meetings of the building and standards commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city secretary and shall be a public record.
3. The City of Alpine designates the building official as the appropriate official to present all cases before the building and standards commission.
4. The building and standards commission shall:
 - (a) Use the standards of criteria related to: deterioration of the building or structure, fire hazard, pestilence, structural deformity, inadequate fire safety measures and other conditions as recognized by the building codes adopted by the City of Alpine, Article IX, section 18-260, and Article X, sections 18-281—284;
 - (b) Hear evidence and shall, upon a finding that the conditions as set out in the ordinances have been met, declare a structure substandard.

C. *Notice.*

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1. A public hearing shall be held so that the building and standards commission may determine whether the structure complies with the minimum standards set forth in this section.
 - (a) *Notice of hearing.*
 - (1) The city secretary shall make a diligent effort to discover the identity and address of the owner(s) of record and any lienholders or mortgagees of the structure and the underlying property.
 - (2) The city secretary shall notify each owner by personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk lienholder, or mortgagee by mail.
 - (3) The inspector shall notify any unknown interested parties by posting a copy of the notice on each structure.
 - (4) The inspector shall file a notice of hearing in the official public records of real property in Brewster County.
 - (b) *Contents of notice of hearing.* The notice of hearing shall contain the following information:
 - (1) The notice must be posted and either personally delivered or mailed on or before the 10th day before the date of the hearing before the commission panel and must state the date, time, and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the municipality on one occasion on or before the 10th day before the date fixed for the hearing.
 - (2) The owner, lienholder, mortgagee or unknown interested parties have the burden of proof and will be required to submit at the hearing proof of the scope of any work that may be required to make the structure comply with the ordinance and the amount of time it will take to reasonably perform the work.
 - (3) The name and address of the owner of record.
 - (4) A legal description of the property.
 - (5) A general description of the structures not meeting the minimum standards.
 2. When a municipality mails a notice in accordance with this section to a property owner, lienholder, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.
- D. *Functions of the building and standards commission.*
1. The building and standards commission may issue one of the following orders:
 - (a) Order to secure or vacate the structure and relocate the occupants.
 - (b) Order to repair, remove or demolish.
 - (c) Order to remove or demolish.
 - (d) Order to release.
 2. If the structure is occupied and the commission issues an order pursuant to subsection D.1(a), the structure shall be vacated and the occupants relocated.
 3. Orders of the commission issued pursuant to subsections D.1(b) and D.1(c) shall allow 45 days before the ordered action to be completed.
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4. If a residential structure is removed or demolished pursuant to this article, any and all accessory structures located on the same property shall be removed or demolished, regardless of structural condition.
 5. The inspector shall promptly mail a copy of any order issued pursuant to subsection D.1 of this section, to the owner of record, any lienholder or mortgagee along with a notice containing the following:
 - (a) An identification of the structure and the property on which it is located;
 - (b) A description of the violation(s) of the minimum standards;
 - (c) A statement that the municipality will secure, vacate, repair, remove or demolish the structure if the ordered action is not taken within 45 days.
 6. Forty-five days after an order to repair, remove or demolish has been issued, the inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.
 7. Once an order to remove or demolish has been issued by the commission, the inspector has the authority to request the utilities be disconnected at the structure in order to prepare for demolition.
 8. Within ten days following the date that an order is issued, the inspector shall:
 - (a) File a copy of the order in the office of the city secretary of the City of Alpine; and
 - (b) Publish in a newspaper of general circulation in the city a notice containing the following:
 - (1) The street address or legal description of the property;
 - (2) The date the hearing was held;
 - (3) A brief statement indicating the results of the order; and
 - (4) Instructions stating where a complete copy of the order may be obtained.

E. *Permits.*

1. Any permits issued for work on a structure on which the commission has issued an order shall expire on the deadline established by the order.
2. Applicants for a permit to make repairs on a structure on which the commission has issued an order shall meet with the appropriate inspecting official from the city's code enforcement and building official prior to the granting of a permit. The meeting will be to ensure the applicant understands:
 - (a) The scope of work required to be completed to comply with the minimum standards;
 - (b) That such repairs shall be completed by the deadline established by the order; and
 - (c) All repairs are not completed by the deadline established by the order (90 days to repair — everything has to be done in 45 days. Forty-five days for appeal), the structure will be demolished. A permit will not be issued unless the applicants comply with this meeting requirement.
 - (d) No permits will be issued after the deadline established by the order.
3. The building and standards commission may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - (a) Submits a detailed plan and time schedule for the work at the hearing; and
 - (b) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

- F. *Appeal.* Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the building and standards commission may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the municipality is personally delivered to them, mailed to them by first class mail with certified

return receipt requested, or delivered to them by the United States Postal Service using signature confirmation service, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.

G. *Expense for abatement.*

1. If an owner or other interested party does not secure, vacate, repair, remove, or demolish a structure within 45 days, the inspector may take the ordered action at the city's expense with permission for expenses to be incurred from the Alpine City Council.
2. Calculation of costs.
 - (a) Costs include all expenses incurred as a result of the enforcement of the order.
 - (b) The general administrative expenses of inspecting structures, locating owners, conducting hearings, and issuing notices and orders, together with all associated administrative functions, require a reasonable minimum charge of \$500.00 per property. The building official shall maintain a log of all expenses incurred during this process. If this total is greater than \$500.00, the cost shall be the greater amount.
3. Lien. Any expenses incurred by the city pursuant to subsection G.1 of this section will be assessed against the property on which the structure stands or stood. The city will have a privileged lien upon filing same in the official public records of Brewster County subordinate only to tax liens against the property unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.

H. *Rights and remedies saved.* All rights or remedies of the City of Alpine, Texas, are expressly saved as to any and all violations of any building ordinance or amendments thereto, of the city, that have accrued at the time of the effective date the ordinance from which this section derives; and as to such accrued violation, the building and standards commission shall have all the powers that existed prior to the effective date of this ordinance; and that all existing violations of previous building ordinances which would otherwise become non-conforming under this section but shall be considered as violations of this section are violations of this section in the same manner that they were violations of prior building ordinances of the city.

(Ord. No. 2015-03-01, § 1, 5-19-15; Ord. No. 2016-10-02, 11-1-16)

Section 10. Reserved.

Section 11. Duties of administrative official, city council and courts on matters of appeal.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that recourse from the decisions of the administrative official shall be to the courts as provided by the laws of the State of Texas.

It is further the intent of this ordinance that the duties of the city council in connection with the ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the city council shall have only the duties:

- (1) Of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law; and
- (2) Of establishing a schedule of fees and charges as stated in Section 12, below.

Section 12. Schedule of fees, charges and expenses.

The city council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy or zoning compliance, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or

amended only by the city council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 13. Amendments.

The city adopts the procedures of Section 211.007 of the Local Government Code in order to make amendments and zoning changes by following the code by having a public hearing before the planning and zoning commission and notifying the residents within 200 feet of the proposed change 11 days before the hearing; by submitting recommendations to the city council and allowing city council to conduct a second hearing; and by publishing in the local newspaper 16 days before the hearing. The regulations, restrictions and boundaries set forth in this ordinance may, from time to time, be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Such amendments shall not become effective except by the affirmative vote of at least three-fourths of all members of the city council.

Section 14. Provisions of ordinance declared to be minimum requirements.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed restrictions or covenants, the most restrictive, specific, or that imposing the higher standards, shall govern.

Section 15. Complaints regarding violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

Section 16. Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$2,000.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 17. Separability clause.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional, or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 18. Definitions.

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word *person* includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word *shall* is mandatory, the word *may* is permissive.

The words *used* or *occupied* include the words intended, designed or arranged to be used or occupied.

The word *lot* includes the words *plot* or *parcel*.

Abutting—Having lot lines or district boundaries in common.

Access—A way or means of approach to provide physical entrance and exit to a property.

Accessory ~~use or structure~~ Building—~~A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.~~ An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage. Not to be used as a habitable space.

Accessory Living Quarters—An accessory building used solely as the temporary dwelling of guest of the occupants of the premises.

Accessory Use—A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

Addition—Any construction which increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area.

Administrative official—Duly appointed agent of the city manager responsible for interpretation and enforcement of the zoning code, and building code.

Agent of Owner—Any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

Alley—~~A public space or thoroughfare for the placement of utilities which affords only secondary means of access to property abutting thereon.~~ Any public way or thoroughfare more than 10 feet (3048mm), but less than 16 feet (4877 mm), in width, which has been dedicated to the public for public use.

Alteration—Any change, addition or modification in construction, occupancy or use.

Apartment House—A residential building designed or used for three or more dwelling units.

Attached—Having one or more walls in common with principal building or joined to a principal building by a covered porch, loggia or passageway, the roof of which is a part or extension of the principal building.

Bed and Breakfast—A lodging establishment that offers overnight accommodation and provides breakfast.

Boarding House—A dwelling containing a single dwelling unit and not more than 10 sleeping units, where lodging is provided with or without meals, for compensation for more than one week.

Buildable area—The portion of a lot remaining after required yards have been provided.

Building—Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Main—A building in which the principal use of the site is conducted.

Building, Temporary—A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Building Code—The *International Building Code* promulgated by the International Code Council, as adopted by the jurisdiction.

Campground—Campground facilities providing camping and/or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

Canopy—A roofed structure constructed of fabric or other material supported by the building or by the support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other opening.

Carport—A roofed space, open on two sides (unless with in fire separation of *lot line*), one story in height, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are driven or temporarily parked.

Casita—A single family home with a smaller footprint. That is built on a permanent foundation (not moveable). The modular home specifications requirements found in the R-1 section (D) applies to this type of housing.

Conex boxes (shipping container)—A steel reinforced reusable container primarily used for shipping cargo, not to be used as a dwelling except as provided herein.

Commercial, Heavy—An establishment or business that generally uses open yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

Commercial, Light—An establishment or business that generally has retail or wholesales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

Commercial Center, Community—A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *community commercial center* shall provide for the sale of general merchandise, and may include a variety store, discount store, supermarket.

Commercial Center, Convenience—A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *convenience commercial center* shall provide a small cluster of convenience shops or services.

Commercial Center, Neighborhood—A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *neighborhood commercial center* shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

Commercial Center, Regional—A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A *regional center* shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

Commercial Retail Sales and Services—Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor “sidewalk” promotions); businesses specializing in the sale of either general merchandise or convenience goods.

Comprehensive Plan—The declaration of purposes, policies and programs for the development of the jurisdiction.

Conditional Use—A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

Condominium—A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

Congregate Residence—Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A *congregate residence* shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

Court—A space, open and unobstructed to the sky, located at or above *grade* level on a lot and bound on three or more sides by walls of a building.

Day Care, Family—The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

Day Care, Group—An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

Density—The number of *dwelling units* that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

Detached—Fully separated from any other building or joined to another building by structural members not constituting an enclosed or covered spaced.

District, Apartment—A type of zoning classification that allows for multi-unit residential developments, dictated by the R-3 designation of this ordinance.

District, Business—A type of zoning classification that allows for commercial activities, dictated by C-2 designation of this ordinance.

District, Historic—A geographically defined area which possesses significant concentration, linkage or continuity of buildings, structures, sites, areas or land, which in turn are united by architectural, historical, archaeological or cultural importance or significance and which the City Council determines shall be protected, enhanced and preserved.

District, Industrial—A type of zoning classification that allows production and industry activities, dictated by the M-1 designation of this ordinance.

District, Mixed Residential—A type of zoning classification that allows for a mix of residential dwellings in the same zoning district, dictated by the R-4 designation of this ordinance.

District, Multi-Family—A type of zoning classification that allows for multi-unit residential developments, dictated by the R-2 designation of this ordinance.

District, Neighborhood Commercial—A type of zoning classification that allows areas suitable for transitional uses between more intensive commercial activities and residential uses, dictated by the C-1 and C-1a designations of this ordinance.

District, Office Services—A type of zoning classification that allows for a mix of office and residential uses, with a focus in accommodating small-scale offices in or adjacent to residential neighborhoods, dictated by the C-0 designation of this ordinance.

District, One-Family—A type of zoning classification that allows only *single-family* dwellings, dictated by the R-1 designation of this ordinance.

Drive-in restaurant or refreshment stand—Any place or premises used for sale, dispensing or serving of food and refreshments, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Driveway—A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

Dwelling, single-family—A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

~~*Dwelling, two family*—A detached residential building containing two dwelling units, designed for occupancy by not more than two families.~~

~~*Dwelling, multiple family*—A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.~~

~~*Dwelling unit*—One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly or monthly basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.~~

Duplex—The use of a site for two dwelling units, within a single building, other than a manufactured home.

Dwelling, Multiple Unit—A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

Dwelling, Single Family—A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

Dwelling, Two Family—A building designed or arranged to be occupied by two families living independently, with the structure having two dwelling units.

Dwelling Unit—A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

~~*Easement*—A right held by the city or its franchised utility companies to be used for access, drainage, and/or for the placement of utilities such as water, sewer, telephone lines, electrical lines, or gas lines. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.~~

Enclosed—A roof or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding eight-feet in height

Family—One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Filling station—Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made, and no other:

- (a) Sale and servicing of spark plugs, batteries and distributors and distributor parts.
- (b) Tire servicing and repair, but not recapping or re-grooving.
- (c) Replacement of mufflers, and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- (d) Radiator cleaning and flushing.
- (e) Washing and polishing, and sale of automotive washing and polishing materials.
- (f) Greasing and lubrication.
- (g) Providing and repairing fuel pumps, oil pumps and lines.
- (h) Minor servicing and repair of carburetors.
- (i) Emergency wiring repairs.
- (j) Adjusting and repairing brakes.

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- (k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
 - (l) Sales of cold drinks, packaged foods, tobacco and similar convenience goods for filling station's customers, as accessory and incidental to principal operation.
 - (m) Provision of road maps and other informational material to customers; provisions of rest room facilities. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage, nor a body shop.

Frontage—The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Garage, Private—A building or a portion of a building not more than 1,000 square feet (92.9m²) in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Group Care Facility—A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drug or alcohol; this does not include day care centers, *family day care homes*, foster homes, schools, hospitals, jails, or prisons.

Habitable Space (Room) —Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet, compartments, closets, halls, storage or utility space, and similar areas are not considered *habitable space*.

Home occupation—~~An occupation conducted in a dwelling unit~~ The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes, ~~provided that:~~

- ~~(a) No person other than members of the family residing on the premises shall be engaged in the operation.~~
 - ~~(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit, which also includes the floor area of the accessory building.~~
 - ~~(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in the area, non-illuminated, and mounted flat against the wall of the principal building or accessory building.~~
 - ~~(d) Accessory use can be used if the business or occupation falls within the listed occupations such as a professional office, technology office, or telecommunicating business, or professional doctor or pharmacist. No repair garage, plumbing shop, or similar activity.~~
 - ~~(e) There shall be no on-site store front retail or wholesale sales of goods in connection with such home occupation.~~
 - ~~(f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than the required front yard.~~
 - ~~(g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.~~
 - ~~(h) Additional personnel must be permitted by special conditions as by the planning and zoning commission. Maximum of three employees at one time (non-family members) and must comply with [subsection] (f).~~
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- ~~(i) Occupant must reside and must be the primary business occupant of the residence, occupant must maintain the property as the main residence and not allow that the home occupation become the primary use of the property.~~
 - ~~(j) The character of the home must remained intact and the neighborhood must not change in character, the preservation of a residential neighborhood must be a priority.~~
 - ~~(k) Time limits can be set by the planning and zoning commission if employees other than family members are involved in the business or home occupation.~~

Hospital—An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

HUD code manufactured home—A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g).

Industrialized Housing/Modular—A residential structure that is:

- (a) Designed for the occupancy of one or more families;
- (b) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
- (c) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

Impervious Cover—Any type of surface that prevents the infiltration of water into the ground. Surfaces such as stone, rooftops, patios, driveways, sidewalks, road ways, parking lots, and decomposed or crushed granite gravel (when utilized for parking areas and paths from ADA parking spaces to the entrance of buildings or structures) shall be considered as impervious cover.

Internal Street—A private way which affords the principal means of access to individual manufactured home space, a private right-of-way or other non-public street within a Planned Unit Development (PUD) or other similar development.

Jurisdiction—The governmental unit that has adopted this code.

Kennels—Boarding and care services for dogs, cats and similar animals. Typical uses include boarding kennels, pet motels or dog training center.

Kiosk—A small light structure with one or more open sides for general retail sales use only.

Landscaping—The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment shall be permitted to include the use of logs, rocks, fountains, water features and contouring of the earth.

Laundry Services—Establishments primarily engaged in the provisions of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services or linen supply services.

Legislative Body—The political entity of the adopting jurisdiction.

Loading space, off-street—Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are

filled. Required off-street loading space is not to be included as off-street parking space in computation of required off street parking space.

