

# **SUBJECT TO CHANGE – DRAFT ORDINANCE**

## **ORDINANCE NO.**

**AMENDING LAREDO LAND DEVELOPMENT CODE, ARTICLE IV, SECTION 24-62.1(B), ENTITLED SPECIFIC USE ZONING OVERLAY DISTRICTS, BY ADDING THE CLARK BOULEVARD OVERLAY DISTRICT, AND ADDING NEW SECTION 24.75, ENTITLED CLARK BOULEVARD OVERLAY DISTRICT (CK), TO PROVIDE PERFORMANCE STANDARDS ASSOCIATED WITH PROPOSED DISTRICT, AND AMENDING THE CITY OF LAREDO ZONING ORDINANCE (MAP) TO IDENTIFY ONLY THOSE PROPERTIES LOCATED ABUTTING CLARK BOULEVARD, BETWEEN NORTH SEYMOUR AVENUE, AND NORTH EJIDO AVENUE AS THE CLARK BOULEVARD OVERLAY DISTRICT IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER 211; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**WHEREAS**, the City of Laredo 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 Local Government Code; and

**WHEREAS**, the City Council seeks to establish a new Zoning Overlay to provide additional uses while adding land use protections to residents; and

**WHEREAS**, the Clark Boulevard Overlay District pertains to specific boundaries within Clark Boulevard and not all of Clark Boulevard; and

**WHEREAS**, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on June 20, 2024; and

**WHEREAS**, the Planning and Zoning Commission, after a public hearing, has recommended **denial** of the proposed zoning overlay district; and,

**WHEREAS**, notice of the zoning overlay district was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

**WHEREAS**, the City Council has held a public hearing on July 22, 2024 on the request and finds the zone change appropriate and consistent with the General Plan of the City of Laredo; and,

**WHEREAS**, the City Council finds it necessary and desirable to adopt the amendments of the Land Development Code as set forth in this ordinance.

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

**Section 1.** The City of Laredo Land Development Code, Article IV, Section 24-62.1(b), Specific Use Zoning Overlay Districts, is hereby amended as follows:

**SECTION 24-62 ZONING DISTRICT AND BOUNDARIES**

**Section 24.62.1 Land Use Zoning District Establishment**

**(b) Specific Use Zoning Overlay Districts**

((a)) The City Council may create additional zoning districts known as Specific Use Zoning Overlay Districts. Each Specific Use Zoning Overlay District created shall be deemed a separate and distinct zoning district but must be designated as one of the zoning districts listed in Section 24-62.1(a). The following Specific Use Zoning Overlay Districts are established:

- (H) Historic District
- (AH) Airport Hazard Zoning District
- (AN) Airport Noise Zoning District
- (FH) Flood Hazard District
- (PUD) Planned Unit Development District
- (MF) Medical Facilities District
- (CF) College Campus Facilities
- (OG) Oil & Gas Production Zones
- (FiH) Fire Hazard Zone
- (CK) Clark Boulevard Overlay District

**Section 2.** The City of Laredo Land Development Code, Article IV, Section 24.75 is hereby added to read as follows:

**Section 24.75.1 Purpose.**

The purpose of the Clark Boulevard Overlay District (CK) is to allow certain low impact commercial or office uses on Clark Boulevard as defined by district boundaries in Section 24.75.2. The Clark Boulevard Overlay District (CK) is established to protect the existing residential structures while providing flexibility in the conversion of land uses.

**Section 24.75.2 District Boundaries.**

The Clark Boulevard Overlay District (CK) pertains only to those parcels directly abutting Clark Boulevard, from the east right-of-way line of North Seymour Avenue to the west right-of-way line of North Ejido Avenue. The Clark Boulevard Overlay District (CK) excludes Michael S. Ryan Elementary School (Block 1399, 1400, 1504, 1503, Eastern Division).

