



# Laredo Land Development Code

## Article 6 Supplemental Use Regulations

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# Article 6 Supplemental Use Regulations

## 24.6.1 Generally

- (a) **Conformance with Regulations.** Any use hereafter placed on land and any building or part thereof hereafter erected, altered, expanded, placed, converted, or otherwise located in the city shall comply with the requirements set forth in this title and otherwise as required by this Code.
- (b) **Lot Required.** Every building hereafter erected, altered, expanded, placed, converted, or otherwise located shall be on a lot or lots, and in no case shall there be more than one main building on one lot unless otherwise provided in this title. Where more than one building is allowed for a principal use within a zoning district, all buildings shall be subject to the provisions of this title. All buildings shall be so located on a lot or lots as to provide for safe and convenient vehicular access.
- (c) **Legal Access Required.** No lot or portion thereof shall be used or occupied unless such lot has frontage upon an accessway, except for agricultural uses associated with the conduct of a farm or ranch.
- (d) The following uses shall be located within wholly enclosed buildings:

Use	District
All business, service or processing	MX-2
Light manufacturing (such as signs)	MX-2
Monument sales and service shops adjacent to an R-District	MX-2

- (e) **Location.** The following uses require additional distancing from certain zones. The measurement is taken from the closest boundary line of the protected zoning district, unless otherwise stated.

Use	Districts	Distance
Funeral & Interment Services	MX-2	100 feet from an RL, RM and RH district and within three hundred (300) feet of a principal arterial street. In addition, screening from adjacent less intensive uses is required.
Small animal veterinary clinics which include treatment, display, grooming, or boarding of small animals or pets	MX-2	50 feet from an RL, RM and RH district
Recycling centers	MX-2	100 feet from an RL, RM and RH district
Bars	MX-3, C	300 feet from an RL, RM and RH district
Theaters, billiard parlors, pool halls and bowling alleys	MX-3	75 feet from an RL, RM and RH district
Storage, handling or transfer of	C	200 feet from an RL, RM and RH district

Use	Districts	Distance
pesticides, fertilizer or chemicals		
Automobile or vehicle sales, heavy or truck stops	C	Abutting freeway and State Aid Primary Roads only. Storage of equipment and vehicles adjoining any RL, RM, RH or C district shall be screened from view along the adjacent property line.
Temporary Special Events	C	300 feet from an RL, RM and RH district
Indoor Amusement	C	300 feet from an RL, RM and RH district
Entertainment Facility	C	75 feet from an RL, RM and RH district
Halfway Houses (Criminal)	C	500 feet from an RL, RM and RH district

(f) **Maximum Size.** The size of designated buildings or uses shall not exceed the following:

Use	Districts	Distance
Beverage Bottling or Distribution Stations	C	15,000 square feet floor space

**(g) Performance Standards**

Uses shall not create noise, fumes, smoke, odor, vibration or involve welding or the use of heavy equipment outdoors in the MX-2 and MX-3 district.

**24.6.2 Accessory Structures & Uses**

(a) **Agricultural Uses.** Uses accessory to agricultural uses include those normally associated with agricultural pursuits, such as including barns, corrals, silos, stables, personal workshop spaces, and equipment storage sheds.

(b) **Residential Uses.** Uses accessory to residential uses include:

- (1) In any district, swimming pools, tennis courts, cabanas, pool houses, palapas, garden and tool storage sheds, garages, porte-cocheres, carport, barbecue pits or accessory dwelling units separated from the principal structure.
- (2) In the RS-2 district, construction yards and model homes shall:
  - a. Serve new construction in the subdivision where it is located; and
  - b. Are allowed only on a temporary basis. Construction yards shall be converted to residential lots or common open space and model homes shall be converted to dwelling units, no later than the issuance of a certificate of occupancy for all uses on all lots in the subdivision.

(c) **Garages.**

- (1) Residential garages accessed from an alley shall be at least twelve (12) feet from the alley. No accessory building shall be less than two and one-half (2 1/2) feet from the rear property line.
- (2) A garage or carport accessed from the side yard on any corner lot shall be located at least twenty (20) feet from any property line.

(d) **Storage.** Storage may occur in the same building with the principal use.

(e) **Downtown / Regional Mixed Use District (MX-3).** Within the MX-3 district:



- (1) Filling station pumps, pump islands, and accessory buildings are permitted within a required yard if they are at least fifteen (15) feet from any street right-of-way line.
- (2) Filling station pumps and pump islands shall not be closer than one hundred (100) feet from any residential district.

### **24.6.3 Accessory Dwelling Units**

(a) Second dwelling unit on one lot: A single-family detached dwelling unit on a lot with an existing dwelling is permitted, provided that all the following conditions are met:

- (1) Plans for the additional dwelling unit shall demonstrate sufficient capacity for all utilities and drainage.
- (2) The lot area is not less than 3000 sq. ft. of lot area per dwelling unit.
- (3) Not less than two paved off-street parking spaces per dwelling unit is provided on the lot, with paved access to the street.
- (4) There shall not be more than one manufactured housing unit per lot, which shall require a permanent foundation.