Lot—~~For purposes of this ordinance, a lot is a~~ A portion or parcel of land considered as a unit, ~~at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.~~ Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of-record, or of portions of lots of record;
- (d) A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot frontage—The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

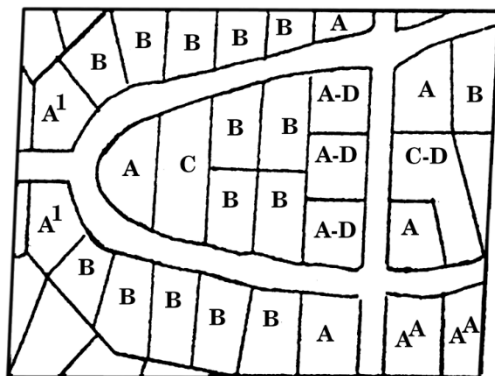
Lot Line—A lot line is a boundary of a zoning lot.

Lot measurements—

- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot-lines in front and the rearmost points of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 percent requirement shall not apply.

Lot of record—A lot which is part of a subdivision recorded in the office of the county clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types—The diagram (Figure 1) which follows, illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:



In the diagram, A = corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the

side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A1 in the diagram.

B = interior lot, defined as a lot other than a corner lot with only one frontage on a street.

C = through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through (C-D).

Manufactured housing—Refers to an HUD code manufactured home. A structure, transportable in one or more sections, that in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, were erected on site is 320 square feet or more and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation where connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Modular - Refers to a single-family house. A modular is a portable home or commercial building that is built at an off-site facility and transported to a more permanent plot for assembly. Assembled on a permanent foundation. Must meet the requirements set forth herein.

Mobile home—A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Mortuary, Funeral Home—An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gathering, and/or display of funeral equipment.

Motel, Hotel—Any building containing six or more sleeping units intended or designed to be used, or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guest.

~~Noneonforming use—A building, structure or use of land lawfully occupied at the time of the effective date of the chapter or amendments, thereto, which does not conform to the use regulations of the district in which it is situated following the effective date of the ordinance.~~

Nonconforming Lot—A lot where the width, area or other dimension did not conform to the regulations when this ordinance became effective.

Nonconforming Sign—A sign or sign structure or portion thereof lawfully existing at the time of this ordinance became effective, which does not now conform.

Nonconforming Structure—A building or structure or portion thereof lawfully existing at the time this ordinance became effective, which was designed, erected or structurally altered for a use hat does not conform to the zoning regulations of the zone in which it is located.

Occupant—One who occupies a particular place.

Open space—~~Area included in any side, rear, special or front yard or any unoccupied space on the Lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.~~ Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

Outdoor advertising business—Provision of outdoor displays or display space on a lease or rental basis only.

Owner—The person or entity that holds legal or equitable title to a property.

Park—A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Parking Lot—An open area, other than a street, used for the parking of automobiles.

Parking Space, Automobile—A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

Parking space, off-street—For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

Person—An individual, heirs, executors, administrators or assigns, and includes a firm partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Planned Unit Development (PUD)—A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Planning and Zoning Commission—The Planning and Zoning Commission created and appointed by the City Council.

Plot Plan—A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected. The location of the lot in relation to abutting streets, and other such information.

Public Improvement—Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

Public Utility Station—A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste, or hazardous waste.

Public Way—Any street, alley or other parcel of land open to the outside air, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and has a clear width and height of not less than 10 feet (3048 mm).

Quasi-Public—Essentially a public use, although under private ownership or control.

Recreation, Indoor—An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating, or ice skating, billiards, pool, motion picture theaters, and related amusements.

Recreation, Outdoor—An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

Recreational vehicle (R.V.)—A type of mobile living unit that is a vehicle built on a chassis 400 square feet or less when measured at the largest horizontal projection; self-propelled or permanently towable by a car or light duty

truck; and designed primarily for recreational, camping, travel or seasonal use. A vehicle which is self-propelled or designed to be towed by a motor vehicle but is not designed to be used as a permanent dwelling and containing plumbing, heating and electrical systems that can be operated without connection to outside utilities.

Recycling Facility—Any location whose primary use is where waste or scrap materials are store, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

Registered Design Professional—An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

Rehabilitation Center (Halfway House) —An establishment where the primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

Religious, Cultural and Fraternal Activity—A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

Restaurant—An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

- (a) Restaurant, fast food: An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam, or similar materials, and may include drive-in or drive-up facilities for ordering.
- (b) Restaurant, general: An establishment that sells food for consumption on or off the premises.
- (c) Restaurant, take-out: An establishment that sells food only for consumption off the premises.

School, Commercial—A school establishment to provide for the teaching of *Industrial*, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (for example, beauty school or modeling school).

Setback—The minimum required distance between the property line and the building line.

Sign—~~Any device to inform or attract the attention of persons not on the premises on which the sign is located~~ An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the *sign* structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers; provided, however, that the following shall not be included in the application of the regulations herein:

- (a) Signs not exceeding one square foot in area and bearing only property numbers, Post Office box numbers, names of occupants of premises or other identification of premises not having commercial connotations;
- (b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- (c) Legal notices, identification, informational or directional signs erected or required by governmental bodies;
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Signs, Community—Temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions, or events with seasonal or

traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

Signs, number and surface area—For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display devices containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, on-site—A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. Onsite signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, off-site—A sign other than an on-site sign.

Site Plan—A plan that outlines the use and development of any tract of land.

Sleeping Unit—A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Special exception—A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

Story—That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable grade as define herein for more than 50 percent of the total perimeter or is more than 12 feet (3658mm) above grade as defined herein at any point, such usable or unused under-floor space shall be considered a story.

Street—Any thoroughfare or public way not less than 16 feet (4877 mm) in width that has been dedicated.

Street line—The right-of-way line of a street.

Street, Private—A right-of-way or easement in private ownership, not dedicated or maintained as a public street, that affords the principal means of access to two or more sites.

Structure—~~Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster boards or panels.~~ That which is built or constructed.

Subdivision—The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land

Tiny House- See Travel Trailer / Recreational Vehicle. A dwelling that is 400 square feet or less in floor area excluding lofts. A portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet. A vehicle which is self-propelled or designed to be towed by a motor vehicle but is not designed to be used as a permanent dwelling and containing plumbing, heating and electrical systems that can be operated without connection to outside utilities.

Theater—A building used primarily for the presentation of live stage productions, performances or motion pictures.

Travel trailer—A vehicular, recreational vehicle, tiny house, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

A vehicle which is self-propelled or designed to be towed by a motor vehicle but is not designed to be used as a permanent dwelling and containing plumbing, heating and electrical systems that can be operated without connection to outside utilities.

Use—The activity occurring on a *lot* or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, Change Of—The change within the classified use of a structure or premise.

Use, Nonconforming—A use lawfully occupied a building or land at the time this ordinance became effective, which has been lawfully continued and which does not now conform to the use regulations.

Use, Principal—A use that fulfills a primary function of a household, establishment, institution, or other entity.

Use, Temporary—A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

~~Variance—A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.~~

~~Yard—The required open space, unoccupied and unobstructed by any structure or portion of a structure, except for accessory buildings as herein permitted, from 48 inches above the general ground level of the graded lot upward; provided, however, that fences, vegetation, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. An open, unoccupied space on a lot, other than a court, that is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.~~

~~Yard, fFront—An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 48 inches. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.~~

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage for the primary structure only.

In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

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- (1) At least one front yard shall be provided having the full depth required generally in the district;
 - (2) No other front yard on such lot shall have less than half the full depth required generally for the primary structure.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

~~*Yard, side*—An open, unoccupied space of spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line.~~

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line for the determination of placement or construction of principal structures only.

~~*Yard, rear*—An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line, and having a depth between the building and the rear lot line as specified in the district in which the lot is situated. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.~~

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

~~*Yard, Side*—An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.~~

Yard, special—A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Section 19. Repeal of conflicting ordinances: effective date.

All ordinances, or parts of ordinances, in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on May 10, 1968.

Section 20. Conditional use permit.

The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the city at large. The conditional use permit process is intended to encourage broad public review and evaluation of site development features and operating characteristics and to ensure adequate mitigation of potentially unfavorable impacts. A conditional use would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

Conditional use permit applications shall be submitted to the administrative official as provided in this ordinance. It shall be the duty of first the planning and zoning commission to review conditional-use permit applications with a vote of recommendation, denial or adjustments needed before being considered by the City

Council Commission. The planning and zoning commission have the authority to recommend conditions and safeguards as deemed necessary to protect and enhance the health, safety, and welfare of the surrounding area. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

1. That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety, or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general wellbeing of the surrounding area.

2. That such use will comply with the regulations and conditions specified in this ordinance and adopted codes for such use.

3. The planning commission or designated person shall itemize, describe or justify, then have recorded and filled in writing, the conditions imposed on the use.

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

Section 20.01 Additional requirements for bed and breakfast uses.

All bed and breakfast use facilities shall be subject to the following additional requirements to those set forth otherwise in the City of Alpine's Ordinances:

- A. Only overnight guests may be served meals except in zones permitting restaurant use. Such meals shall be limited to continental-type breakfast consisting of pastries prepared by a licensed provider, milk, cereal, fruit, fruit juice and coffee unless the facility meets the State of Texas and Brewster County Health Division requirements for commercial food service.
- B. All signs must comply with the city's sign ordinance (Currently Chapter 78 of the Code of Ordinances.)
- C. All bed and breakfast facilities must comply with all State of Texas and City of Alpine building codes for existing or new construction, as applicable, including ADA standards.
- D. Bed and breakfast facilities shall comply with the regulations for fire protection set forth in the appropriate International Construction Codes, the latest version adopted by the city at the time of construction or conversion to bed and breakfast use using the "Lodging and Rooming Houses" regulations.
- E. External lighting ~~shall be shielded from adjoining properties.~~ must meet requirements of the outdoor lighting ordinance.
- F. All functions such as weddings, parties or other gatherings shall be limited to commercial zoning districts.

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

Section 20.02. Bed and breakfast compliance use permit.

- A. All bed and breakfast uses must acquire and maintain a bed and breakfast compliance use permit commencing on mm/dd/yyyy for new uses prior to the issuance of a certificate of occupancy and for existing uses on mm/dd/yyyy. The permit is valid for a two-year period and shall be renewed by the owner for each two-year period.
- B. The permit will be issued pursuant to an application containing the name of the applicant and owner of the property if not the same, the address of the property, a diagram showing the proposed layout of the property use and any other details required such as food service, signs, type of lighting and parking, and any other information required by the city's administrative official to implement the provisions hereof.
- C. For all renewing permits, proof that the City of Alpine Hotel-Motel Tax has been continuously paid as required for the previous period. This requirement may be waived if all reports are on file with the city.

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- D. Any evidence required by the city's administrative official that the property complies with all zoning district regulations applicable to the property, and additional requirements for a bed and breakfast as set forth in sections 20.01 and 20.02.
 - E. Payment of the fee set forth by the city council in section 20.04.
 - F. The permit, or any renewal will be denied or revoked if the above conditions are not complied with and maintained for the permit period. Any person or entity denied a permit or renewal or from whom or from which a permit was revoked may appeal such denial to the district court) following the notice and rules of procedure set forth for the (district court) in this Code of Ordinances.
 - G. The ability of the city to deny or revoke the permit shall not prohibit the city from exercising other remedies, such as prosecution for ordinance violation, seeking an injunction or any other remedy available to it.

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

Section. 20.03. Jurisdiction.

The city council shall have jurisdiction with respect to all conditional use permits. The planning and zoning commission shall review and submit a recommendation for approval, amending or denial to the city council on all applications for a conditional use permit. A request for conditional use permit

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

Section 20.04. Application and fee.

- A. Application for a conditional use permit shall be filed with the Administrative Official. The application shall include the following:
 - 1. Name and address of the owner and applicant.
 - 2. Address and legal description of the property.
 - 3. 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.
 - 4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the finding required for approval of the application. For uses involving public assembly or industrial processing, or uses generating potentially high volumes of vehicular traffic, the administrative official may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial standard or substantiating the adequacy of proposed parking, loading and circulation facilities.
 - 5. Site plans, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensional as required to illustrate the following:
 - a. The date, scale, north point, title, name of owner and name of person preparing the site plan.
 - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed streets and alleys and the 100-year flood plain.
 - c. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.
 - e. The location of water courses and drainage features.

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- f. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
 - g. For sites with an average slope greater than ten percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
 - h. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
- B. An application for a conditional use permit shall be accompanied by a fee set forth by the city council in the amount of \$350.00.

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

Section 20.05. Concurrent applications.

Application for a conditional use permit and for rezoning for the same property may be made concurrently, subject to the fee applicable for a rezoning and conditional use permit.

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

Section 20.06. Public hearing.

Within 60 days after filing of a completed application, the planning and zoning commission shall hold a public hearing on such application for a conditional use permit. Notice shall be given as prescribed in section 20.17. At the public hearing, the planning and zoning commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in section 20.07.

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

Section 20.07. Recommendation of the administrative official.

The administrative official shall review each application and shall prepare a recommendation thereon which shall be filed with the planning and zoning commission and made available to the applicant at least five days prior to the public hearing.

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

Section 20.08. Action by the planning and zoning commission.

The planning and zoning commission shall act on the application within 20 days following the closing of the public hearing. The planning and zoning commission shall determine whether, in its opinion, the request is consistent with the objectives of these regulations and with the comprehensive plan, and shall recommend to the city council that the conditional use permit be enacted, enacted in modified form or be denied.

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

Section 20.09. Review and evaluation criteria.

The planning and zoning commission and city council shall review and evaluate conditional use permit applications using the following criteria:

1. Conformance with applicable regulations and standards established by the zoning regulations.

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2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
 3. Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.
 4. Modifications to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, and general welfare.
 5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.
 6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.
 7. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.
 8. Adequacy and convenience of off-street parking and loading facilities.
 9. Determination that the proposed use is in accordance with the objectives of these zoning regulations and the purposes of the zone in which the site is located.
 10. ~~Determination that the proposed use will comply with each of the applicable provisions of these zoning regulations.~~ The request is consistent with all applicable provisions of the comprehensive zoning plan.
 11. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.
 12. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
 13. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

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

Section 20.10. Actions by the city council.

Within 40 days following receipt of the recommendation of the planning and zoning commission, the city council shall hold at least one public hearing on the conditional use permit. Notice shall be given as prescribed section 20.17. Within 20 days following the closing of a public hearing, the city council may grant a conditional use permit as the permit was applied for in a modified form or subject to conditions, or may deny the application. The city council shall notify the applicant of its decision.

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

Section. 20.11. Conditions.

The planning and zoning commission, in considering and determining its recommendation, and the city council, on any request for a conditional use permit, may require from the applicant plans, information, operation data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The city council may, in the interest of the public welfare and to ensure compliance with these regulations, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized or may allow a variance from property development standards. In authorizing the location of any of these uses listed as conditional use permits, the city council may impose such development standards and safeguards as the conditions

and location indicate important to welfare and protection of adjacent property from excessive noise, vibration, dust, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions. The city council, in approving or conditionally approving a conditional use permit, may set forth in its decision reasonable conditions which will ensure the intent and purposes of the zoning regulations and avoid the creation or detrimental effect upon abutting properties which may include, but not limited to the following:

1. Duration of use;
2. Fences, hedges and walls;
3. Regulation of noise, vibration, odors, etc. Regulation of time for certain activities;
4. Regulation of use or uses;
5. Requiring street, service road or alley dedications and improvements or appropriate bonds;
6. Time period in which the proposed use shall be developed or constructed;
7. Surfacing of parking areas;
8. Special yards, spaces and buffers;
9. Regulation of locations of vehicular ingress and egress; and
10. Including such other conditions that will make possible the development occurs in an orderly and efficient manner, and in conformity with the intent and purposes of applicable ordinances.

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

Section 20.12. Protest provisions.

If the planning and zoning commission has not recommended approval of the conditional use permit request, or if there is a protest against the request signed by the owners of 20 percent of the property immediately adjoining the same and extending 200 feet there from, such request shall not become effective except by the favorable vote of three-fourths of the members of the city council.

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

Section 20.13. Suspension and revocation.

Upon violation of any applicable provision of these regulations or, if granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended after 30 days written notification to the owner of a use or property subject to a conditional use permit.

A conditional use permit shall be revoked where the applicant fails to comply with conditions imposed by the hearing examiner.

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

Section 20.14. Discontinuance.

A conditional use permit is automatically terminated upon a change in use, upon discontinuance, being defined as non-operation or non-use for 365 successive days. Discontinuance may be, but not required to be, evidenced by termination of utility service, the failure to maintain regular hours of operation, the utilization of the premises for other purposes, abandonment or by other reasonable means.

Upon failure to start construction or establish a use within one year of approval of a conditional use permit.