The minimum allowable area eligible for consideration for rezone to Clark Boulevard Overlay District (CK) shall be no less than half a block, and must be must be contiguous to the existing Clark Boulevard Overlay District (CK) boundaries.

**Section 24.75.3 Detail Site Plan Requirements.**

Upon request, a property owner shall submit a detailed site plan to the City’s Building Official or designee. The proposed site plan shall be prepared by an architect, landscape architect, engineer or planning consultant, and shall include but not limited to the following information at a level of detail sufficient to permit final approval by the City’s Building Official:

- a. Existing features of the property, including contours, buildings, structures, trees over 4 inches in trunk diameter, streets, utility easements, right-of-way and land use; and,
- b. Building locations and land use areas; and,
- c. Streets rights-of-way, parking, layout, and pedestrian walkways; and,
- d. Landscaping plans including site grading and/or landscape design; and
- e. The site plan shall be drawn to a scale which best fits a 24”x36” sheet and ensures that all required elements are legible; and
- f. Proposed use from the approved list on Section 24.75.4; and
- g. Include the legal description and the address of the site. If a legal subdivision has not been recorded for the property, one (1) copy of a written metes and bounds description, signed and sealed by a professional engineer or a registered land surveyor and accompanied by a survey map, shall be submitted.

**Section 24.75.4 Permitted Uses.**

The following uses shall be allowed by right within the Clark Boulevard Overlay District (CK):

- Office (Brokerage Services)
- Insurance Agency Offices
- Real Estate Offices
- Offices (Professional)

- Financial Services (Advice / Invest)
- Tailor Shop
- Travel Agency
- Photo Studio
- Artist Studio
- Antique Shop
- Florist
- Beauty Salon (Non-College)
- Barber Shop (Non-College)
- Retail Store (Miscellaneous)
- Child Day Care
- Interior Decorating Studio
- Medical Office
- Dental Office
- Bakery (Retail)
- Pet Grooming
- Restaurant\*
- Bookstore/Stationary Stores

\*Review Section 24.75.5 Supplementary Standards for Permitted Uses for additional information.

**Section 24.75.5 Supplementary Standards for Permitted Uses.**

**a. Restaurant Standards**

1. Restaurants shall operate within a wholly enclosed structure.
2. The hours of operation shall be limited from 8:00am to 9:00pm.
3. Special use permits will not be allowed.
4. No restaurant serving alcohol may operate in the Clark Boulevard Overlay District (CK).
5. There shall be no ground vibrations created or sustained on the site which are perceptible without instruments at any point on any property adjoining the subject property.
6. Any outdoor seating and music shall be prohibited.

**Section 24.75.6 Clark Boulevard Overlay District (CK) Standards.**

**a. Existing Structures**

1. Under no circumstances shall an existing structure within the overlay boundaries be demolished, altered, or modified for the purpose of utilizing the overlay.
2. A property owner shall be allowed the uses under Section 24.75.4, but shall not be

allowed to demolish their existing structure.

3. All properties shall conform to the dimensional standards found in Section 24-77.
4. Residential uses are allowed to continue simultaneously with the use of the overlay.
5. Any outside storage on the properties shall be prohibited.

**b. Vacant Lots**

1. Only those uses allowed by the underlying or base zone are allowed.
2. The property shall conform to the dimensional standards found in Section 24-77.
3. Any outside storage on the properties shall be prohibited.

**c. Signage**

1. Signage shall be limited to the following size and style: Yard sign on post. Sign shall be no larger than 24" x 36" and may be placed vertically or horizontally and can be double-sided.
2. Sign must hang from a pole made out of wood or metal.
3. Sign materials can be wood, metal, iron, or some other durable material.
4. Only one sign per premise and shall not interfere with the sight triangle.
5. Sign shall be securely grounded.
6. In no instance shall signs have flashing lights, scrolling text, external or internal illumination.
7. Wall signs, signs on windows, roof signs, monument signs, or other signs not conforming to this ordinance shall be prohibited.
8. Sign must be maintained and in good condition at all times.
9. Height of sign shall be no taller than 42' from ground level to the top of the sign face.