### **24.6.4 Adaptive Reuse**

(a) **Generally.** The purpose an adaptive reuse is to revitalize neighborhoods and increase new housing opportunities within the city by allowing more flexible development standards for certain residential and/or mixed uses within the area.

(b) **Applicability.** An adaptive reuse may only be used for the conversion of all or any portion of an existing building to any of the following new residential and/or mixed uses:

- (1) Dwelling units (single family, duplex, townhomes, apartments, condominiums)
- (2) Live-work units.
- (3) Mixed-use buildings.

(c) **Standards.** The following standards apply to an adaptive reuse:

- (1) Minimum front, rear and side setbacks: Zero feet.
- (2) Maximum height: Three stories or as permitted in the underlying zoning district.
- (3) Minimum lot area, width, and depth: None.

### **24.6.5 Amusement Redemption Machine Establishment**

In the C District, an Amusement Redemption Machine Establishment must meet the following requirements:

(a) **Setback**

- (1) An Amusement Redemption Machine Establishment is not located within two hundred (200) feet of:
  - a. any residential structure;
  - b. the boundary of any district zoned AG, RL-1, RL-2, RM, RH-1, or RH-2;
  - c. a religious land use;
  - d. a public or private park; or
  - e. a public or private elementary or secondary school.



- (2) Setbacks are measured along the property lines of the street fronts and from front door to front door, or to zoning district, church, park or school and direct lines across intersections.

**(b) Hours of Operation.** An Amusement Redemption Machine Establishment operates only between 8:00 a.m. to 2:00 a.m.

**(c) Warning Signs**

- (1) An Amusement Redemption Machine Establishment prominently post signs reading:  
“If you or anyone you know has a gambling problem, call 1-800-522-4700.  
Si usted o alguien que usted conoce tiene un problema de adicción al juego, llame al 1-800-522-4700”.
- (2) Amusement redemption machine establishments are restricted to the permitted sign dimensions prescribed for MX-2 Districts.

### **24.6.6 Bars**

**(a) Generally.** Night clubs, bars, saloons, and cantinas are permitted and are subject to the following performance standards:

- (1) All advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.
- (2) Bars shall discourage criminal activities and vandalism. This includes provisions for sufficient lighting and perimeter fencing, elimination of dark areas, and building orientation to provide maximum site visibility from a public street.
- (3) Bars shall make provisions to minimize litter, and to keep it from blowing onto adjacent streets and properties.

### **24.6.7 Campgrounds**

A special use permit may include provisions for campground areas that are designed for use by tents, recreational vehicles, or other camping structures. These areas are not located in any sections designed for manufactured housing units. A special use permit designates areas for tent camping and recreational vehicles. Areas set aside for tent camping and recreational vehicles are exempt from open space requirements.

### **24.6.8 Day Care**

Registered family homes offering daycare services for up to 6 children under the age of 12, duly registered with the State of Texas, are permitted in the RS-2 district.

### **24.6.9 Flea Markets**

The Council may grant a special use permit for a flea market not located in an I-1 Light Industrial Zoning District under the following conditions.

- (a) Direct access is provided to an arterial street.
- (b) The premises provide all parking and loading.



- (c) The flea market does not adjoin any residential zoning district.
- (d) On-premises public sewer and water facilities and services are available which meet public health and adopted building code standards for a public rest room established in the Standard Plumbing Code Table 922.2 "Minimum Plumbing Fixtures" for restaurants.
- (e) Retail sales area shall measure all area of the business grounds excluding parking and building setback requirements.
- (f) A flea market is designed for sales made from booths and not directly from motor vehicles.

### **24.6.10 Funeral Homes**

Funeral Homes shall comply with the following requirements.

- (a) 8 a.m. to 12 midnight operation hours.
- (b) Located at least one hundred (100) feet from any Residential District.
- (c) Located within three hundred (300) feet of a principal arterial street.
- (d) Screened from all adjacent less intensive uses.

### **24.6.11 Halfway Houses**

Halfway Houses (Criminal) are permitted if located more than five hundred (500') feet from the nearest boundary line of the nearest residential district.

### **24.6.12 Head Shops**

The Council may grant a special use permit for Smoking Establishments, Drug and Tobacco Paraphernalia shops and Tobacco Shops under the following conditions.

- (a) Hours of operation are limited from 8 a.m. to 12 midnight.
- (b) No person under 18 years of age is permitted to enter the establishment or purchase any products from the establishment unless accompanied by an adult parent or guardian.
- (c) Each establishment shall post a sign conspicuously on each public entrance or near each public entrance notifying the public that no person under the age of eighteen years of age may enter the establishment unless accompanied by an adult parent or guardian.
- (d) Smoking Establishments and Drug and Tobacco Paraphernalia Shops is not located within eight hundred (800) feet of any:
  - (1) residential zoned district,
  - (2) church,
  - (3) public or private elementary, middle, or high school,
  - (4) day care licensed by the state,
  - (5) public playground,
  - (6) park, or

Measurement are made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or structure used to house the establishment to the nearest property line of the aforementioned district or use-

- (e) Tobacco Shops are not located within three hundred (300) feet of any:
  - (1) residential zoned district,



- (2) church,
- (3) public or private elementary, middle, or high school,
- (4) day care licensed by the state,
- (5) public playground,
- (6) park, or

Measurement are made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or structure used to house the establishment to the nearest property line of the aforementioned district or.