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

Section 20.15. Prior special permits and covenants.

A use legally established pursuant to a specific use permit prior to the date of adoption of these zoning regulations shall be deemed a pre-existing conditional use and shall be permitted to continue, provided that it is operated and maintained in accord with any conditions prescribed at the time of its establishment.

Alteration or expansion of a pre-existing specific use shall be permitted only upon the granting of a conditional use permit as prescribed in these regulations, provided that alterations not exceeding \$2,500.00 in value as determined by the administrative official, shall be without the granting of a conditional use permit.

A conditional use permit shall be required for the construction of a structure housing a pre-existing use if the structure is destroyed by fire or other calamity, by specific act of God or by the public enemy to an extent greater than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the administrative official and shall be based on the minimum cost of construction in compliance with the building code.

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

Section. 20.16. Public notice procedure and fees.

Notice of a public hearing for consideration of a conditional use permit shall be as follows in section 20.17.

Section 20.17. Procedure.

1. Notice of the initial hearing before the planning and zoning commission shall be given by publication of a legal notice in a newspaper of general circulation in Alpine, Texas at least 15 days prior to the date of the hearing.
2. Notice shall be given by mail to the applicant at least ten days prior to the date of the hearing.
3. Notice shall be given by mail to the owner of each site within 200 feet of the subject property at least ten days prior to the date of the hearing.
4. At the option of the administrative official, notice may be given by mail to the owner of any site more than 200 feet from the subject property at least ten days prior to the date of the hearing.
5. At the option of the administrative official, notice may be given by mail to any neighborhood organization having a potential interest in the application.
6. At the option of the administrative official, notice may be given by posting a notice on or adjacent to the subject property at least ten) days prior to the date of the hearing.

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

Section 20.18. Fees.

Fees per 20.04 of the Code of Ordinances.

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

Section 20.19. Time of payment.

The fees are due and payable at the time of the initial request or the application and entitle the applicant to consideration only and not affirmative disposition.

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

Section 20.20. Waivers.

The intent of this section is further to ensure that no citizen or group is denied access to due process of law through an inability to pay for such services. When an individual or group requests an action under these regulations for which a fee is required, the city manager is hereby authorized to inquire into hardships which may be caused by this payment of such fees and may instruct that all or part of such fee is to be waived.

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

Section 20.22. 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 20.16 have begun.

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

Section 21. Zoning and rezoning procedures.

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

Section 21.00. Distinction between zoning and rezoning.

Zoning is the initial classification of property as a particular zoning base district. Zoning amends the zoning map to include property that was not previously in the zoning jurisdiction or that was not previously included in the boundaries of a base district.

Rezoning amends the zoning map to change the base district classification of property that was previously zoned.

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

Section 21.01. Initiation of zoning or rezoning.

Zoning or rezoning of property may be initiated by the:

1. Council;
2. Planning and zoning commission;
3. Record owner;
4. 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.

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

- A. C0 as a buffer zone only between residential and commercial used as its intended purpose.
- B. Is in alignment with the Texas Supreme Court established guidelines.
- C. as outlined in the City Comprehensive Zoning Plan

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

Section 21.03 Jurisdiction.

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.

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

Section 21.04. Application and fee.

1. Application for a rezone request shall be filed with the administrative official. The application shall include the following:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.
2. 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.
3. An application for a conditional use permit shall be accompanied by a fee set forth by the city council in the amount of \$350.00.

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

Section 21.05. Concurrent applications.

Application for rezoning and a conditional use permit for the same property may be made concurrently, subject to the fee applicable for a rezoning and conditional use permit.

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

Section 21.06. Public hearing.

Within 60 days after filing of a completed application, the planning and zoning commission shall hold a public hearing on such application for a rezone request. Notice shall be given as prescribed in section 21.13. At the public hearing, the planning and zoning commission shall review the application and shall receive pertinent evidence concerning the proposed rezone and proposed conditions, particularly with respect to the findings prescribed in section 21.07.

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

Section 21.07. Recommendation of the administrative official.

The administrative official shall review each application and shall prepare a recommendation thereon which shall be filed with the planning and zoning commission and made available to the applicant at least five days prior to the public hearing.

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

Section 21.08. Action by the planning and zoning commission.

The planning and zoning commission shall act on the application within 20 days following the closing of the public hearing. The planning and zoning commission shall determine whether, in its opinion, the request is consistent with the objectives of these regulations and with the comprehensive plan, and shall recommend to the city council that the rezone request be enacted, or be denied.

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

Section 21.09. Review and evaluation criteria.

The planning and zoning commission and city council shall review and evaluate rezoning request applications using the following criteria:

1. Conformance with applicable regulations and standards established by the zoning regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
3. Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.
4. Modifications to the zoning map which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to generated by the proposed rezone request and other uses reasonable and anticipated in the area; as well as existing zoning and land uses in the area.

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

Section 21.10. Actions by the city council.

1. Within 40 days following receipt of the recommendation of the planning and zoning commission, the city council shall hold at least one public hearing on the rezone request. Notice shall be given as prescribed in section 21.13.
2. Unless the council votes to deny a postponement request, a postponement of the public hearing on a zoning or rezoning application is automatically granted on the first request made by each of the following: staff, the applicant, or one interested party in opposition to the application.
3. A postponement request must be written and submitted to the city secretary not later than the seventh day before the scheduled public hearing. The request must specify the reasons for the postponement. The administrative official shall provide a recommendation on the validity of the postponement request.
 - a. The city secretary shall enter an automatic postponement in the minutes with a notation of the identity of the party requesting the postponement.

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- b. Unless otherwise approved by council, an interested party is limited to one postponement for a period of not more than 60 days from the date of the scheduled public hearing.
 - c. The council shall set the time and date of the new hearing at the time a postponement is granted.
 5. Within 20 days following the closing of a public hearing, the city council may grant a Rezone as the application was applied for, or may deny the application. The city secretary shall notify the applicant of its decision.
- (Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

Section 21.11. Protest provisions.

If the planning and zoning commission has not recommended approval of the rezoning request, or if there is a protest against the request signed by the owners of 20 percent of the property immediately adjoining the same and extending 200 feet there from, such request shall not become effective except by the favorable vote of three-fourths of the members of the city council.

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

Section 21.12. Public notice procedure and fees.

Notice of a public hearing for consideration of a Conditional Use Permit shall be as follows below.

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

Section 21.13. Procedure.

1. Notice of the initial hearing before the planning and zoning commission shall be given by publication of a legal notice in a newspaper of general circulation in Alpine, Texas at least 15 days prior to the date of the hearing.
2. Notice shall be given by mail to the applicant at least ten days prior to the date of the hearing.
3. Notice shall be given by mail to the owner of each site within 200 feet of the subject property at least ten days prior to the date of the hearing.
4. At the option of the building official, notice may be given by mail to the owner of any site more than 200 feet from the subject property at least ten days prior to the date of the hearing.
5. At the option of the building official, notice may be given by mail to any neighborhood organization having a potential interest in the application.
6. At the option of the building official, notice may be given by posting a notice on or adjacent to the subject property at least ten days prior to the date of the hearing.

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

Section 21.14. Waivers.

The intent of this section is further to ensure that no citizen or group is denied access to due process of law through an inability to pay for such services. When an individual or group requests an action under these regulations for which a fee is required, the City Manager is hereby authorized to inquire into hardships which may be caused by this payment of such fees and may instruct that all or part of such fee is to be waived.

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

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

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)

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~~ Mixed Residential 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. This zone is intended to provide for low density living. 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~~all 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 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 <u>minimum</u>	5,000- 7,000 square feet minimum
Lot width <u>minimum</u>	50 feet
Height <u>maximum</u>	2½ stories or 35 feet
Front yard <u>minimum</u>	25 ft*
Street side yard <u>minimum</u>	12 feet 6 inches*
Interior side yard <u>minimum</u>	5 feet*
Rear yard	25% of depth or not < 25 feet 10 % of depth or not < 15 feet
Residential density	One <u>primary dwelling unit</u> 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	<u>2</u> 1 Off street minimum per dwelling unit
Temporary/accessory building	≤ 40% of required rear yard
Home occupations	Section 20
Carports	≤ 40% of required front/side/rear yard

*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~~ adopted International Residential Code.

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- 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.

(Ord. No. 2023-12-02, § I(Exh. A), 1-2-24)

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~~ all 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 for duplex or townhouses:

Feature	Regulation
Lot size <u>minimum</u>	5,000 7,000 square feet
Lot width <u>minimum</u>	50 feet
Height <u>maximum</u>	2½ stories or 35 feet
Front yard <u>minimum</u>	25 feet*
Street side yard <u>minimum</u>	12 feet 6 inches*
Interior side yard <u>minimum</u>	5 feet*
Rear yard	20% of depth or not < 20 feet 10 % of depth or not < 15 feet
Minimum dwelling areas (living area only)	750 square feet (per dwelling unit)
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 58% all structures
Maximum building coverage	32% of allotted space per unit 40% primary structure
Nonconforming Uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	Off street, 1 per unit minimum 2 Off street minimum per dwelling unit
Temporary/accessory building	≤ 40% of required rear yard
Home occupations	Section 20
Carports	≤ 40% of required front/side/rear yard

*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 <u>minimum</u>	5,000 7,000 square feet
Lot width <u>minimum</u>	50 feet
Height <u>maximum</u>	3 stories or $\leq$ 45 feet
Front yard <u>minimum</u>	25 feet*
Street side yard <u>minimum</u>	$\leq$ 2 stories same as R-1, $>$ 2 stories additional 1 foot* Must Meet IBC/IRC Code requirements
Interior side yard <u>minimum</u>	$\leq$ 2 stories same as R-1, $>$ 2 stories additional 1 foot* Must Meet IBC/IRC Code requirements
Rear yard	20% of depth or not $<$ 20 feet 10 % of depth or not $<$ 10 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 2 per <u>dwelling</u> 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~~ Mixed Residential district.

A. This zone is intended to provide homes with a smaller footprint and offer more affordable housing including manufactured units 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

Group Residential**

R-2 Group Residential*

R-2 Townhouses

Casita Style Housing

*Same as stated in R-2.

**Two separate single-family structures on one lot.

****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 for manufactured homes:

Feature	Regulation
Lot size	<u>5,000</u> 7,000 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 ≤ 25 feet 10 % of depth or not < 15 feet
Residential density	1 mobile <u>manufactured</u> home per lot
Minimum dwelling area	850 square feet
Maximum impervious area	56% all structures 49% all structures
Nonconforming uses	Section 4
Special yard regulations	Section VIII

Fences, walls and visibility	Section 6
Parking	Off street, <u>2 +</u> per unit minimum
Home occupations	Section 20
Manufactured home skirting	Required within 90 days of occupancy**
Temporary/accessory building	<u>≤ 40% of required rear yard</u>
Carports	<u>≤ 40% of required front/side/rear yard</u>

*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.

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

Feature	Regulation
Lot size	5,000 square feet
Lot width	50 feet
Height	2 stories or 35 feet
Front yard	20 feet*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	10 % of depth or not < 15 feet
Residential density	2 Casita style Homes per lot
Minimum dwelling area	500 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, 2 per unit minimum
Home occupations	Section 20
Temporary/accessory building	<u>≤ 40% of required rear yard</u>
Carports	<u>≤ 40% of required front/side/rear yard</u>

C. Casitas must be built to the adopted Code requirements. Casitas are considered single family homes with a smaller footprint. They must be built on a permanent foundation (not moveable). The Modular home specifications requirements found in the R-1 section (D) applies to this type of housing.

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

R-3 Apartment District

Radio repair and sales

Radio studio

Real estate office

Restaurant, bars 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)

Taxidermy

Washateria

Any other retail use provided such use in not noxious or offensive by reason of the emission of odors, soot, dust, noise, gas, fumes of 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. a.m. nor 12:00 p.m., on any day of the week,--~~ Prohibited: None of the uses shall be open for business from 12:00 a.m. (Midnight). on any given day until 7:00 a.m. the following day on any business or use adjacent to a residentially zoned property, 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	5,000- 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	10 % of depth or not < 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

Campground

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-3 Apartment District

~~R-4 mobile home district~~

Radio repair and sales

Real estate office

Recreational vehicle park

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 of 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	5,000-7,000 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	10 % of depth or not < 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 <u>and/or to the adopted Code requirements</u>
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	4-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.

~~C.-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 Each recreational vehicle shall abut to a 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.

~~D.-O.~~ *Water supply.* An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park including backflow protection.

E. 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.

F. 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.~~
- 1.5. 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.
- 2.6. Service buildings housing the toilet facilities shall be located not closer than ten feet nor farther than 300 feet from any R.V.s.
- 3.7. The service buildings shall be **lighted** illuminated 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.
- 4.8. All services buildings and the grounds of the park shall be maintained in a clean, ~~slightly~~ sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

G. 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.

H. 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.

I. 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.

J. 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.~~

Certificate of Occupancy. Recreational Vehicle parks shall obtain a Certificate of Occupancy issued by the Building Services Department filed with the City of Alpine.

K. ~~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~~ Building Services department.

L. ~~W.~~ *Registration* Certificate of Occupancy period, applicable provisions. Any person owning an R.V. park having ~~therein~~ an R.V. park 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 R.V. park~~ obtain a Certificate of Occupancy ~~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.

M. ~~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~~ Certificate of Occupancy 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.~~

N. ~~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

R 3 Apartment District

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~~ district

R-2 Two family district

R 3 Apartment District

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	5,000-7,000 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. *Purposes of district.* M-1 is a manufacturing zone intended for limited manufacturing and limited industrial uses.

B. *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:

C-1 neighborhood commercial district*

C-2 business district*

Assembly plants

Automobile painting and reconditioning, body and fender work, and truck or tractor repairing or overhauling when enclosed within solid masonry walls not less than six feet in height.

Bakeries, wholesale

Bottling plants

Breweries and distilleries

Cabinet shops and furniture manufacture

Canning and packing

Canvas product manufacture

Cereal factories

Cleaning and dyeing plants

Cosmetic manufacture

Creameries

Electroplating

Feed and fuel yards when enclosed with solid masonry walls not less than six feet in height

Food products manufacture

Fruit and vegetable packing plants

Garment manufacture

Ice and cold storage and 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 and 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

- C. *Site development regulations.* 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:

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:

Distilleries

Breweries

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

Animal kennels with outdoor runs

Automotive rental

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 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.

* Excluding residential uses

(Ord. No. 2024-02-02, § I(Exh. A), 2-20-24)

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.* 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 only accompanied with a variance approved from the city council.
- C. *Area regulations.* 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 and R-4), shall be provided for all schools, libraries, churches, community houses, clubs and other public or semi-public buildings hereafter erected or structurally altered.

* Excluding residential uses

Feature	Regulation
Lot size	Minimum 5,000 square feet
Lot width	50 feet
Height	3 stories or 35 feet
Front yard	25 feet
Street side yard	15 feet
Interior side yard	a) 25 feet adjacent to residential district b) 10 feet nonresidential district
Rear yard	15 feet
Signs	See sign ordinance
Maximum impervious coverage	85%
Maximum building coverage	Percentage of total lot, 75%

(Ord. No. 2024-02-02, § I(Exh. A), 2-20-24)

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

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

February 24, 2025

Agenda Item No. 6C

Department: Office of the City Manager

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approve a recommendation to the City Council to approve an ordinance implementing updates to Chapter 22 - Businesses, Article IV - Alcoholic Beverages to the Alpine Code of Ordinances; Establishing regulations and requirements regarding the sale of alcohol within the city and providing for specific zoning districts in which alcohol may be sold. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

On January 27, 2025, the Planning & Zoning Commission discussed making updates to alcoholic beverage regulations to the Alpine Code of Ordinances. This item is being added to facilitate the Commission making a recommendation regarding the updates.

SUPPORTING MATERIALS

1. Ordinance 2025-XX-XX Alcohol Regulations

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY 2024-2025: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

ORDINANCE 2025-05-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 22 - BUSINESSES TO THE ALPINE CODE OF ORDINANCES; ESTABLISHING REGULATIONS AND REQUIREMENTS REGARDING THE SALE OF ALCOHOL WITHIN THE CITY AND PROVIDING FOR SPECIFIC ZONING DISTRICTS IN WHICH ALCOHOL MAY BE SOLD; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, PENALTY, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE CLAUSES.