**d. Parking**

Existing parking shall be maintained. No additional parking spaces shall be created to accommodate proposed use(s) within the overlay district except as specifically provided for the following uses below. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code, Section 24-78.

1. Child Development Centers within the overlay district shall provide a drop off lane to accommodate three (3) stacking vehicles as identified in City of Laredo Land Development Code, Section 24-78.3

2. A lot or contiguous combination of lots, proposed for an overlay allowed use which are larger than 9,000 square feet, may provide additional parking beyond the 2 spaces limitation.

**e. Fencing & Screening**

Fencing and screening requirements shall conform to the regulations found in Section 24-79.

**f. Landscaping**

Existing landscaping within the premises of the property shall be maintained and shall be shown on the detailed site plan. Existing landscaping shall not be removed to accommodate parking except if the site is larger than 9,000 square feet. Only then shall landscaping be allowed to be modified for parking spaces with the approval of the detailed site plan submitted the City's Building Official.

**g. Sidewalks and Driveways**

1. Existing sidewalks shall be maintained and shall not be demolished, altered, or modified. In instances where there is no sidewalk, the property owner shall be required to construct a sidewalk to conform with city standards.
2. Existing driveways shall be maintained and shall not be demolished, altered, or modified. In instances where there is no driveway, the property owner shall be required to construct a driveway to conform to city standards. No additional driveways or curb cuts shall be allowed to be constructed as part of the use of the overlay district.

**Section 24.75.7. Variances.**

The Board of Adjustment shall have no authority to grant variances to the requirements of 24.75.

**Section 24.75.8 Enforcement.**

Any property, parcel, or structure, used, erected, constructed, built, reconstructed, altered or maintained in violation of regulations, the owner, other responsible party, property owner, lessee, management and/or tenant shall be served with a written notice that states the violation and requires compliance with this article not more than ten (10) days from service. The notice may be served in person or by depositing the same as certified in the United States Postal Service addressed to the property owner at the owner's address (i.e., as shown on the most current tax roll of the city), or the tenant (i.e., as shown on the utility billing records of the city). If the municipality mails the notice to the property owner and the U.S. Postal Office returns it as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

**Section 24.75.9 Citations.**

All city code enforcement officers/zoning enforcement officers/inspectors have independent authority to issue citations for violations of this chapter.

For each violation, the citation shall state the alleged violation, the date of the violation, and the section of the code violated. Each day or any portion thereof during which any violation of this

chapter occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided. The municipal court shall have exclusive original jurisdiction over all such citations. (Ord.

No. [2017-O-044](#) , § 1, 10-3-17)

**Section 24.75.10 Abatement of Violation.**

The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting action to:

1. Prevent unlawful construction
2. Correct or abate a violation
3. Prevent illegal usage of structure or premises
4. Stop and illegal act

**Section 24.75.11 Penalties.**

Any person, firm, or corporation violating any provision of Land Development shall be guilty of a Class C Misdemeanor. After all provisions of [Code of Ordinances Sec. 28-55](#) have been followed and the violation has not been rectified, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense involving zoning, fire safety, or public health and sanitation, and shall be fined five hundred dollars (\$500.00) for all other violations of this ordinance. Each day or any portion thereof during which any violation of this chapter occurs, or continues, shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

**Section 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4.** The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in with conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

**Section 5.** The City Secretary of the City of Laredo is hereby directed to publish the proposed ordinance as required by Section 2.09 of the Charter of the City of Laredo.

**Section 6.** This ordinance shall become effective immediately upon passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THE  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

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DR. VICTOR D. TREVINO  
MAYOR

ATTEST:

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MARIO I. MALDONADO, JR.  
CITY SECRETARY

APPROVED AS TO FORM:

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DOANH "ZONE" T. NGUYEN  
CITY ATTORNEY