- (f) .
- (g) An opaque fence or wall more than 7 (seven) feet tall shall be constructed along any side or rear property lines which abut or adjoin property containing a residential use.
- (h) Establishments shall make provisions to minimize litter, and to keep it from blowing onto adjacent streets and properties.
- (i) .
- (j) 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.
- (k) The establishment shall undergo an annual Fire Inspection.
- (l) The special use permit shall be issued to the establishment owner/operator and shall be non-transferal.
  - (1) A business entity, which has been granted an SUP, is required to report (on a form approved by the Director of Building Services) any change in the entity's ownership status which occurs by virtue of the transfer of a majority of its stock or a majority of its membership interest to the City of Laredo Building Services Director. Any change in ownership interest (occurring by virtue of the transfer of a majority of its stock or a majority of its membership interest) is deemed a transfer of the business and the existing SUP shall be null, void and of no force or effect. In every instance of transfer of ownership, a new SUP application submittal is required and is processed as a new SUP request.
  - (2) A publicly traded business entity is exempt from the (m)(1) requirement.
- (m).
- (n) Nothing herein, is intended to, nor shall it be interpreted as legalizing or applying to the delivery, furnishing, transferring, possessing or manufacture of drug paraphernalia or any use otherwise prohibited by state or federal law.
- (o) Tobacco Shops are required to submit, at the request of the City, an audit or allow an audit, of their gross revenue to insure that less than 45% of the establishment's gross revenue is derives from Drug paraphernalia sales. (Ordinance No. 2015-0 -124, 9/21/15)

### **24.6.13 Junkyards**

- (a) **Generally.** No junkyard may be established within 1,000 feet of any Interstate or Federal Aid Primary Highways unless screened by means of an opaque fence or wall in a way that effectively blocks all view of the junkyard. No business shall be established without a





special use permit granted by the Council, whereon 3 or more junked items or used appliances are located temporarily or permanently, except where located within an enclosed building or which is located in an I-2 Heavy Industrial District and which is otherwise in conformance with this section. Both new and any legal non-conforming businesses shall comply with this section's requirements.

**(b) Requirements.**

- (1) Junk, salvage and/or used appliances yards are enclosed by an opaque fence or wall more than seven (7) feet tall, and constructed and maintained in conformance with the requirements of Section 24.79.1.3 Fencing and Screening in commercial and industrial districts and Section 24.79.2 Fencing and Screening - Other requirements, and the following:
  - a. Where fences or walls abut residential property, no junk, salvage or used appliance shall be located less than twenty feet from the property line.
  - b. Fences or walls on property lines that front on arterial streets require a 20 feet setback from the property line, or, require a setback from the property line a distance equal to the average set back of the buildings on adjoining properties.
  - c. All junk, salvage and used appliance yards require security against unauthorized entry or trespass during non-business hours.
  - d. Property used for junk, salvage or used appliance storage which is located adjacent to or within 1000 feet of a State Primary Aid Highway shall provide a fence located at least twenty feet from the front, side, or rear property line of at least the height of accumulated junk, salvage or used appliances.
  - e. The storage or display of junk, salvage or used appliances outside the fenced area is expressly prohibited.
- (2) All used appliances, parts or other materials located in or on the premises of any junk and/or used appliance yard in the City shall be arranged to allow reasonable access to and inspection of, the premises by authorized fire, health, police and building officials of the City of Laredo. Latches and/or doors shall be removed from all refrigerators and freezers located within the yard. Oil, gasoline, and other flammable liquids shall be drained from wrecked vehicles.

**(c) Nonconformity.** All junk and/or used appliance yards that do not conform to this section after October 15, 1986 are deemed illegal uses, and are subject to enforcement under the provisions of this section.

### **24.6.14 Manufactured and Mobile Home Land Lease Communities**

- (a) Only one residential unit is permitted per lot in manufactured and mobile home land lease communities.
- (b) Any non-residential use is subject to the same requirements as R-1 Single Family Residential.
- (c) Existing subdivisions may be considered for rezoning under this section under the following conditions:





- (1) Eighty percent of the subdivision is developed with existing manufactured housing units.
  - (2) The subdivision includes ten or more units.
  - (3) The subdivision meets or exceeds the performance standards of this section, provided however that the requirements for park and open space may be waived by the city council on the affirmative recommendation of the Planning & Zoning Commission for existing subdivisions where the per acre density does not exceed 7.5 units per acre, or where an existing public park is located within one half of one mile from the subdivision.
- (d) All manufactured housing lots shall have a level and graded pad provided in conformance with standards promulgated by the Department of Housing and Urban Development.
  - (e) All manufactured housing units shall be skirted in conformance with standards established by the Building Standards Board and have the pulling hitch removed unless otherwise prohibited by law within ninety (90) days of placement.
  - (f) Multi-family dwelling units shall not be permitted on lots zoned R-1MH.
  - (g) All public and private utilities shall be placed underground. Water and wastewater utilities shall be located within the street right-of-way. Private utilities which are not located in the street right-of-way shall be located in dedicated easements.
  - (h) Park and Open space dedication. Not less than 0.01 acres of land per manufactured housing unit shall be dedicated for park and open space. Ownership of the area dedicated for park and open space may be conveyed to the city for tracts exceeding five (5) acres in size, or for tracts less than five (5) acres, shall be maintained by an association of property owners duly constituted under Section 501(c)(3) of the Internal Revenue Code. The area so dedicated shall be open and accessible to all dwelling units in the subdivision as approved by the Planning & Zoning Commission. Credit may be given for up to 50% of the dedication requirements for park land located adjacent to any public school site.
  - (i) Not less than two paved off-street parking spaces shall be provided per lot. Parking may be provided on the individual lot or in areas designated exclusively for parking.
  - (j) Additions to manufactured housing units shall be prohibited except for the following conditions:
    - (1) Porches, carports, awnings, window shading, or housing unit shading that conforms to all building code and setback provisions.
    - (2) Additions to and expansion of the living quarters (including, but not limited to bedrooms, dining, living, and baths) under the following conditions:
      - a. Conforms to all applicable building codes.
      - b. The manufactured home is attached to the land by rendering it for tax purposes as real property.
      - c. The manufactured home and all additions must conform to setback provisions established for non-manufactured homes in the R-1MH District.



- d. The exterior wall and roof finish of the manufactured home and addition shall be of the same material and color. Material options include vinyl, aluminum, and masonry material.
- (k) The Board of Adjustment shall have no authority to grant variances to additions to manufactured housing units.
- (l) Manufactured housing units located on a lot of record that is owned by the owner of the home and maintained in one ownership, and which meets applicable building, setback and off-street parking requirements are permitted.
- (m) All housing units shall be skirted in conformance with standards established by the Building Standards Board and have the pulling hitch removed unless otherwise prohibited by law within ninety (90) days of placement.
- (n) Anchors and tie-downs for manufactured housing units shall be in accordance with applicable building codes.
- (o) Additions to manufactured housing units shall be prohibited except for the following conditions:
  - (1) Porches, carports, awnings, window shading, or housing unit shading that conforms to all building code and setback provisions.
- (p) Additions to and expansion of the living quarters (including, but not limited to bedrooms, dining, living, and baths) under the following conditions:
  - (1) Conforms to all applicable building codes.
  - (2) The manufactured home is attached to the land by rendering it for tax purposes as real property.
  - (3) The exterior wall and roof finish of the manufactured home and addition shall be of the same material and color. Material options include vinyl, aluminum, and masonry material.
  - (4) The Board of Adjustment shall have no authority to grant variances to additions to manufactured housing units.
- (q) Screening
  - (1) The perimeter of the manufactured housing subdivision shall be buffered from all R-1, R-1A, RS and nonresidential subdivisions by an opaque masonry fence or wall of not less than seven feet in height.
  - (2) No fencing or permanent wall or structure may be located within the front yard setback.
- (r) **Existing Manufactured Home Communities.** Any mobile home park, in existence on January 1, 1984 may be subdivided into lots if it was designed and built in accordance with mobile home park of the Land Development Ordinance in effect when the mobile home park was constructed subject to the following subdivision standards: (As amended 8/21//84, Ordinance # 84-0-128)

Table 6.14-1 Standards for Subdivision of Existing Manufactured Home Communities

Factor	Standard
Lot access ( <i>all lots shall have access to a dedicated, public</i>	30' ( <i>min</i> )



*street right-of-way of the following width)*

Street paving ( <i>minimum width</i> )	30 feet back-of-curb to back-of-curb
Street construction	City Standards, except the Street may be either roll over or high back curb and gutter
Sidewalks	4' wide Constructed to City standards along at least 1 side of street rights-of-way
Cul-de-sac radii	40' ( <i>min</i> )
Lot size	4,000 sf ( <i>min</i> )
Utility easement ( <i>outside street</i> )	12' wide ( <i>min</i> ) for all utilities
Utility easement ( <i>in street right-of-way</i> )	50' ( <i>min</i> ) right-of-way

- a. Water, sewer, drainage, street lights, street name signs and all requirements of this Chapter apply except as stated in this section.
- b. After any subdivision of a mobile home park, the applicant may rent the lots for a up to 3 years.

### 24.6.15 Mini-Warehouses

(a) **Generally.** Prior to the commencement of any type of construction work pertaining to a mini-storage/warehouse facility, the property owner or developer shall obtain special use permit from City Council. The property owner or developer must submit an application to the Planning and Zoning with the proposed site plan and construction plans. This application must comply with this section.

(b) **Application Form.** The application shall be made on a form approved by the Planning Director, which includes the following information:

- (1) The name, address, and telephone number of the applicant and the applicant's agent, if any;
- (2) The location and area of the proposed facilities;
- (3) The number of units and their dimensions, and area;

(c) **Site Plan Requirements.** The site plan includes the following information:

- (1) The location and dimensions of any permanent dwelling or guardhouse intended for security purposes;
- (2) The location and dimensions of all drives, and alleys;
- (3) The proposed placement and dimensions of all storage units;
- (4) The name, address, and telephone number of the person or firm preparing the site plan;
- (5) Proposed access to the site from any public road, including the right-of-way and paving section;
- (6) The location and type of security (i.e. cameras, gates, etc.);
- (7) The location and dimensions of all proposed parking areas;



- (8) The location of all existing and proposed utility lines, easements, and meters;
- (9) Details of proposed landscaping, fencing or other physical improvements.