WHEREAS, the City of Alpine, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Alpine (“City”) adopted Ordinance No. 2003-2-5 and Ordinance No. 2010-06-02 which implemented the current regulations regarding alcoholic beverages within the city limits; and

WHEREAS, the Planning & Zoning Commission is composed of community members who advise the City Council on policy decisions that affect the health, safety, and character of the City through comprehensive zoning regulations; and

WHEREAS, the Planning & Zoning Commission has recommended amendments to the City Council that would implement and update requirements related to alcoholic beverage zoning regulations within the corporate city limits of Alpine; and

WHEREAS, the amendments recommended by the Planning & Zoning Commission will allow the City to provide a more effective and efficient service to the community and to ensure adequate zoning regulations within the City; and

WHEREAS, Chapter 211 of the Texas Government Code provides for the procedures governing the adoption of zoning regulations and district boundaries; and

WHEREAS, it is deemed by the City Council to be in the best interest of the City to amend the current zoning ordinances as recommended by the Planning & Zoning Commission and that such amendments will serve to protect the health, safety, and welfare of the citizens of the City and are in the best interest of the public.

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

**SECTION I
FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes 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 PENALTY CLAUSE

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

SECTION V SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION VI 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 VII 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. A public hearing was held on **MONTH DAY, 2025**, 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 **MONTH DAY, 2025**.

SECTION VII EFFECTIVE DATE

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

PASSED AND ADOPTED THIS (DAY) DAY OF (MONTH) 2025 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

MONTH DAY, 2025

SECOND AND FINAL READING

MONTH DAY, 2025

APPROVED:

Catherine Eaves, Mayor

ATTEST:

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.~~

The portion of text replaced by the trunkus symbol (***) indicates that the particular portion of the code replaced by the symbol remains unchanged from one section to the next.

ARTICLE IV. ALCOHOLIC BEVERAGES¹

Sec. 22-121. ~~Reserved~~ Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages shall mean alcohol or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Buckingham area shall mean the area comprising the former Town of Buckingham, annexed by the city in 1996, and bounded by Abrams Road on the west, Centennial Boulevard on the north, Audelia Road on the east, and Park Bend Drive on the south, save and except the following: Lot 1A, Block A, Buckingham Estates; Lot 1, Block A, Kallay Addition, and all lots within the Lakes at Buckingham Addition.

Convenience store shall mean a convenience store as defined by the comprehensive zoning ordinance with the sale of beer and wine for off-premises consumption.

¹Editor's note(s)—Ord. No. 2003-2-5, adopted Mar. 3, 2003, supplied provisions for a new Ch. 99 to be entitled Alcoholic Beverages. At the discretion of the editor, in order to preserve the style of the Code and facilitate use of the information, these provisions have been included herein as Ch. 22, Art. IV, §§ 22-121 and 22-122.

Grocery store shall mean a grocery store as defined by the comprehensive zoning ordinance with the sale of beer and wine for off-premises consumption

"Hotel" shall have the same meaning assigned by the comprehensive zoning ordinance of the city, as amended [appendix A to this Code].

Liquor or package store shall mean an establishment principally for the retail sale of all alcoholic beverages for off-premises consumption.

Major thoroughfare shall mean a roadway classified as a freeway, turnpike, regional arterial, arterial, collector (divided), collector (undivided) or residential collector on the city's master transportation plan as it is currently approved or may be amended.

Minor or secondary street shall mean a roadway classified as a local street on the city's master transportation plan as it is currently approved or may be amended.

Private club shall mean those establishments which hold a private club registration permit or an exempt private club registration permit, as authorized under V.T.C.A., Alcoholic Beverage Code.

Private recreation club shall mean a facility which provides recreation activities and facilities to members. The sale, dispensing or serving of alcoholic beverages shall be strictly incidental to the primary activities of the club.

Restaurant shall mean an establishment engaged primarily in the preparation and sale of food and beverages to the public for on-premises consumption and which receives at least 70 percent of its gross revenue from the sale of food.

Restaurant with curb service shall mean an establishment where food and/or beverage is delivered to a consumer who is in a motor vehicle or otherwise outside the building by a waiter, waitress or carhop, who is also outside the building, with the intent of said food or beverage being consumed on or off the premises.

Sec. 22-122. Penalty.

Except as stated otherwise, violations of this chapter are punishable as provided in section 1-8.

Sec. 22-123. Provisions of chapter controlling.

No alcoholic beverages shall be sold within the corporate limits of the city, and no license or permit shall be issued for the sale or serving of the same, except in areas authorized under this chapter.

Sec. 22-124. Sale of alcohol in residential areas.

The sale of beer is prohibited at any location in the city that is within a residential zoning district or an identified portion of a planned development district restricted to residential uses, except as allowed by this chapter and the comprehensive zoning ordinance.

Sec. 22-125. Sale for off-premises consumption limited to certain zoning districts.

The sale of alcoholic beverages for off-premises consumption shall be permitted only in areas zoned C-1 Neighborhood Commercial District, C-1a Neighborhood Commercial District, and C-2 Business District. Sales are permitted for a hotel when allowed by right or upon the approval of a special permit by the City Council.

Sec. 22-126. Sale for on-premises consumption limited to certain zoning districts.

The sale of alcoholic beverages for off-premises consumption shall be permitted only in areas zoned C-1 Neighborhood Commercial District, C-1a Neighborhood Commercial District, and C-2 Business District. Sales are permitted for a hotel when allowed by right or upon the approval of a special permit by the City Council.

Sec. 22-127. Restaurants to submit statement of gross revenue; keep books and records open for inspection.

All restaurants requesting a permit for sale or serving of alcoholic beverages for on-premises consumption shall, upon written request of the city, submit a sworn statement to the city secretary, 60 days prior to renewal of such permit, indicating the total amount of gross revenue received by the establishment for the preceding 12-month period and the amount received from food sales for the same stated period. Such establishment shall also make available to the city or its agents, during reasonable hours, its books and records for inspection if required by the city.

Sec. 22-128. Sale prohibited in curb service restaurants.

The sale of alcoholic beverages shall not be permitted on the premises of a restaurant with curb service.

Sec. 22-129. Sale prohibited in curb service restaurants.

No person may sell alcoholic beverages if the place of business is within:

- (1) Three hundred feet of a church, public or private school or public hospital;
 - (2) One thousand feet of a public school, if the city council by resolution approves a request from the board of trustees of a school district under V.T.C.A., Education Code § 38.007;
 - (3) One thousand feet of a private school, if the city council by resolution approves a request from the governing body of the private school.
- (b) Subsection (a)(1) does not apply to the holder of:
- (1) A license or permit issued by the Texas Alcoholic Beverage Code who also holds a food and beverage certificate issued by the Texas Alcoholic Beverage Commission covering the premises that is located within 300 feet of a private school; or
 - (2) A license or permit covering a premises where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53, (unaccompanied minor in package liquor store) and that is located within 300 feet of a private school.
- (c) Subsections (a)(2) and (3) do not apply to the holder of:
- (1) A retail on-premises consumption permit or license issued by the Texas Alcoholic Beverage Commission if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;
 - (2) A retail off-premises consumption permit or license issued by the Texas Alcoholic Beverage Commission if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages;
 - (3) A wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are used and understood in V.T.C.A, Alcoholic Beverage Code ch. 102.
- (d) Subsection (a)(3) does not apply to the holder of:
- (1) A license or permit issued under V.T.C.A, Alcoholic Beverage Code ch. 27 (temporary and special wine and beer retailer's permit), V.T.C.A., Alcoholic Beverage Code ch. 31, (caterer's permit), or V.T.C.A., Alcoholic Beverage Code ch. 72, (temporary licenses) who is operating on the premises of a private school; or
 - (2) A license or permit covering a premises where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53, and that is located within 1,000 feet of a private school.
- (e) For purposes of this section "private school" means a private school, including a parochial school, that: (1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and (2) has more than 100 students enrolled and attending courses at a single location.

- (f) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold, and public or private schools shall be: (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or (2) if the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public or private school to the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (g) For any dealer who held a license or permit from the Texas Alcoholic Beverage Commission September 1, 1983, the measurement of the distance between the place of business of the dealer and a public school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- (h) Application of distance requirements.
 - (1) If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirements regarding distance from schools, churches, and other types of premises set forth in this chapter, the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit.
 - (2) On the sale or transfer of the premises or the business on the premises in which a new original license or permit is required for the premises, the premises shall be deemed to satisfy any distance requirements as if the issuance of the new original permit or license were a renewal of a previously held permit or license. This subsection does not apply to the satisfaction of the distance requirement prescribed by subsection (a)(2) for a public school, except that on the death of a permit or license holder or a person having an interest in a permit or license [this] subsection does apply to the holder's surviving spouse or child of the holder or person if the spouse or child qualifies as a successor in interest to the permit or license. Subsection (1) does not apply to the satisfaction of the distance requirement prescribed by subsection (a)(2) for a public school if the holder's permit or license has been suspended for a violation occurring after September 1, 1995, of any of the following provisions of V.T.C.A., Alcoholic Beverage Code §§ 11.61(b)(1), (6)—(11), (13), (14), or (20); or §§ 61.71(a)(5)—(8), (11), (12), (14), (17), (18), (22), or (24).

Sec. 22-130. Sales near day-care centers or child-care facility.

- (a) This section applies only to a permit or license holder under V.T.C.A., Alcoholic Beverage Code chs. 25, 28, 32, 69 or 74, who does not have a food and beverage certificate.
- (b) With the exception of subsection 4-11(a)(2), the provisions of section 4-11 relating to a public school also apply to a day care center and a child development facility as those terms are defined by V.T.C.A., Human Resources Code § 42.002.

Sec. 22-131. Hours of operation.

It shall be unlawful for persons to be served alcoholic beverages in any private club or tavern during the following hours:

- (1) On Sundays at anytime between the hours of 2:00 a.m. and 12:00 noon.
- (2) On any other day between the hours of 2:00 a.m. and 7:00 a.m.

(Ord. No. 2003-2-5, 3-3-03)

Sec. 22-123. Sec. 22-132. No smoking policy.

A "no smoking policy" [is] to be instituted in all establishments where beer, wine, and liquor are sold or consumed within the enclosed confines of a building. Outside areas or open air areas are exempted from this provision. Private establishments that require memberships shall be excluded from this provision.

(Ord. No. 2010-06-02, 7-12-10)

Editor's note(s)—Ord. No. 2010-06-02, adopted July 12, 2010 did not specify manner of inclusion. Hence, to facilitate indexing, said provisions have been included as § 22-123.

Sec. 22-133. Permit and license fees.

There is hereby levied a license and permit fee in the amount of one-half of the state license and permit fees for each state permit or license issued for a premises located within the city except for permits or licenses that are exempt from the municipal permit or license fee. The city license and permit fees shall be paid to the city at the same time the state license and permit fees are paid to the state.

Sec. 22-134. Property considered nonconforming use not eligible for permit.

Any use of property considered as a nonconforming use the zoning ordinance of the city [appendix C to this Code] shall not be permitted to apply for a license or permit under provisions of this chapter.

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

February 24, 2025

Agenda Item No. 6D

Department: Office of the City Manager

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: Approve

AGENDA ITEM

Approve a recommendation to the City Council to approve an ordinance amending Chapter 78 - Signs to the Alpine Code of Ordinances; Amending the rules, regulations, and general requirements regarding signs in corporate city limits. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

The Planning & Zoning Commission have been reviewing the sign ordinance and discussing proposed updates to the ordinance. At the most recent meeting, the proposed updates were provided to the Commission for review. This item is being added to facilitate the Commission making an official recommendation to the City Council regarding the ordinance.

SUPPORTING MATERIALS

1. Ordinance 2025-XX-CH 78 SIGNS
2. Sign IZC DOC

BUDGET CONSIDERATIONS

Expenditure Required: N/A
Savings Anticipation: N/A
Current Budget FY 2024-2025: N/A
Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk
Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager

ORDINANCE 2025-05-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 78 – SIGNS TO THE ALPINE CODE OF ORDINANCES; AMENDING THE RULES, REGULATIONS, AND GENERAL REQUIREMENTS REGARDING SIGNS IN CORPORATE CITY LIMITS; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, PENALTY, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE CLAUSES.

WHEREAS, the City of Alpine, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Alpine (“City”) adopted the current sign ordinance in the 1978 codification of the Alpine Code of Ordinances which implemented sign regulations within the corporate city limits of Alpine; and

WHEREAS, the Planning & Zoning Commission is composed of community members who advise the City Council on policy decisions that affect the health, safety, and character of the City through comprehensive zoning regulations; and

WHEREAS, the Planning & Zoning Commission has recommended amendments to the City Council that would amend requirements related to signs within the corporate city limits of Alpine; and

WHEREAS, the amendments recommended by the Planning & Zoning Commission will allow the City to provide a more effective and efficient service to the community and to ensure adequate zoning regulations within the City; and

WHEREAS, Chapter 211 of the Texas Government Code provides for the procedures governing the adoption of zoning regulations and district boundaries; and

WHEREAS, it is deemed by the City Council to be in the best interest of the City to amend the current zoning ordinances as recommended by the Planning & Zoning Commission and that such amendments will serve to protect the health, safety, and welfare of the citizens of the City and are in the best interest of the public.

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

**SECTION I
FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes 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 PENALTY CLAUSE

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

SECTION V SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION VI 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 VII 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. A public hearing was held on **MONTH DAY, 2025**, 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 **MONTH DAY, 2025**.

SECTION VII EFFECTIVE DATE

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

PASSED AND ADOPTED THIS (DAY) DAY OF (MONTH) 2025 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.

INTRODUCTION AND FIRST READING

SECOND AND FINAL READING

MONTH DAY, 2025

MONTH DAY, 2025

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.~~

The portion of text replaced by the trunkus symbol (***) indicates that the particular portion of the code replaced by the symbol remains unchanged from one section to the next.

Sec. 78-

1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or otherwise defined by state law.

Administrator means the code administrator, code enforcement officer, committee or board so designated, or their representative.

Animated sign (see also and note difference from "Changeable sign") means a sign, or display, manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical or other means. ~~Animated signs include the following types:~~

- ~~(1) Naturally energized sign means a sign whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks or other similar devices designed to move in the wind.~~
- ~~(2) Mechanically energized sign means a sign manifesting a repetitious preprogrammed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.~~

~~(3) — Electrically energized sign means an illuminated sign whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:~~

- ~~a. — Flashing sign means an illuminated sign exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as, or less than, the duration of the period of darkness (off phase), and which the intensity of illumination varies from zero (off) to 100 percent (on during the programmed cycle).~~
- ~~b. — Illusionary movement sign means an illuminated sign exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating or expanding and contracting light patterns.~~

A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of stimulating movement through employment of the characteristics of one or both of the classifications noted in items 1 and 2 as follows:

1. Flashing. Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on and off phases of illumination exceeds 4 seconds.
2. Patterned illusionary movement. Animated signs or animated portions of signs where the illumination is characterized by simulated movement through sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Architectural Projection. Any projection that is not intended for occupancy and extends beyond the face of an exterior wall of a building but that does not include signs as defines herein. See also “Awning,” “Backlit Awning,” and “Canopy, Attached” and “Free standing”.

“A” Frame Sandwich board Sign. A frame sandwich board signs, also known as A-frame signs, are a type of **freestanding; portable sign that is used to promote businesses and events.** They are made up of two panels that are connected by a hinge, which allows the panels to be opened and closed like a book.

Area (see “Sign, area of”).

Assembly or meeting room means a room or portion of a building used for gathering together of 50 or more persons for such purpose as deliberation, education, instruction, worship, entertainment or amusement.

Awning means ~~a shelter projecting from, and supported by, the exterior wall of a building, constructed of nonrigid materials on a supporting framework (compare “Marquee”).~~ An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

Awning sign ~~means a sign painted on, printed on or attached flat against the surface of an awning.~~ A sign displayed on or attached flat against the surface of an awning. See also “Wall Or Fascia Sign.”

Back lit awning (see "~~Electric awning sign~~"). An awning with a translucent covering material and a source of illumination contained within its framework.

Banner A flexible substrate on which a copy or graphic may be displayed.

Banner sign ~~means a sign made of fabric, or any nonrigid material, with no enclosing framework. A sign utilizing a banner as its display surface.~~

Billboard (see "Off-premises sign" and "Outdoor advertising sign").

Building Elevation. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Blade sign (see "~~Ground sign~~").

Canopy, building. (Attached) ~~means a rigid~~ A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. ~~covered with fabric, metal or other material, and supported by a building at one or more points or extremities, and by columns or posts embedded in the ground at other points or extremities and may be illuminated by means of internal or external sources (compare "Marquee").~~

Canopy, freestanding. means a rigid multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffits of a free-standing canopy ~~covered with fabric, metal or other material, and supported by columns or posts embedded in the ground and~~ may be illuminated by means of internal or external sources.

