ORDINANCE NO.

AMENDING THE ZONING ORDINANCE MAP OF THE CITY OF LAREDO BY AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AMENDING ORDINANCE 2012-O-198, WHICH AUTHORIZED A SPECIAL USE PERMIT FOR MINI-STORAGE/WAREHOUSE ON LOT 3B, BLOCK 2, H.R.C. SUBDIVISION, UNIT 2, LOCATED AT 2110 QUAIL CREEK ROAD, IN ORDER TO REMOVE HURD LAND AND DEVELOPMENT COMPANY AS THE PARTY WHOM THE PERMIT IS ISSUED; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received to amend the Executed Ordinance 2012-O-198, which authorized a special use permit for mini-storage/warehouse on Lot 3B, Block 2, H.R.C. Subdivision, Unit 2, located at 2110 Quail Creek Road, in order to remove Hurd Land and Development Company as the party whom the permit is issued; 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 July 18, 2024; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the issuance of the Special Use Permit Amendment; and,

WHEREAS, notice of the Special Use Permit Amendment request 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 August 19, 2024 on the request and finds the Special Use Permit Amendment appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

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

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by amending the Zoning Ordinance (Map) of the City of Laredo by amending Ordinance 2012-O-198, which authorized a special use permit for mini-storage/warehouse on Lot 3B, Block 2, H.R.C. Subdivision, Unit 2, located at 2110 Quail Creek Road, in order to remove Hurd Land and Development Company as the party whom the permit is issued.

Section 2: The Special Use Permit is further restricted to the following provision herewith adopted by the City Council:

1. ~~The Special Use Permit is issued to Hurd Land Development Company, and is non-transferable.~~
2. The Special Use Permit is restricted to the site plan, Exhibit "A", which is made part hereof for all purposes.
3. Parking must comply with all relevant provisions of the Laredo Land Development Code.
4. ~~Construct a six (6) foot block wall along property lines abutting the Golden Steps Child Development Center~~. *Owner shall provide a 7' high opaque fence along property lines which abut or adjoin any residential zones/uses.*
5. Fencing must comply with the Laredo Land Development Code as per Section 24.93.9(b)3. *Fencing and/or walling shall comply with the provisions established in Section 24-79, "Fencing and Screening," of the Laredo Land Development Code. In the event additional fencing or walling is proposed, no less than 25% and no more than 70% shall be opaque. A visibility triangle as defined in Appendix 'A' of the Laredo Land Development Code shall be maintained.*
6. No less than 5.00% of the total area of the proposed tract for development shall be reserved for landscape purposes, in addition to those provisions established in Section 24.83, "Trees and Shrubs," of the Laredo Land Development Code.
7. Flammable, combustibles, corrosives, and toxins, nuclear waste, hazardous waste water, or any material requiring placards for transport shall not be permitted. No permits for storage of any like materials issued by the Laredo Fire Department shall supersede these provisions.
8. The facility's exterior lighting shall be low impact and directed towards the ground and away from any abutting residential zones or uses. *Specify low lighting attached to units and directed towards the ground. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.*
9. Dumpsters, trash bins, or locations for refuse collection shall be permitted
10. *The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.*
11. *Signage shall be consistent with the City's Sign Ordinance.*
12. *Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.*
13. *The business shall, during all hours of operation, maintain, free from obstruction or impediment to full instant use in the case of fire or other emergency, all exit accesses, exits or exit discharges.*
14. *The business shall undergo an annual Fire Inspection.*
15. *All permits, licenses, certifications and inspections required by the codes and ordinances of the City of Laredo shall be kept up to date and current including but not limited to Certificate of Occupancy with Occupant Load, Occupant Load being the approved capacity of a building or portion thereof.*
16. *Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.*

Section 3: This ordinance shall be published in a manner provided by Section 2.09(D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.

Section 5: The Special Use Permit authorized by this ordinance shall be revoked pursuant to the Laredo Land Development Code, section 24.93.12.12, entitled "Enforcement and Revocation of Special Use Permit Revocation," according to the criteria and procedures described therein and below:

1. Enforcement and Revocation of Special Use Permit Revocation

If it is determined based on inspection by the Planning Director or reasonable investigation by the City Manager, or his designee, that there exist reasonable grounds for revocation of a Special Use Permit, a public hearing shall be set before the Zoning Commission and the City Council.

A. Circumstances that warrant revocation of an approved special use permit include, but shall not be limited to, any of the following:
    1. Any Violation of any of the conditions of the special use permit if not corrected to the satisfaction of the City within 90 days of the owner having received written notice of the violation and the means necessary to correct it;
    2. A plea of guilty or no-contest to an offense that that occurs on the property for which the special use permit is granted involving any zoning ordinance or provision of the City's Land Development Code;
    3. The building, premise, or land uses under the special use permit is enlarged, modified, structurally altered, or otherwise significantly changed without the approval of a separate special use permit for such enlargement, modification, structural alteration or change;
    4. Violation of any provision of the site plan encompassing the property for which the special use permit was issue for, terms or conditions of a special use permit;
    5. The special use permit was obtained by fraud or with deception.
B. Revocation process. The revocation process shall be conducted through a public hearing and recommendation by the Zoning Commission, followed by a public hearing and ordinance amendment consideration by the City Council. The City Council ma revoke the special use permit, deny the revocation and allow the sue to continue, or deny the revocation and amend the special use permit to attach conditions to assure that the terms, conditions and requirements of the special use permit be met.
C. Effect of revocation. Upon the effective date of the revocation, it shall be unlawful to undertake or perform any activity that was previously authorized by the special use permit. 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. Each day that a violation exists shall constitute a separate offense.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE _____ DAY OF _____, 2024.

_____
DR. VICTOR D. TREVINO
MAYOR

ATTEST:

_____
MARIO I. MALDONADO, JR.
CITY SECRETARY

APPROVED AS TO FORM:

_____
DOANH “ZONE” T. NGUYEN
CITY ATTORNEY