**(d) Construction Plans.** Construction plans for the proposed mini-storage/warehousing facility includes:

- (1) A contour map and drainage plan submitted to the City Engineer for review and approval.
- (2) Fire hydrant locations, fire preventative measures, and maneuvering space for fire trucks submitted to the Laredo Fire Department for review and approval.
- (3) Plans and specifications for any water and sewer facilities submitted to the Laredo Water Works System for approval.

Once a set of plans showing the proposed development has been submitted with an application for a mini-storage/warehouse facility and approved by City Council, such plans shall be considered as an integral part of the application, and development of the facility shall be in accordance with the plans as approved. Any change in plans or deviation there from are not permitted unless a new application with revised plans is filed, another processing fee is paid, and a new mini-storage / warehouse facility plan approval is issued for the property involved.

**(e) Design Standards.** Mini-storage/warehouse facilities shall comply with the following design standards.

- (1) The facility shall be located no less than 350 feet from a Principal Arterial as identified in the Transportation element of the Comprehensive Plan.
- (2) More than 5% of the proposed tract's development area is reserved for landscape purposes, in addition to the provisions established in Section 24-83, "Trees and Shrubs", of this LDC.
- (3) Fencing and/or walling shall comply with the provisions established in Section 24-79, "Fencing and Screening," of this LDC. If additional fencing or walling is proposed, no less than 25% and no more than 70% shall be opaque. This fencing or walling must maintain a visibility triangle as defined in Appendix 'A' of this LDC.
- (4) Dumpsters, trash bins, or locations for refuse collection are not permitted.
- (5) Flammables, combustibles, corrosives, toxins, nuclear waste, hazardous waste water, or any material requiring placards for transport are not permitted. No permits for storage of any like materials issued by the Laredo Fire Department shall supersede this provision.

### **24.6.16 Nationalization of Vehicles**

The City Council may grant a special use permit for a nationalization of vehicles enterprise in a Mixed-Use District and higher intensity zoning classification districts under the following conditions:

- (a) Two (2) acres minimum lot size;
- (b) It is not located within two hundred (200) feet of:
  - (1) Any residential structure;



- (2) The boundary of any district zoned AG, RL, RM, or RH;
  - (3) For the purpose of condition (2), measurements are made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of the premises of any residential structure or the boundary of any district zoned AG, RL, RM, or RH.
- (c) Two public restroom facilities per one acre of land are required on the premises. Restrooms must comply with public health and adopted building code standards established in the International Plumbing Code Table 403.1 "Minimum Required Plumbing Fixtures".
  - (d) Property lighting shall screen to avoid adverse impact on adjacent residential neighborhoods.
  - (e) Trees and shrubs shall be planted along the perimeter of parking areas in accordance with the City of Laredo Land Development Code.
  - (f) All parking lots are paved with asphalt or concrete materials.
  - (g) Dumpsters, trash bins, and locations for refuse collection are provided on site.
  - (h) A seven foot opaque fence shall is required adjacent to residential uses.

### **24.6.17 Oil & Gas Production and Extraction**

- (a) It shall be unlawful and a violation of this article for any person, acting either for himself or as an agent, employee, independent contractor or servant of any other person, to explore for oil and gas, or to commence operations, or to operate or service any well, or to drill, or to re-enter any well including to workover, re-complete, plug back, deepen, or activate any well or to re-enter any well which has been plugged and abandoned, or to engage in related storage of oil, natural gas, and other hydrocarbons within the corporate limits of the city without a specific use permit having first been issued by the authority of the council in accordance with the terms of this chapter. No specific use permit shall be authorized for more than one (1) well.
- (b) Each applicant, when filing with the superintendent an application, for a specific use permit shall include a metes and bounds description of the drilling block proposed to be covered by the permit, to be prepared by a surveyor licensed by the state, which shall be situated within the outlines of drilling areas approved by the city council. When so approved, such description shall become the official legal description of the drilling block therein for all purposes hereunder. The superintendent shall take into account the metes and bounds description of all previously approved drilling blocks in determining the propriety of the description furnished in connection with any permit application.
- (c) No specific use permit shall be issued except in accordance with the requirements of this section.
- (d) The council may establish conditions as part of the special permit, including but not limited to:
  - (1) The hours of drilling operations, re-entry and well servicing limited to daylight hours only in developed areas, except in the case of an emergency.