Canopy sign ~~means a sign affixed or applied to the visible surface(s) of an attached or free-standing canopy. exterior wall-facing surface of a building or freestanding canopy.~~

Changeable sign ~~means~~ a sign with the capability of content change by means of manual or remote input, including signs that are: ~~whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:~~

- (1) *Manually activated Changeable sign* where the message or copy or content can be changed manually. ~~means signs that show alphabetic, pictographic or symbolic informational content and can be changed or altered by manual means.~~
- (2) *Electrically activated Changeable sign* where the message or copy or content can be changed by means remote electronically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center." ~~means signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments and includes the following two types:~~
 - a. ~~Fixed message electronic signs means signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions or other events subject to prior programming.~~
 - b. ~~Computer controlled variable message electronic signs means signs whose informational content can be changed or altered by means of computer driven electronic impulses.~~

City means the City of Alpine and/or any jurisdiction of the city outside the city boundaries, unless the context clearly discloses a contrary intent.

Clear sight triangle means an area enclosed within an isosceles triangle having equal sides of 25 feet with the apex of the triangle at the point where two abutting streets meet.

Clearance (of a sign) means the smallest vertical distance between the grade of the adjacent street, highway or street curb and the lowest point of any sign, including framework and embellishments.

Construction sign means a temporary sign identifying an architect, project, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Copy ~~means~~ Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only. ~~the graphic content of a sign surface in either permanent or removable letter, pictograph, symbolic or alphabetic form.~~

Development complex sign. A free-standing sign identifying a multiple-occupancy development, such as a shopping center, planned industrial park, that is controlled by a single owner or landlord, approved in accordance with the code.

Directional/information sign Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic. ~~means an on-premises sign giving directions, instructions or facility information, and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. Informational signs may contain the name or logo provided that the name or logo may not comprise more than 30 percent of the total sign area, which is three square feet per sign.~~

Double-faced sign ~~means~~ a sign with two faces, ~~essentially~~ back-to-back.

Electric awning sign or *back lit awning* means an internally illuminated fixed space-frame structure with translucent, flexible, reinforced covering designed in awning form, and with graphics or copy applied to the visible surface of the awning.

Electrical sign Any sign activated or illuminated by means of electrical energy. ~~means a sign or sign structure in which electrical wiring, connections or fixtures are used.~~

Electronic message sign or center ~~(see "Changeable sign, electrically activated")~~. An electrically activated changeable sign where the variable message capacity can be electronically programmed.

Exterior sign. Any sign placed outside a building.

Facade means the entire building front including the parapet.

Face of sign means the area of a sign on which the copy is placed.

Festoons means a string of ribbons, tinsel, tassels, small flags or pinwheels.

Flashing sign (see "Animated sign, electrically energized").

Freestanding sign A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or on the ground. ~~means a sign supported permanently upon the ground by poles or braces and not attached to any building.~~

Frontage (property) ~~means~~ the length of the property line(s) of any ~~one~~ single premises along a public right-of-way or other property on which it borders.

Frontage, building, ~~means~~ the length of an ~~outside~~ exterior building or structure ~~wall on~~ of a single premise along either a public right-of-way or other properties on which it borders.

Government sign means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction, or for designation of, or direction to any school, hospital, historical site or public service, property or facility.

Grade means the average elevation of the finished ground level at the center of all facades of a building.

Graphic design means any artistic design, portrayal or mural, painted directly on the exterior wall, fence, window or sculpture, or other structure which is visible from any public right-of-way, and which has its artistic purpose visible from any public right-of-way, which has its purpose and effect artistic and not the identification of the premises or the advertisement or promotion of the interest of any person or business. Such graphic design may be subject to a sign permit or building permit and review and approval by the building official or the code enforcement officer.

Ground sign or *blade sign* ~~means a sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs. See "Free-Standing Sign"~~

Height (of a sign) means the vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street, or the surface grade beneath the sign, whichever is less (compare "Clearance").

~~*Identification sign* means a sign whose copy is limited to the name and address of a building, institution or person and/or activity or occupation being identified.~~

Illegal sign means a sign which does not meet requirements of this Code and which has not received legal nonconforming status.

~~*Illuminated sign* means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.~~ A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Incidental sign means a small sign less than one square foot, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign.

Interior Sign. Any sign placed within the building, but not including "window signs" as defined by this ordinance. Interior signs, within the exception of window signs as defined, may not be regulated by this ordinance.

Lot means a parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Low profile sign or *monument sign* means a sign mounted directly to the ground with maximum height not to exceed six feet.

Maintenance means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

~~*Mansard* means a sloped roof or roof-like facade architecturally comparable to a building wall.~~ An inclined decorative roof-like projection that is attached to an exterior building façade.

~~*Marquee* means a lettering changeable sign, not to exceed 24 square feet in size. This type of sign may also be known as a reader board.~~ See "Canopy (attached)."

Marquee Sign. See "Canopy Sign."

Menu board. means a comparable list or assortment of offerings, either food items or merchandise. A free-standing sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20 percent of the total area for such a sign utilized for business identification.

Monument sign (see "Low profile sign").

Multiple-faced sign means a sign containing three or more faces, not necessarily in back-to-back configuration.

Nameplate means a nonelectric, on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

Nonconforming sign means an illegal sign which does not comply with the sign ordinance or to the sign code requirements, ~~but for which a special exception or variance has been issued.~~

Occupancy means the portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

~~*Off-premises sign* or *billboard* means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which such sign is located, e.g., billboards or outdoor advertising. See "Outdoor advertising sign."~~

~~*Off-site directional sign* means a sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the administrator in size, height and placement, as justified.~~

~~*On-premises sign* means a sign, the content of which is related to the premises on which it is located, referring exclusively to the name, location, product, persons, accommodations, services or activities of those premises, or the~~

~~sale, lease or construction of those premises.~~ A sign erected, maintained and used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Outdoor advertising sign. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Owner means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator.

~~Painted wall sign means any sign which is applied with paint, or similar substance, on the surface of the wall.~~

~~Parapet means the extension of a false front or wall above a roof line.~~ The extension of a building façade above the line of the structural roof.

Person means any individual, corporation, association, firm, partnership or similarly defined interest.

Point of purchase display means advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

Pole cover means a cover enclosing or decorating poles or other structural supports of a sign.

~~Political sign means a temporary sign used in connection with a local, state or national election or referendum.~~ A sign that contains a political message.

~~Portable sign means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.~~ Any sign not permanently attached to the ground or to a building or building surface.

~~Portal means a covered structure forming an entrance to a building outside and with a separate roof, or as a recess in the interior as a kind of vestibule.~~

Premises means a parcel of land with its appurtenances and buildings which, because of its use, may be regarded as the smallest conveyable unit of real estate, and any tract that has been surveyed and delineated by a legal description, and the property upon which the business is located.

~~Projecting sign means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.~~ A sign other than a wall sign that is attached to or projects more than 18 inches (457mm) from the building face or wall or from a structure where the primary purpose is other than the support of a sign.

~~Real estate sign means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.~~ A temporary sign advertising the sale, lease or rental of the property or premise on which it is located.

Revolving Sign. A sign that revolves 360 degrees (6.28 rad) about an axis. See also "*Animated sign, mechanically activated.*"

~~Roof line means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.~~ The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point said façade or parapet.

~~Roof sign means any sign erected over, or on top of, a building (compare "Mansard," or "Sign, wall").~~ A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and that is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

~~Rotating sign (see "Animated sign, mechanically energized").~~

Sign. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags displayed from flagpoles or staffs will not be considered to be signs. ~~means any device, fixture, placard or structure that uses any~~

~~color, forms, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public;~~ except for the following:

- (1) Nonilluminated names of buildings, dates of erection, monument citations, commemorative tables and the like, when carved into stone, concrete, metal or any other permanent type of construction and made an integral part of a permitted structure, or made flush to the ground.
- (2) Signs required by law or signs of a duly constituted governmental body.
- (3) Signs placed by a public utility for safety, welfare or convenience of the public such as signs identifying high voltage, public telephone or underground cables.
- (4) Signs upon a vehicle; provided, any such vehicle with a sign face over two square feet is not conspicuously parked as to constitute a sign.
- (5) Temporary holiday decorations.

Sign, area of, means:

The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, that comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multi-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

- ~~(1) *Projecting and freestanding sign.* The area of a freestanding or projecting sign shall have only one side of any double-faced sign counted in calculating its area. The area of the sign shall be measured as a rectilinear line of not more than eight sides drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc.; provided, there is no written advertising copy on such embellishments.~~
- ~~(2) *Wall sign.* The area of a wall sign shall be with a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols, using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area of the smallest rectangle within the perimeter of the signage. The combined areas of the individual figures shall be considered the total sign area.~~

Sign, canopy, means any sign which is mounted to, and supported by, a permanent canopy, arcade or portal, the ceiling of which is no more than 16 feet above grade.

Sign Copy. Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of the sign, exclusive of numerals identifying a street address only.

Sign Face. The surface on, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface on which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet-style signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate on which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of a sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Sign, joint identification, means a sign whose area is shared by three or more businesses.

~~*Sign, projecting*, means any sign with no more than two faces supported by a building wall and projecting from such building wall.~~

Sign Structure. Any structure supporting a sign

~~*Sign, wall or facia* means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cutout letters and devices affixed to the building wall with no background or border defined on the building wall.~~ A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided that the copy area of such signs remain on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

Snipe sign means a sign not constructed or intended for long-term use.

Subdivision identification sign means a freestanding sign, or wall sign, identifying a recognized subdivision, condominium complex or residential development.

~~*Temporary sign* means a sign not constructed or intended for long-term use.~~ A Sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

~~*Under-canopy sign or under marquee sign*. means a sign suspended beneath a canopy, ceiling, roof or marquee.~~ A sign attached to the underside of the of a canopy or marquee.

Use means the purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.

~~*V sign* means a sign consisting of two essentially equal faces, positioned at an angle subtending less than 179 degrees.~~ Signs containing two faces of approximately equal size, erected on common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 (1.57rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

Value means replacement costs, including any amount owed on a sign.

~~*Window sign* means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window, or upon the window panes or glass, and is visible from the exterior of the window.~~ A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

(Code 1978, § 21.5-1)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 78-2. Permits.

It shall be unlawful for any person to erect, alter or relocate, within the jurisdiction and extraterritorial jurisdiction of the city, any sign without first obtaining a permit and making payment of fees

Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulation within this jurisdiction.

Construction documents.

Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises on which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.

Changes to signs.

Signs shall not be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

Special event signs in public ways.

Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

Portable signs.

Portable signs shall be permitted only in the C-0, C2, C1, C1a and M districts, as designated in this code, subject to the following limitations:

1. Not more than one such sign shall be displayed on any property, and shall not exceed a height of 4 (four) feet nor an area of 6 (six) square feet.
2. No signs advertising a business shall be placed outside the perimeter of the property lines along the designated right-of way.
3. Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction.
4. Portable signs shall not be displayed prior to obtaining a sign permit.
 - (1) *Required.* Permits shall be required for the following types of new or temporary signs:
 - a. All signs having an area greater than six square feet.
 - b. All illuminated signs.
 - c. All signs with moving elements.
 - d. All signs over a public right-of-way.
 - e. All temporary signs that are portable, wheeled or footed.
 - f. All off-premises signs, except temporary real estate, political and contractor signs.
 - (2) *Applications.* Permit applications shall contain the following:
 - a. Signature of applicant.
 - b. Name and address of sign owner.
 - c. Name and address of person erecting the sign.
 - d. Location of the building or lot to which or upon which the sign is to be attached or erected.
 - e. Drawings or description showing the design and dimensions of the sign.
 - f. Drawing or detailed description showing the site plan or building facade.
 - g. Written consent of the owner of the building, structure or land to which, or on which, the sign is to be erected.

- (3) *Fee.* ~~Fifty cents per square foot of the sign face with a \$50.00 maximum~~ Fees are set by City Council resolution and are listed in Appendix B: Building Services Fees. Appendix may be obtained at City Hall during normal business hours or by visiting www.cityofalpine.com/fees.
- (4) *Permit exceptions.*
- Replacing or updating copy.
 - General maintenance to any sign should not require a permit.
- (5) *Variances.* The planning and zoning commission shall have authority and power to grant variances of this chapter in a duly conducted public hearing. The commission shall also have the power to recommend extensions of time to comply.
- When requesting a permit, the applicant may apply to the planning and zoning commission through the administrator for a variance from certain requirements of this chapter.
 - ~~There will be a \$20.00 application fee on request for a variance.~~ Fees for variance applications are set by City Council resolution and are listed in Appendix B: Building Services Fees. Appendix may be obtained at City Hall during normal business hours or by visiting www.cityofalpine.com/fees.
 - The granting of a variance would not be contrary to the general objectives of this Code and any land use plan.
 - In granting a variance, the administrator may attach additional requirements necessary to carry out the spirit and purpose of this chapter in the public interest.
 - Written notice shall be given to adjoining and other property owners of a hearing on request for a variance, and shall be given pursuant to the procedures set forth by the codes set forth by the city.
 - The planning and zoning commission shall either grant or deny the variance or extension requested. Any party aggrieved by the decision of the planning and zoning commission may appeal within ten days to the city council by filing an appeal with the city ~~clerk~~ secretary.

(Code 1978, § 21.5-2)

Sec. 78-3. General regulations.

- (a) *Prohibited signs in all zones.* The following prohibited signs shall be removed or brought into compliance:
- Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. Signs (except wall signs) in a clear sight triangle.
 - Except as provided for elsewhere in this code, signs encroaching on or overhanging public right-of-way. Signs shall not be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
 - Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance (Rotating or oscillating beacons of light, or strobe lights).
 - Portable signs except as allowed for temporary signs (Temporary signs for any period over seven days. Temporary signs may be renewed eight times per year).
 - Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - 5.1. The primary purpose of such a vehicle or trailer is not the display of signs.
 - 5.2. The signs are magnetic, decals or painted on an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

3. 5.3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.
6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means not more than 20 days in any calendar year.

(b)

- ~~(1) Signs, or any part of a sign, that might contribute to confusion of traffic control, or imitating signs or devices for control of traffic or railroad.~~
- ~~(2) Rotating or oscillating beacons of light, or strobe lights.~~
- ~~(3) 8. Freestanding signs with overhead wiring to supply electric or support cables.~~
- ~~(4) Temporary signs for any period over seven days. Temporary signs may be renewed eight times per year.~~
- ~~(5) 9. Canopy signs or hanging signs, the bottom of which are less than seven feet above grade.~~
- ~~(6) 10. Freestanding signs whose top exceeds 30 feet above grade.~~
- ~~(7) 11. Any sign, or part thereof, erected or constructed wholly upon or over the roof of any building that is visible from any grade of street level.~~
- ~~(8) 12. Any wall sign, or part thereof, that projects more than 12 inches from the building wall at a height lower than ten feet.~~
- ~~(9) Signs (except wall signs) in a clear sight triangle.~~
- ~~(10) 13. Any sign, or part thereof, that contains any audible devices.~~
- ~~(11) 14. Any sign, or part thereof, that is partially or wholly illuminated by floodlights or spotlights, unless such lights are used for indirect lighting, and the illumination is shielded as not to be directly visible from the public right-of-way, or to a residential area that may be within 40 feet distant.~~
- ~~(12) 15. Any sign that is in obvious poor repair as determined by the code enforcement officer or agency representative, which decision may be appealed to the planning and zoning commission.~~
- ~~(13) Any sign attached to trees, fences, utility poles or street furniture, which is in the public right-of-way.~~

- (b) *Exempt signs. The following exempt signs shall not require a permit or payment of fee:*

The following signs shall be exempt from the provisions of this chapter. Signs shall not be exempt from

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and that do not exceed 6 square feet (0.56 m²) in area.

- ~~(1)~~ 8. Construction signs. One sign shall be permitted for all building contractors, all professional firms and all lending institutions on premises under construction. Such signs shall be confined to the site of construction and shall be removed within 14 days of the beginning of the occupancy of the project.
- ~~(2)~~ 9. Real estate signs. One temporary sign located on the property it refers to for each street frontage. In residential zones, the signs shall not exceed four square feet. An additional sign with the word "sold" or "leased" may be added but not to exceed one-half of the size of the original real estate sign. In nonresidential zones, the signs shall not exceed 16 square feet and be over five feet in height.
- ~~(3)~~ ~~Advertising for community or civic events, flags or emblems or civic, philanthropic, educational or religious organizations, maintained for a temporary period not in excess of one month.~~
- ~~(4)~~ 10. Temporary directional signs not exceeding three square feet in area placed on private property may be permitted on approach routes to a real estate open house, garage sale, benefit sale or car wash.
- ~~(5)~~ ~~Official national, state, city or school flags for any period of time.~~
- ~~(6)~~ 11. Street banners and holiday decorations may be displayed during appropriate season or event owned and maintained by the city.
- ~~(7)~~ 12. Residential name signs and/or address signs not exceeding 1.5 square feet.
- ~~(8)~~ 13. Private traffic directional signs which are necessary for and function only to direct traffic movement on, off of or within a premises, shall be allowed without limit as to number. Maximum size shall not exceed six square feet. Such signs shall not contain commercial advertising. Signs must be removed not less than 24 hours after such function or event. Not more than two directional signs shall be permitted per street entrance to any lot.
- ~~(9)~~ ~~Nameplates on mailboxes.~~
- ~~(10)~~ ~~Religious emblems that are located on the premises of the religious institution.~~
- ~~(11)~~ 14. Window signs, show cards and bulletins, as long as such signs are not illuminated.
- Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and industrial districts, subject to the following limitations:
- a. The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered to be one continuous window area.
 - b. Window signs shall not be assessed against the sign area permitted for other sign types.
- ~~(12)~~ ~~Memorial signs or historic markers.~~
- ~~(13)~~ ~~Signs required by law.~~
- ~~(14)~~ ~~Street banners owned and maintained by the city.~~
- (c) *Fee exempt signs.* The following fee exempt signs shall require a permit, but any applicable fees shall be waived:
- (1) Murals or wall art which contain no commercial message.
 - (2) Gasoline price signs. Service stations shall be permitted one double-faced, on-site sign not to exceed 12 square feet per face, and five feet in height, advertising the price of gasoline. Such signs shall not contain any advertisement other than brand name.
 - (3) One permanent identification sign setting forth the name of a center, civic, religious, educational, charitable, public or quasi-public institution, shall be permitted in accordance with the requirements of the zone in which the sign is placed.
 - (4) ~~A single permit shall be required for the placement of temporary political signs. Such signs shall be placed only with the consent of the owner of the property on which they are posted. Such signs may be~~

~~erected no earlier than 90 days prior to any primary or general election. They shall be removed within 14 days after the election to which the sign pertains. The candidate for whom the sign advertises, or the candidate's duly responsible agent, shall bear the responsibility for removal of such sign.~~

- (5) One bulletin board or changeable public notice sign, not over 32 square feet and seven feet in height, for public, charitable or religious institutions, when the bulletin board or changeable public notice sign is located on the premises of such institution.
- (d) *R-3 zones, apartments.*
 - (1) Signs permissible in the R-3 district include nameplates not exceeding two square feet in area.
 - (2) An apartment premises with five to 24 dwelling units may have wall signs identifying the apartments, provided the sign on any facade does not exceed 32 square feet.
 - (3) An apartment premises with more than 24 units may have wall signs identifying the apartments, provided the total number of square feet per facade does not exceed 100 square feet.
 - (4) Each premises may have one freestanding sign per each 750 feet of public street frontage. No freestanding sign shall be more than 12 feet in height.
- (e) *R-1, R-2, R-4 zoned residential areas.*
 - (1) No portion of an illuminated sign shall have a luminance greater than provided by a 100 watt bulb.
 - (2) No sign, or part of a sign, shall move, flash or rotate.
 - (3) No more than one sign per premises shall be illuminated.
 - (4) Any and all illuminated signs within 40 feet of residential zones, must use shielding for the source of lighting in such manner that will prevent glare or light from the source from shining directly into or toward the residential area.
 - (5) One unlighted sign, which shall not exceed one square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat to the building.
 - (6) One sign, which shall not exceed 15 square feet in area, for church or school.
 - (7) One sign, which shall not exceed four square feet in area, for temporary unlighted sign pertaining to the lease, hire or sale of building or property upon which it is located; provided, the sign is immediately removed upon the lease, hire or sale of such building or property.
 - ~~(8) One unlighted temporary political sign which shall not exceed 32 square feet in area.~~
- (f) *Nonresidential regulations.* The additional provisions of this subsection apply to all signs not in a residential zone or within 40 feet of a residential zone.
 - (1) *Height.*
 - a. Height of a freestanding sign shall not exceed 30 feet above grade.
 - b. Height of a building mounted sign or projecting sign shall not exceed 40 feet above grade.
 - (2) *Size.*
 - a. Size of a freestanding or projecting sign shall not exceed 100 square feet.
 - b. Size of a building mounted sign, except a projecting sign, shall not exceed 15 percent of the area of the facade to which they are applied.
 - c. Canopy signs shall not extend beyond the sides or edges of the canopy.
 - (3) *Number.*
 - a. Wall signs shall be limited to four per facade.
 - b. One freestanding sign shall be permitted for each 100 feet of street frontage.

- c. One projecting sign shall be permitted for each premises, provided it is oriented to the primary entrance, or entrance frontage.
 - d. One marquee sign shall be permitted for each street frontage.
 - e. One perpendicular canopy sign every 15 feet shall be permitted for each premises.
- (4) *Location.*
- a. No off-premises sign shall be nearer than 150 feet to any other off-premises sign.
 - b. Flush mounted wall mounted signs may protrude up to one foot into the public right-of-way, granted the bottom of such sign is at least ten feet from the grade.
 - c. Building mounted signs extending above the roof shall be permitted only if they are a continuation of the plane of the facade. No roof mounted signs will be permitted.
 - d. Signs painted on the roof of any building shall be permitted as long as they are not visible from any plane of pedestrian or vehicular traffic.
 - e. Billboards i.e. Outdoor advertising sign. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed shall only be allowed in the ETJ (Extra territorial Jurisdiction) or C2 Business district.
- (5) *Illuminance near residential zones.* Any and all illuminated signs within 40 feet of residential zones must use shielding for the source of lighting in such manner that will prevent glare or illumination from the source from shining directly into or toward the adjacent residential area.
- (g) *General illumination and design.*
- (1) No single light bulb used to indicate time or temperature shall have a rating greater than 40 watts.
 - (2) No portion of an illuminated sign, apart from the light bulbs used to indicate time or temperature, shall have a luminance greater than that provided by a 150-watt bulb.
 - (3) Separate light sources aimed at a sign, and not intended as general illumination, shall not have a wattage greater than 150 watts.
 - (4) All new internally lit signs erected shall have their faces recessed within a decorative trim a minimum of two inches.
 - (5) All freestanding signs over 12 feet in height, shall have a base, i.e., planter box, wall, banco, trees, bushes or other landscaping material, as long as it does not create a hazard, which shall be compatible in color and design of the building which it advertises.
 - (6) All signs shall be constructed to withstand a wind velocity of not less than 75 miles per hour.

(Code 1978, § 21.5-3)

Sec. 78-4. Temporary Political Campaign Signs.

Political signs shall be permitted in all zoning districts, subject to the following limitations:

- a) Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days proceeding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.

Sec. 78-5. Temporary Political Campaign Signs Allowed on Public Property; Requirements and Restrictions.

(a) A temporary political campaign sign may be placed in accordance with this article on public property that serves as an early voting location or election day voting location for an election that has been ordered by a

governmental entity. Only signs that refer to a candidate or issue that is on the ballot at a particular voting location may be placed at that voting location.

(b) A temporary political sign placed on public property under this article may not:

- (1) have an effective area greater than 20 square feet;
- (2) be more than eight feet high;
- (3) be illuminated;
- (4) have any moving elements;
- (5) be placed in or over any public right-of-way; or
- (6) project more than 18 inches from a wall, roof, parapet, or eaves.

(c) Nothing in this article authorizes a person to place a temporary political campaign sign:

- (1) on public property owned or operated by a governmental entity, other than the city, if such placement is not allowed by the governmental entity; or
- (2) in a form, manner, or location prohibited by another city ordinance or state or federal law.

Sec. 78-6. Placement and Removal of Temporary Political Campaign Signs.

(a) A person commits an offense if the person:

(1) places, or causes the placement of, a temporary political campaign sign on public property in violation of any provision of Section 78-4;

(2) places, or causes the placement of, a temporary political campaign sign on public property earlier than:

(A) two calendar days before commencement of early voting, if the sign is being placed at an early voting location; or

(B) two calendar days before election day, if the sign is being placed at an election day voting location;

(3) fails to remove all temporary political campaign signs that the person placed, or caused to be placed, from the public property not later than:

(A) two calendar days after the last day of early voting, if the sign is placed at an early voting location; or

(B) two calendar days after election day, if the sign is placed at an election day voting location; or

(4) fails to remove any temporary political campaign sign that the person placed, or caused to be placed, from the public property within 24 hours after notification from the city that the sign is in violation of this article.

(b) The city may, without notice, confiscate and dispose of any sign that is:

- (1) placed in violation of this article; or
- (2) not removed as required by this article.

Sec. ~~78-4~~ 78-7. Right of inspection.

The administrator, code enforcement officer or agency representative, shall have the right to inspect all signs in the city for the purpose of ascertaining whether they are safe, secure, in need of repair or conforming to this chapter.

(Code 1978, § 21.5-4)

Sec. ~~78-5~~ 78-8. Enforcement.

(a) *Compliance.*

-
- (1) If the code enforcement officer or agency representative finds that any sign is unsafe or a hazard to the public, or has been erected or is being maintained in violation of this chapter, he shall give written notice to the permittee or owner of the property on which the sign is erected. If the permittee or owner fails to remove or alter the sign so as to comply with this chapter within ten days after mailing of such notice, such sign may be removed by the city; and the permittee or owner shall bear the expense of such removal. No person refusing to pay the costs assigned, shall be issued a sign permit. If a sign is an immediate peril to persons or property, the code enforcement officer or agency representative may cause such sign to be removed summarily and without notice.
 - (2) An abandoned sign, which no longer advertises a bona fide, ongoing business or a product sold, shall be subject to the rules and enforcement action as outlined in subsection (1) of this section.
 - (3) The exception to this chapter is historic signs. Any sign which can be shown to exist at least 45 years ago, even if nonconforming today, may be kept in place and used in its historical context.
 - a. Historic signs must be maintained and be structurally sound.
 - b. Electrical elements of historic signs, if used, must meet requirements of the National Electrical Code and any city electrical codes that may apply.

(4) **Nonconforming signs.**

Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered to be a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- A. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
- B. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
- C. Signs that comply with either Item 1 or 2 need not be permitted.

5. Obsolete sign copy.

Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

6. Maintenance, repair and removal.

Every sign permitted by this ordinance shall be kept in good condition and repair. Where any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

7. Signs in rights-of-way

Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

Signs other than an official traffic sign or similar sign shall not be erected within 2 feet (610 mm) of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

- (b) *Penalties for violation.* ~~Any person violating any provisions of this chapter, shall be deemed guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-11. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as provided in section 1-11.~~ A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(Code 1978, § 21.5-5)

Sec. ~~78-6~~ 78-9. Applicability and enforcement in city's extraterritorial jurisdiction.

The sections and provisions of this chapter shall extend and be enforced within the area of the city's extraterritorial jurisdiction, as provided by V.T.C.A., Local Government Code § 216.902.

(Code 1978, § 21.5-6)

Sec. 78-9. Exhibits.

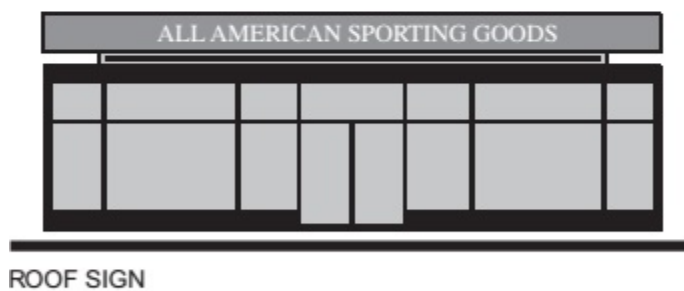
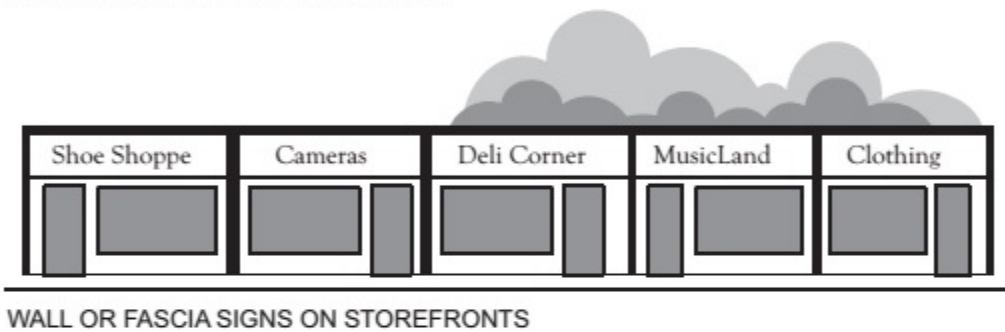
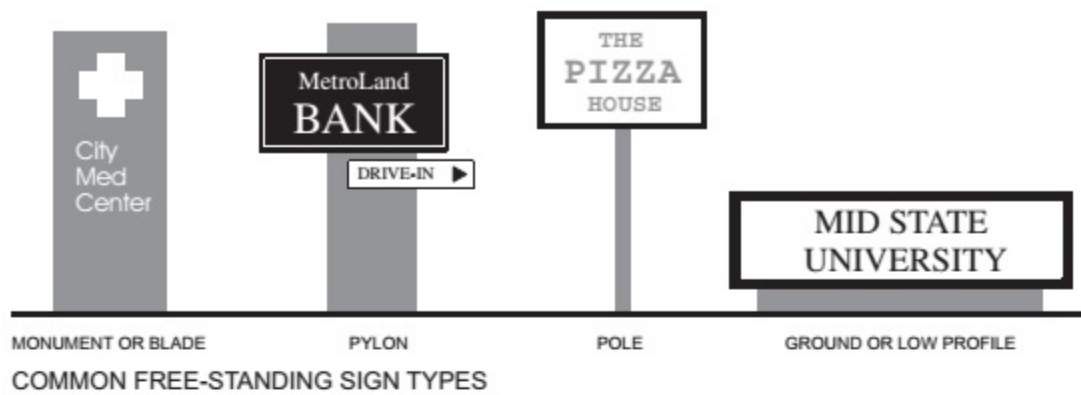
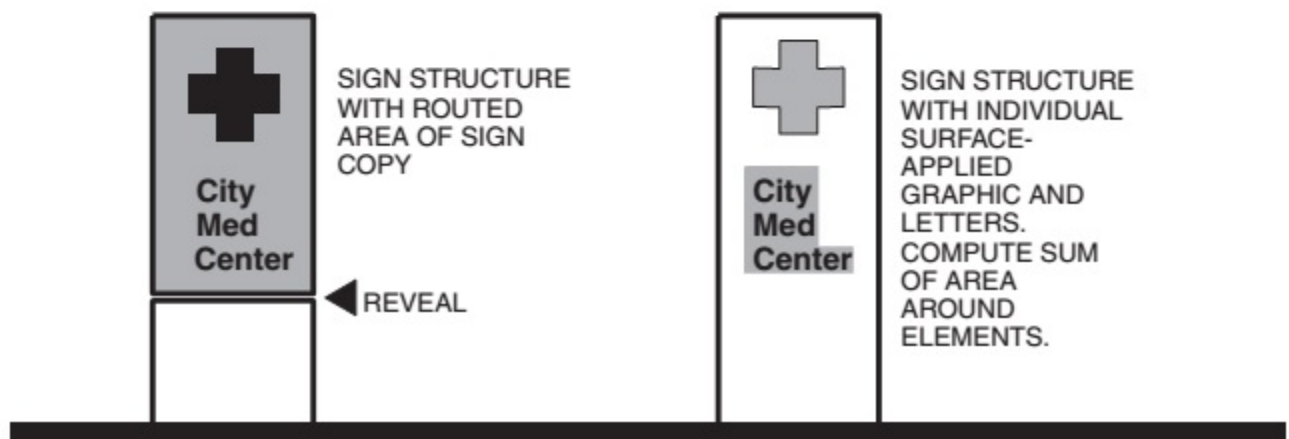


FIGURE 1003.1(1)
GENERAL SIGN TYPES



SIGN STRUCTURES



Notes: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

FIGURE 1003.1(3)