- (2) Use of all-electric drilling rigs and generators where any residential structure is less than six hundred (600) feet from the well.
  - (3) Lighting of drilling operations shall be screened to avoid adverse impact on adjacent residential neighborhoods.
  - (4) In lieu of a cyclone fence, all wells and tanks located in a developed residential or commercial area shall be screened by a solid masonry wall around the well within sixty (60) days of completion of drilling, re-drilling, reworking, converting or activation. The wall shall be of solid neutral color, compatible with surrounding uses, and maintained in a neat orderly, secure condition. The wall shall be at least six feet in height and be constructed in accordance with provisions of the city building code. The entry gates shall be of galvanized steel, and shall be kept locked.
  - (5) For wells visible from a public street in a developed residential or commercial area, the site shall be landscaped in accordance with Appendix F-1, Table 2 "Recommended Shrubs for the Laredo Region" and Appendix F -2 "General Planting and Maintenance Standards for Trees and Shrubs". Shrubs shall be spaced as intervals of not less than three (3) feet along the perimeter of the solid masonry wall adjacent to the right of way, exclusive of driveway entrances, pedestrian walkways and cutback areas. The shrubs shall be maintained at a height of no more than thirty-six (36) inches nor less than eighteen (18) inches. The plan shall be submitted and approved by the superintendent, and shall be implemented with the installation of the masonry wall.
- (e) Public nuisance declared. The foregoing subsection notwithstanding, no person shall conduct any well operation in a manner that would create a noise, odor or vibration detrimental to the health, safety or welfare of the surrounding neighborhood or any considerable number of persons. Such operation is hereby declared to constitute a public nuisance and subject to the provisions of Chapter 21, Article II, of the Code of Ordinances pertaining to "Nuisances."
- (f) It shall be the duty of the superintendent or his/her designee to enforce the provisions of this article and to that end he is hereby vested with police authority. Any violation of this article shall be considered a Class C misdemeanor punishable with a fine of up to five hundred dollars (\$500.00).
- (g) It shall be unlawful and a violation of this article for any person, acting either for himself or as an agent, employee, independent contractor or servant of any other person, to explore for oil and gas, or to commence operations, or to operate and service any well, or to drill, or to re-enter any well including to workover, re-complete, plug back, deepen, or activate any well, or to reenter any well which has been plugged and abandoned, or to engage in related storage of oil, natural gas, and other hydrocarbons within the corporate limits of the city without a permit for oil and gas extraction and production having first been issued by the authority of the council in accordance with the terms of this section.
- (1) No permit shall authorize oil and gas extraction and production at more than one (1) well.





- (2) No permit for oil and gas extraction and production will be approved unless the applicant for a permit affirms in writing:
    - a. That the applicant owns or controls an interest in the total operating rights in the proposed well; and
    - b. That applicant has access to the surface on which the operations will be conducted.
  - (3) Such permit shall constitute sufficient authority for exploration, commence operations, operation of any well, drilling, workover, recompletion, re-entry, deepening, plug back, activation or conversion of any well, or re-entry of any well which has been plugged and abandoned, gathering of production, well servicing, repair, testing, plugging and abandonment of the well, and for the construction and use of all related facilities reasonably necessary or convenient in connection therewith for the storage of oil, natural gas, and hydrocarbons, including gathering lines and discharge lines on the well site; provided, however, that a new permit shall be obtained for the following activities:
    - a. re-entry for purposes of deepening or converting such well to a depth or use other than that set forth in the then current permit, and
    - b. re-entry for the purposes of reworking which does not deepen or convert such well to a depth or use other than that set forth in the current permit, and
    - c. well plugging and abandonment.
- (h) An application for a permit shall be filed in duplicate (with all exhibits attached securely thereto) in the office of the superintendent for each separate activity other than that required for operations and well servicing activities. Such application shall be signed, and the accuracy of the contents thereof and exhibits thereto shall be sworn to before a notary public by the applicant, or a representative of applicant having legal authority to enter into contracts binding upon the applicant, shall contain a sworn statement that applicant shall comply with all requirements of this article and shall include, (as exhibits constituting a part of the same) where appropriate, the following:
  - (1) The name and address of the applicant, and if the applicant is a corporation, the name and address of the registered agent for such corporation, and if the applicant is a partnership, the names and addresses of the general partners.
  - (2) The name, address and telephone number of a person, other than applicant, designated as the local agent of the applicant to receive for the applicant all process, citation, notices and demands hereunder. If appropriate, more than one telephone number should be furnished.
  - (3) As Exhibit "1," the numerical designation of the drilling block covered thereby, the metes and bounds description as reflected by the survey description of the drilling unit and a signed and dated statement to the effect that, to the best of the knowledge and belief of the applicant, his application for permit to drill complies with all of the requirements of this code.
  - (4) In addition to the required metes and bounds description, a plat of the drilling unit proposed to be covered by the permit prepared and certified by a surveyor licensed