SIGN AREA—COMPUTATION METHODOLOGY

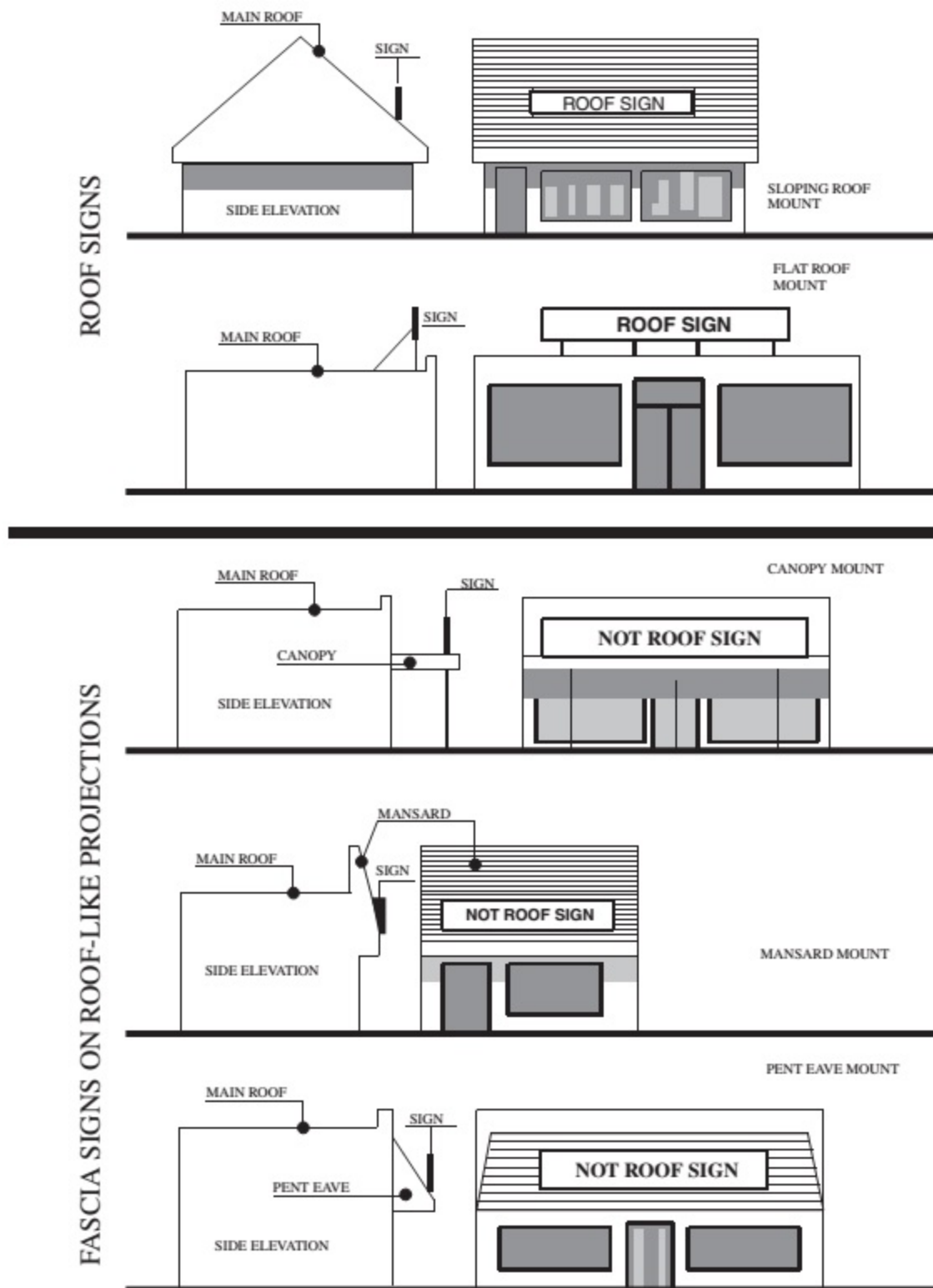
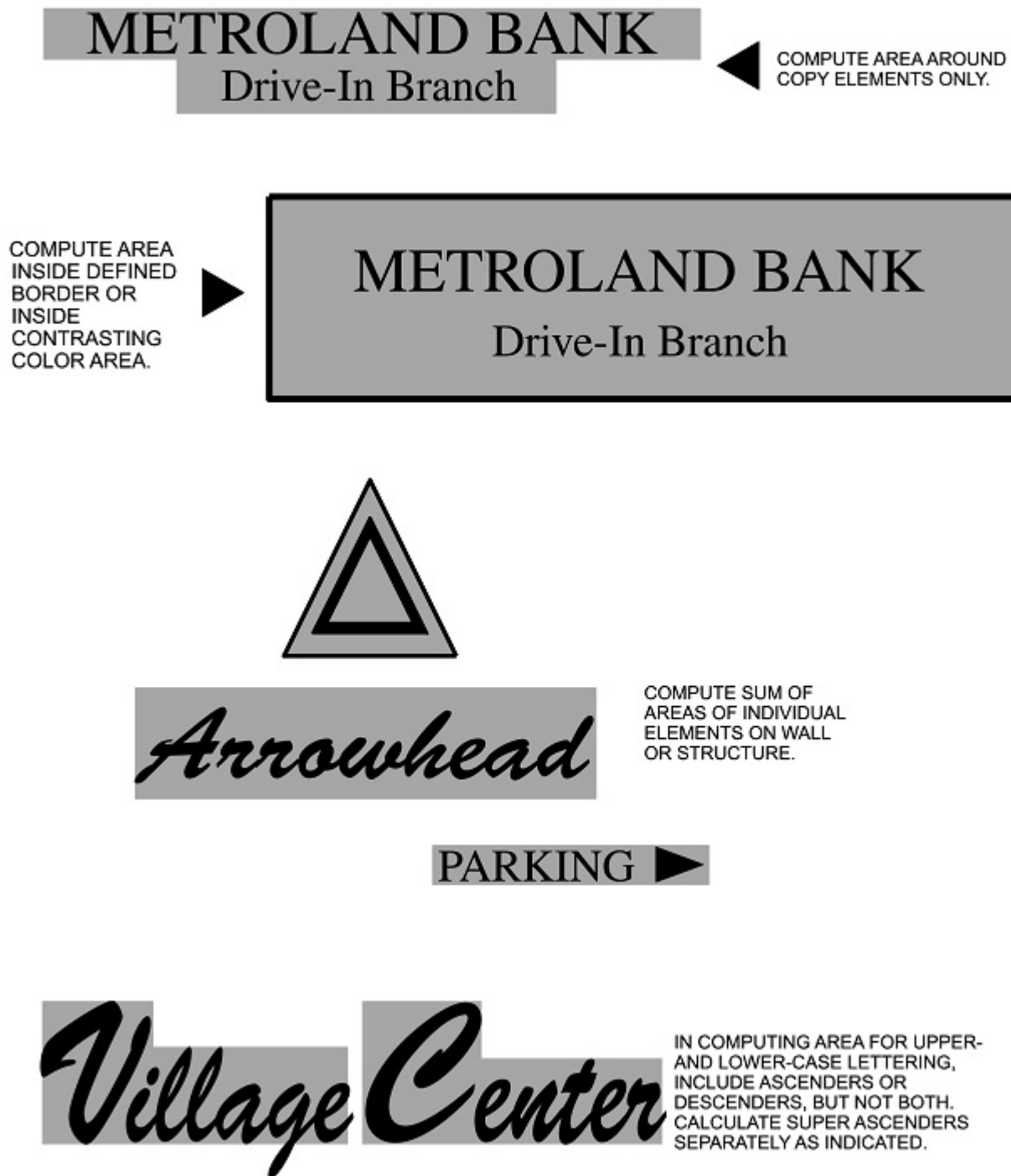


FIGURE 1003.1(2)
COMPARISON—ROOF AND WALL OR FASCIA SIGNS



Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

FIGURE 1003.1(4)

SIGN AREA—COMPUTATION METHODOLOGY

CHAPTER 10

SIGN REGULATIONS

User note:

About this chapter: The primary purpose of Chapter 10 is to establish the regulation for the use of signs and sign structures, including general signs, roof signs, wall signs and fascia signs. This chapter also contains the general provisions that apply to sign placement, maintenance, repair and removal, as well as requirements for wall, free-standing, directional and temporary signs.

SECTION 1001 PURPOSE

1001.1 Purpose. The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

SECTION 1002 DEFINITIONS

1002.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ABANDONED SIGN. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted in Items 1 and 2 as follows:

1. **Flashing.** Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
2. **Patterned illusionary movement.** Animated signs or animated portions of signs where the illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "Canopy, Attached and Free-standing."

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. See "Off-premise sign" and "Outdoor advertising sign."

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see Section 1003.

SIGN REGULATIONS

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs that are:

Electrically activated. Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "*Electronic message sign or center.*"

Manually activated. Changeable sign where the message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, that is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign where the variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "*Wall or fascia sign.*"

FLASHING SIGN. See "*Animated sign, electrically activated.*"

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or on the ground. For visual reference, see Section 1003.

FRONTAGE (Building). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See "*Free-standing sign.*"

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See "*Canopy (attached).*"

MARQUEE SIGN. See "*Canopy sign.*"

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20 percent of the total area for such a sign utilized for business identification.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OFF-PREMISE SIGN. See "*Outdoor advertising sign.*"

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

PARAPET. The extension of a building facade above the line of the structural roof.

POLE SIGN. See "*Free-standing sign.*"

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN. A sign other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure where the primary purpose is other than the support of a sign. For visual reference, see Section 1003.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises on which it is located.

REVOLVING SIGN. A sign that revolves 360 degrees (6.28 rad) about an axis. See also "*Animated sign, mechanically activated.*"

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and that is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as

canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section 1003.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, that comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE. The surface on, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface on which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 1003.

1. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate on which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a canopy or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected on common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

WALL OR FASCIA SIGN. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided that the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section 1003.

WINDOW SIGN. A sign affixed to the surface of a window with its message intended to be visible to and readable from the *public way* or from adjacent property.

SECTION 1003 GENERAL SIGN TYPES

1003.1 General. Sign types and the computation of sign area shall be as depicted in Figures 1003.1(1) through 1003.1(4).

SIGN REGULATIONS

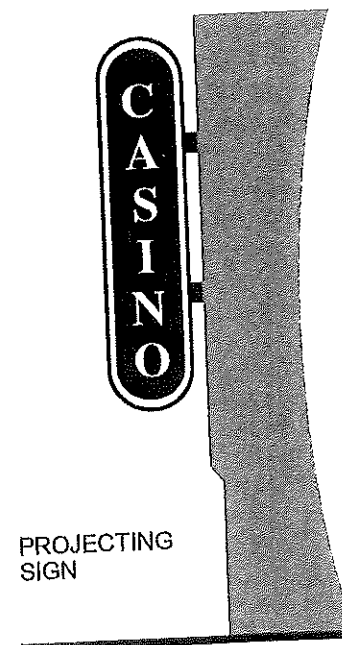
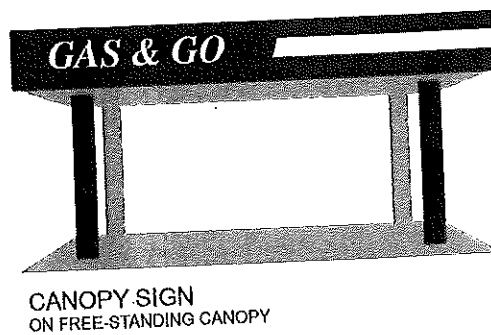
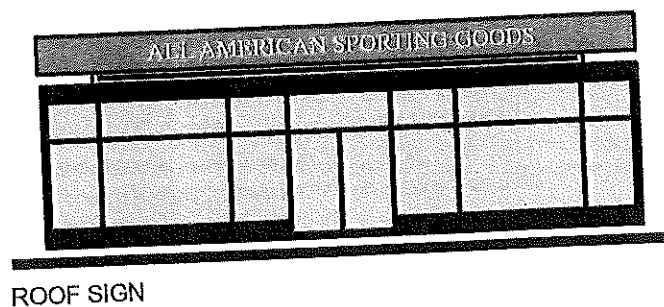
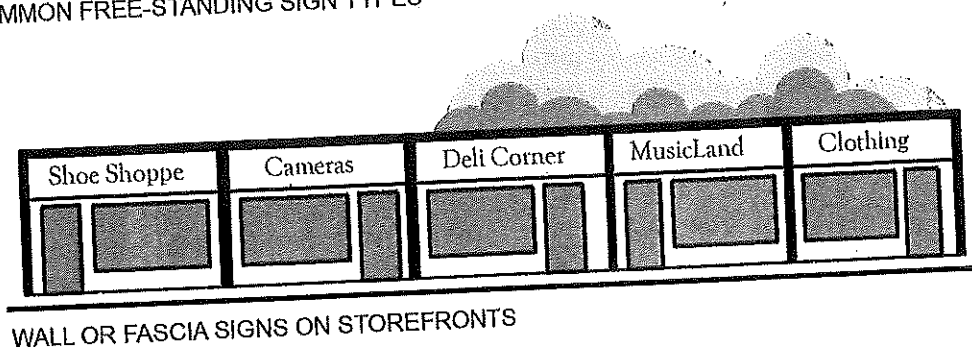
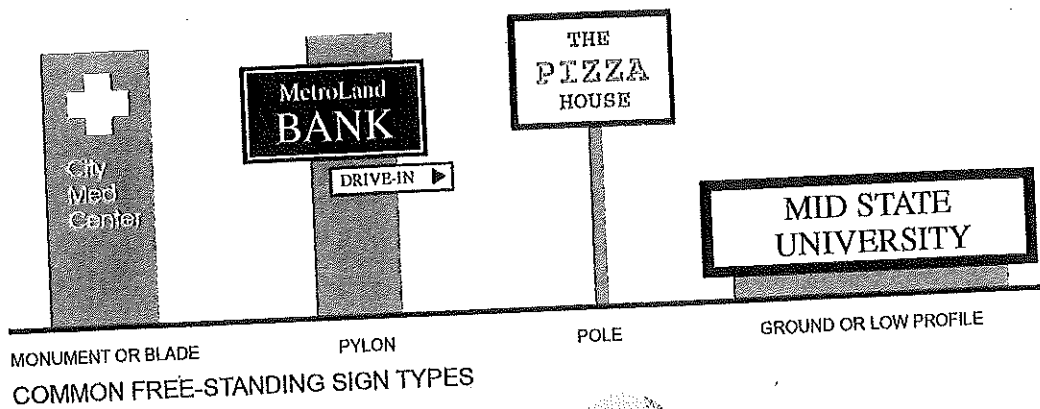


FIGURE 1003.1(1)
GENERAL SIGN TYPES

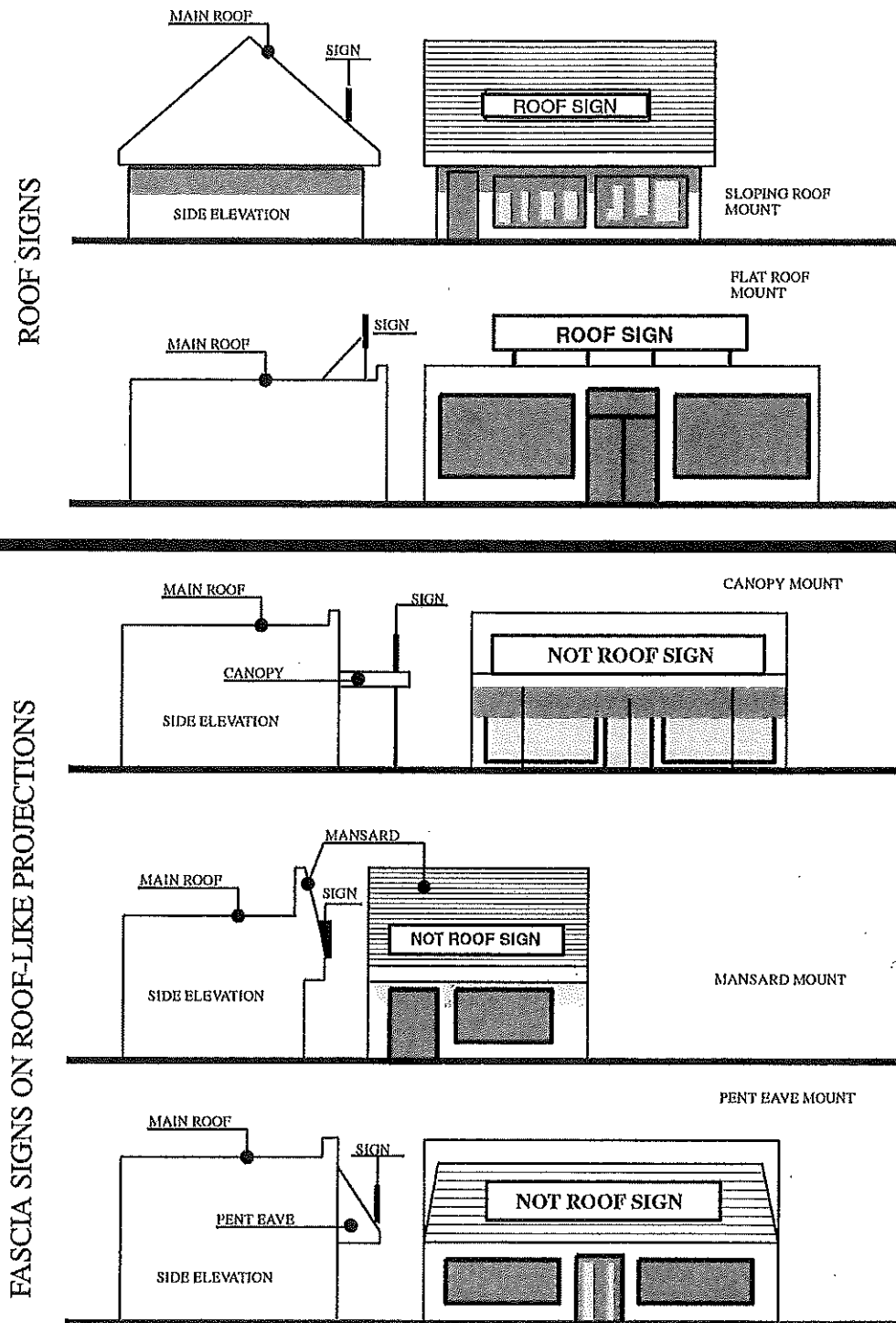


FIGURE 1003.1(2)
COMPARISON—ROOF AND WALL OR FASCIA SIGNS

SECTION 1004 GENERAL PROVISIONS

1004.1 Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the *International Building Code* and of any other ordinance or regulation within this jurisdiction.