- by the state which shall show the proposed surface location of the well, its elevation, together with distances from such proposed surface location to the exterior boundary lines of such drilling unit. Such plat shall show distances from the proposed surface well location to any residence or structures intended for human occupancy which are located within six hundred (600) feet from such surface well location.
- (5) Proposed total depth of the well to be drilled.
  - (6) Proposed casing, cementing and mud program of the well.
  - (7) True copies of R.R.C. Form W - 1 and R.R.C. drilling permit, shall be attached as Exhibits "2" and "3," respectively. The drilling permit shall show the API number assigned by the Texas Railroad Commission.
  - (8) A copy of the notice to the Federal Aviation Administration of intention to drill such well shall be attached as Exhibit "4," if such notice is required by such agency.
  - (9) An insurance certificate dated no more than ten (10) days prior to filing the application shall be attached as Exhibit "5." This certificate shall indicate that the applicant has complied with at least the minimum insurance requirements specified in this section, including the naming of the city as an additional named insured, and that the insurance covers the drilling, production and operation of wells within the city limits.
  - (10) A copy of such bonds as required by this article shall be attached as Exhibit "6."
  - (11) In the event the location is situated within the limits of the area subject to the authority of the International Boundary Water Commission (IBWC), a letter from an officer in authority, of such commission authorizing the location for the drilling of such well should be attached as an Exhibit "7."
  - (12) Fees shall be required for each of the permits required pursuant to this section. All applications for permits shall be accompanied by a filing fee by cashier's check or money order made payable to the city. The following fees shall be charged for permits in connection with oil and gas operations:
    - a. Drilling: One thousand three hundred dollars (\$1,300.00) (includes operations and well servicing)
    - b. Re-entry for deepening or conversion: One thousand three hundred dollars (\$1,300.00)
    - c. Re-entry for reworking: Seven hundred fifty dollars (\$750.00) (which does not involve deepening or conversion)
    - d. Well plugging/abandonment.: Five hundred dollars (\$500.00)
  - (13) Each application shall be accompanied by a list of the names and last known addresses of all record owners of interests in and to oil, gas, and other minerals under the property
  - (14) The applicant shall furnish the superintendent with a signed, dated and sworn inventory of the drilling equipment to be utilized, which inventory shall include but not be limited to the types of pumps, engines, derrick, blow out prevention



- equipment and other necessary and appurtenant equipment to be used in drilling operations by the drilling contractor or the operator so as to reflect compliance with this article. Any substitution of equipment shall be approved by the superintendent.
- (15) The application shall be accompanied by applicants signed and dated statement that he agrees to present any evidence to the council in addition to the requirements of this article as may be requested by the council and that to the best of applicant's belief, the proposed drilling, completion and production operations can be conducted with safety.
  - (16) The permit application shall include a statement by the applicant authorizing the city to expend such funds as may be necessary under the direction and advice of the Railroad Commission, under the circumstances, to regain well control.
  - (17) Such application shall also contain a statement in which the applicant agrees to file with the office of the superintendent the reports described in this section.
- (i) No application for a permit for the drilling, re-entry for deepening or conversion, or re-entry for reworking of any well shall be approved prior to a public hearing before the city council. The requirements for notice to property owners within two hundred feet of the drill site shall be the same as those required for the issuance of a Specific Use Permit.
  - (j) A permit validly in force may be transferred from permittee to another operator upon approval of a written application by the city council with a transfer fee equal to the original filing fee and a proper showing that such new operator has acquired by assignment obligations of the permittee under this section, and has complied with the insurance, bond, and all other requirements of this section. Upon approval by the city council of such application, the city council shall issue a substitute permit to such new operator and cancel the original permit.
  - (k) The term of a drilling permit shall be for a period of six (6) months, unless within such term operations are commenced, in which event the term shall continue as long thereafter as production is obtained or drilling, reworking, recompletion or well service operations are conducted with no cessation of all such production and operations for more than ninety (90) consecutive days, and until the well is plugged and abandoned in accordance with this article and a recommendation for release of the permit has been issued by the superintendent.
  - (l) The owner or operator of every existing well within any territory hereafter annexed shall, within six (6) months after date of annexation register such well or wells with the superintendent. The following information shall be submitted to the superintendent for purposes of registering an existing well:
    - (1) A sketch or map showing the location in relation to a permanent marker, such as in a street or road intersection, or with metes and bounds referenced to a filed plat so as to show the exact location of the surface installation at the site of such well including the drilling block number and its elevation.
    - (2) A short description of the surface installations, including tanks, pumping equipment, compressors, LTX units, etc.



- (3) A specification of existence of any buildings, structures or public roads to the well within six hundred (600) feet of the location.
  - (4) An affidavit shall be attached verifying the truth of the statements contained in the application as well as showing the name of the operator and the name and addresses of the owners of the working interest.
  - (5) A certificate of insurance prepared in accordance with the requirements of section 24.73.1.
  - (6) A copy of all railroad commission forms filed by such operator pertaining to such wells.
- (m) In the event the owner or operator of an existing well does not within six (6) months file an application to operate such well and receive the approval of the superintendent, it shall incur a penalty of fifty dollars (\$50.00) per day until such application is filed.
- (n) No geophysical work employing underground explosives will be permitted anywhere at any time within the city limits. Other geophysical systems employing the "thumper," "vibroiseis," and other techniques not employing explosives will be permitted upon proper application and the payment of a seven hundred fifty dollar (\$750.00) application fee. A proper application will include the following:
- (1) Letter of application requesting a geophysical permit. The letter shall set out when it is intended to begin the work and also the anticipated date of completion. A statement shall also be made relieving the city of any liability for damages which may result from that operation performed by the applicant.
  - (2) The letter of application shall be accompanied by proof that applicant has complied with the insurance requirements as set out in section 24.73.10.
  - (3) A plat outlining the areas proposed to be covered by the survey.
  - (4) Written and signed proof that applicant has obtained permission from the owners of the surface and subsurface to conduct such operations.
- (o) Before granting a permit for seismic survey, the council shall make findings that the work will not create a public nuisance nor be contrary to the public safety.
- (p) If the applicant is acting as contractor for another party, then a letter of authorization to perform such work must accompany the application.
- (q) All operators shall maintain or cause to be maintained comprehensive general liability insurance and insurance coverage on their employees, agents and contractors (or require such insurance to be maintained), in addition to required workmen's compensation insurance, in at least the following amounts:
- (1) Bodily injury, per individual or per event: \$1,000,000
  - (2) Property damage, per accident or accidents: \$100,000
  - (3) Umbrella Insurance, each accident: \$1,000,000
  - (4) Cost of Well Control: \$5,000,000
- (r) Prior to the issuance of any permit, the applicant shall file a bond with the city secretary executed by the applicant as principal and by a good and sufficient corporate surety company. Such bond shall provide that the principal will remedy any and all damages to