1004.2 Signs in rights-of-way. Signs other than an official traffic sign or similar sign shall not be erected within 2 feet (610 mm) of the lines of any street, or within any *public way*, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

1004.3 Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from *grade* level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

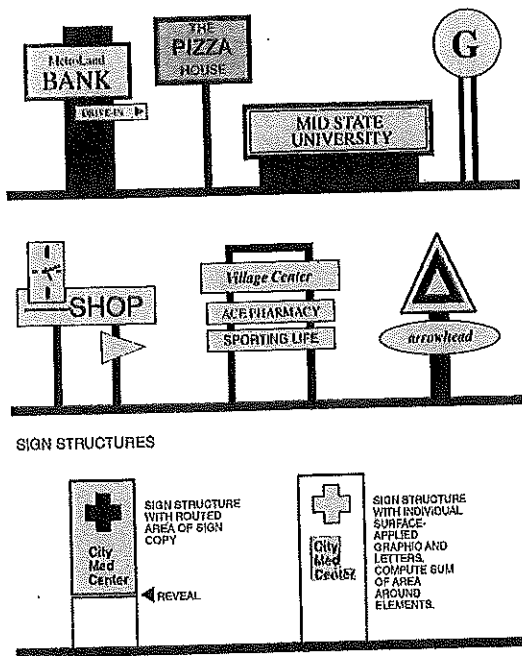
1004.4 Traffic visibility. Signs or sign structures shall not be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

1004.5 Computation of frontage. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

1004.6 Animation and changeable messages. Animated signs, except as prohibited in Section 1006, are permitted in commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

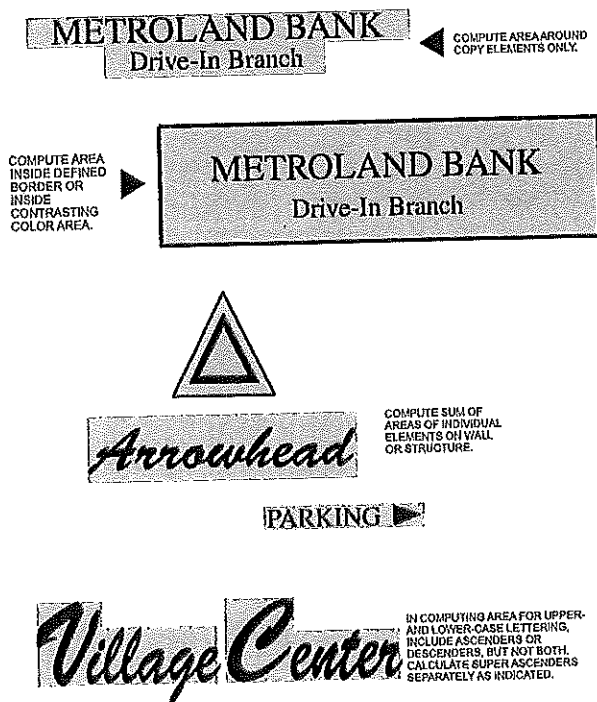
1004.7 Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. Where any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

1004.8 Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on



Notes: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

FIGURE 1003.1(3)
SIGN AREA—COMPUTATION METHODOLOGY



Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

FIGURE 1003.1(4)
SIGN AREA—COMPUTATION METHODOLOGY

which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

1004.9 Nonconforming signs. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered to be a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural *alterations*, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
3. Signs that comply with either Item 1 or 2 need not be permitted.

SECTION 1005 EXEMPT SIGNS

1005.1 Exempt signs. The following signs shall be exempt from the provisions of this chapter. Signs shall not be exempt from Section 1004.4.

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and that do not exceed 6 square feet (0.56 m²) in area.

SECTION 1006 PROHIBITED SIGNS

1006.1 Prohibited signs. The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching on or overhanging public right-of-way. Signs shall not be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Portable signs except as allowed for temporary signs.
5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - 5.1. The primary purpose of such a vehicle or trailer is not the display of signs.
 - 5.2. The signs are magnetic, decals or painted on an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - 5.3. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.
6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means not more than 20 days in any calendar year.

SECTION 1007 PERMITS

1007.1 Permits required. Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

1007.2 Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring

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such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises on which the sign is to be erected and by engineering calculations signed and sealed by a *registered design professional* where required by the *International Building Code*.

1007.3 Changes to signs. Signs shall not be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

1007.4 Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

SECTION 1008 SPECIFIC SIGN REQUIREMENTS

1008.1 Identification signs. Identification signs shall be in accordance with Sections 1008.1.1 through 1008.1.3.

1008.1.1 Wall signs. Every single-family residence, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 1008.1.1(1). For shopping centers, planned *industrial parks* or other multiple-occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than [JURISDICTION TO INSERT NUMBER] square feet.

TABLE 1008.1.1(1)
IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	AGGREGATE AREA (square feet)
Single-family residential	[JURISDICTION TO INSERT NUMBER]
Multiple-family residential	[JURISDICTION TO INSERT NUMBER]
Nonresidential in a residential zone	[JURISDICTION TO INSERT NUMBER]
Commercial and industrial	See Table 1008.1.1(2)

For SI: 1 square foot = 0.0929 m².

TABLE 1008.1.1(2)
SIGN AREA

DISTANCE OF SIGN FROM ROAD OR ADJACENT COMMERCIAL OR INDUSTRIAL ZONE	PERCENTAGE OF BUILDING ELEVATION PERMITTED FOR SIGN AREA
0 to 100 feet	[JURISDICTION TO INSERT NUMBER]
101 to 300 feet	[JURISDICTION TO INSERT NUMBER]
Over 301 feet	[JURISDICTION TO INSERT NUMBER]

For SI: 1 foot = 304.8 mm.

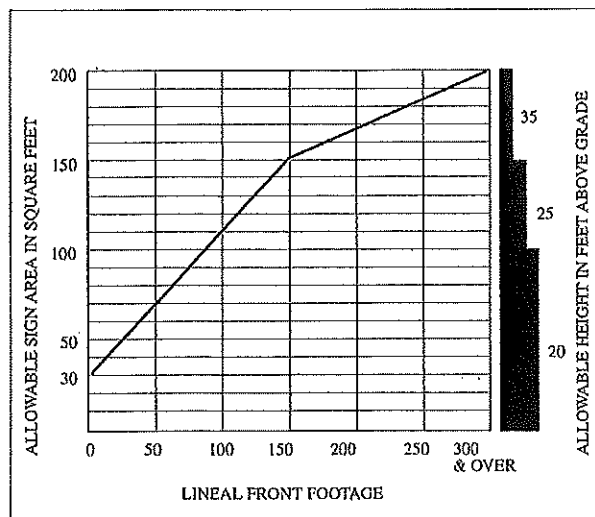
1008.1.2 Free-standing signs. In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table 1008.1.2.

TABLE 1008.1.2
IDENTIFICATION SIGN STANDARDS—FREE-STANDING SIGNS^{a,b,c}

LAND USE	NUMBER OF SIGNS	HEIGHT (feet)	AREA (square feet)	SPACING
Single-family residential	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	1 per subdivision entrance ^a
Multiple-family residential	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	1 per driveway ^a
Nonresidential in a residential zone	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	[JURISDICTION TO INSERT NUMBER]	300 ^a
Commercial and industrial	[JURISDICTION TO INSERT NUMBER]	See Figures 1008.1.2(1), (2) and (3)	See Figures 1008.1.2(1), (2) and (3)	150 ^b

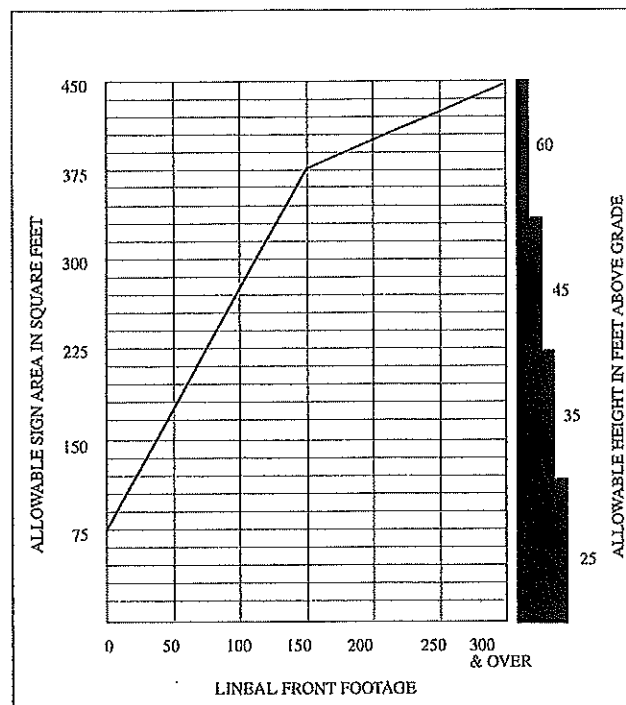
For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

- For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.
- For shopping centers or planned *industrial parks*, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in this table.
- For any commercial or industrial development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned *industrial parks*, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.



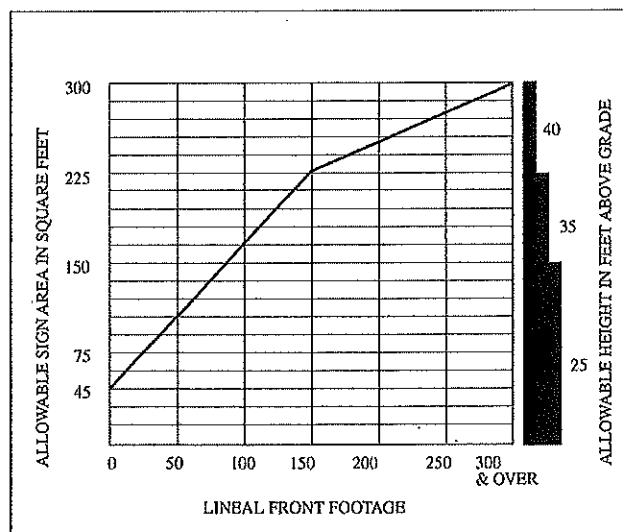
For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m²,
1 mile per hour = 1.609 km/h.

FIGURE 1008.1.2(1)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES VEHICULAR SPEED SUBJECT TO POSTED LIMITS UNDER 35 MILES PER HOUR



For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m²,
1 mile per hour = 1.609 km/h.

FIGURE 1008.1.2(3)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES VEHICULAR SPEED SUBJECT TO POSTED LIMITS ABOVE 55 MILES PER HOUR



For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m²,
1 mile per hour = 1.609 km/h.

FIGURE 1008.1.2(2)
ON-PREMISE FREE-STANDING SIGNS/COMMERCIAL AND INDUSTRIAL ZONES VEHICULAR SPEED SUBJECT TO POSTED LIMITS BETWEEN 35 AND 55 MILES PER HOUR (INCLUSIVE)

1008.1.3 Directional signs. Not more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be [JURISDICTION TO INSERT NUMBER] square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be [JURISDICTION TO INSERT NUMBER] square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

1008.2 Temporary signs. Temporary signs shall be in accordance with Sections 1008.2.1 through 1008.2.6.

1008.2.1 Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be not greater than [JURISDICTION TO INSERT NUMBER] square feet in area nor [JURIS-

DICTION TO INSERT NUMBER] feet in height. Signs permitted under this section shall be removed within 10 days after sale of the last original lot.

3. Real estate signs advertising the sale or lease of space within commercial or *industrial* buildings shall be not greater than [JURISDICTION TO INSERT NUMBER] square feet in area nor [JURISDICTION TO INSERT NUMBER] feet in height, and shall be limited to one sign per street front.
4. Real estate signs advertising the sale or lease of vacant commercial or *industrial* land shall be limited to one sign per street front, and each sign shall be not greater than [JURISDICTION TO INSERT NUMBER] feet in height, and [JURISDICTION TO INSERT NUMBER] square feet for property of 10 acres (40 470 m²) or less, or 100 square feet (9.3 m²) for property exceeding 10 acres (40 470 m²).
5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

1008.2.2 Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs on a single residential lot shall be limited to one sign, not greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built on, and shall be not greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be not greater than [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet in area.
4. Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet for projects on parcels 5 acres (20 235 m²) or less in size, and not to exceed [JURISDICTION TO INSERT NUMBER] feet in height and [JURISDICTION TO INSERT NUMBER] square feet for projects on parcels larger than 5 acres (20 235 m²).
5. Development and construction signs shall not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

1008.2.3 Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and *industrial* districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front.
2. Such signs shall be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected not more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
3. The total area of all such signs shall not exceed [JURISDICTION TO INSERT NUMBER] square feet in any single-family residential district, [JURISDICTION TO INSERT NUMBER] square feet in any multiplefamily residential district and [JURISDICTION TO INSERT NUMBER] square feet in any commercial or *industrial* district.

1008.2.4 Special event signs in public ways. Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

1008.2.5 Portable signs. Portable signs shall be permitted only in the C, CR and FI districts, as designated in this code, subject to the following limitations:

1. Not more than one such sign shall be displayed on any property, and shall not exceed a height of [JURISDICTION TO INSERT NUMBER] feet nor an area of [JURISDICTION TO INSERT NUMBER] square feet.
2. Such signs shall be displayed not more than 20 days in any calendar year.
3. Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction.
4. Portable signs shall not be displayed prior to obtaining a sign permit.

1008.2.6 Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs shall not exceed a height of [JURISDICTION TO INSERT NUMBER] feet nor an area of [JURISDICTION TO INSERT NUMBER] square feet.
2. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain

displayed until not more than 10 days after the general election.

- Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

1008.3 Requirements for specific sign types. Signs of specific type shall be in accordance with Sections 1008.3.1 through 1008.3.7.

1008.3.1 Canopy and marquee signs.

- The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection on which such sign is affixed or applied.
- Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

1008.3.2 Awning signs.

- The copy area of *awning* signs shall not exceed an area equal to 25 percent of the background area of the *awning* or *awning* surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
- Neither the background color of an *awning*, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

1008.3.3 Projecting signs.

- Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to [JURISDICTION TO INSERT NUMBER] square feet per each [JURISDICTION TO INSERT NUMBER] lineal feet of building frontage, except that no such sign shall exceed an area of [JURISDICTION TO INSERT NUMBER] square feet.
- Such sign shall not extend vertically above the highest point of the building facade on which it is mounted by more than [JURISDICTION TO INSERT NUMBER] percent of the height of the building facade.
- Such signs shall not extend over a public sidewalk in excess of [JURISDICTION TO INSERT NUMBER] percent of the width of the sidewalk.
- Such signs shall maintain a clear vertical distance above any public sidewalk of not less than [JURISDICTION TO INSERT NUMBER] feet.

1008.3.4 Under canopy signs.

- Under canopy signs shall be limited to not more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed [JURISDICTION TO INSERT NUMBER] square feet.

- Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way of not less than [JURISDICTION TO INSERT NUMBER] feet.

1008.3.5 Roof signs.

- Roof signs shall be permitted in commercial and *industrial* districts only.
- Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of not more than [JURISDICTION TO INSERT NUMBER] percent of the height of the roofline in commercial districts, and [JURISDICTION TO INSERT NUMBER] percent of the height of the roofline in *industrial* districts.
- The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

1008.3.6 Window signs. Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and *industrial* districts, subject to the following limitations:

- The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered to be one continuous window area.
- Window signs shall not be assessed against the sign area permitted for other sign types.

1008.3.7 Menu boards. Menu board signs shall not be permitted to exceed 50 square feet (4.6 m²).

SECTION 1009 SIGNS FOR DEVELOPMENT COMPLEXES

1009.1 Master sign plan required. Landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m²) in size, such as shopping centers or planned *industrial* parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- Proposed sign locations.
- Materials.
- Type of illumination.
- Design of *free-standing* sign structures.
- Size.
- Quantity.
- Uniform standards for nonbusiness signage, including directional and informational signs.

1009.2 Development complex sign. In addition to the free-standing business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street

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front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. Business identification shall not be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

1009.3 Compliance with master sign plan. Applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

1009.4 Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.