the streets, curbs, gutters, water lines, fire, hydrants and other public property, occasioned in any manner by the principal, his agents, employees, servants and contractors, and that applicant will reimburse the city for any expenditures made by the city. Such bonds shall inure to the benefit city; shall be in a form acceptable to the city attorney; and shall be in the amount of one hundred thousand dollars (\$100,000.00). The applicant shall not be required to post additional bond if he has in effect and on file with the city secretary an approved bond, filed in connection with some other application for the same applicant, in the amount of one hundred thousand dollars (\$100,000.00) as required by this section. Each bond shall be for a term often (10) years and shall be kept in effect by renewal on or before any expiration date unless the applicant is sooner released. By the term "good and sufficient corporate surety company" is meant a surety company licensed to do business in the state and whose name appears on the current list of accepted surety on federal bonds published by the U. S. Treasury Department. Whenever in this article a bond is mentioned, such bond, to be acceptable, must have a good and sufficient corporate surety company as surety.

- (s) Release of bond. The permittee may have the bond released by the superintendent:
  - (1) When the permittee ceases operations completes plugging of all wells for which permits are in effect removes all equipment and machinery, and files a written request for release of the bond with the superintendent.
  - (2) When permittee assigns, transfers, or conveys his interest to another and the assignee, transferee, or recipient files a good and sufficient bond in accordance with the terms of this section.
- (t) Deed restriction provisions. Nothing contained in this section shall be construed as authorizing the drilling of any well where legally enforceable deed restrictions or covenants prohibit the drilling of such well.
- (u) Surface rights. Neither this section nor any permit issued hereunder shall be interpreted as granting any right or license to the permittee to enter upon or use any land; nor shall it limit or prevent the owner of such land to contract for any payment of any kind for damages or for rights or privileges with respect to surface rights
- (v) There is hereby levied an annual per well inspection fee of one hundred fifty dollars (\$150.00) which shall be due and payable during the month of January of each calendar year, and a failure to pay such fee shall be cause for revocation of any permit issued under this section . The superintendent will prepare an annual well inspection report which is to be made available to the operators prior to January first of each year. In the event an intent to plug and abandon a well has been filed with the superintendent prior to January thirty-first, but which abandonment may not have been completed by January thirty-first, payment of such one hundred fifty dollar (\$150.00) fee for that well shall be excused provided such well is finally plugged and abandoned in accordance with this article prior to March first of that same year. A new well on which drilling operations are in progress on the thirty-first day of January shall be exempt from the one hundred fifty dollars (\$150.00) fee for the remainder of that calendar year.
- (w) In General. The operator is responsible for compliance with this section during all operations at the well. Any violation of any valid law or of any valid rule, regulation or



requirement of any state or federal regulatory body having jurisdiction with reference to drilling, completing, equipping, operating, producing, maintaining, or abandoning oil or gas wells or related appurtenances, equipment or facilities, or with reference to firewall, fire protection, blow out protection or safety of persons or property shall be a violation of this section.

- (1) Well head setbacks.
- (2) No well shall be drilled or re-entered for deepening or conversion, the surface location of which is:
  - a. within less than the height of the drilling rig plus twenty-five (25) feet from any street, alley or utility easement, unless the operator obtains a variance to be approved by the council.
  - b. within less than four hundred (400) feet from any residence or other permanent structure intended for human occupancy, unless the operator obtains a variance from council for which the operator provides notarized affidavits from all affected property owners within four hundred (400) feet of the proposed well stating consent to the proposed drilling or re-entry activity for deepening or conversion.
  - c. within less than four hundred (400) feet from any exterior boundary line or six hundred (600) feet from any building or land used by any public or parochial school, college, university, or hospital, or which is occupied by a church or a public building, unless the operator obtains a variance from council for which the operator provides notarized affidavits from all affected property owners within six hundred (600) feet from the proposed well stating consent to the proposed drilling or re-entry activity for deepening or conversion.
  - d. within less than four hundred (400) feet from the exterior boundary line of lands utilized for cemeteries or public parks, unless the operator obtains a variance from council.
- (3) No well shall be re-entered for reworking which does not involve deepening or conversion or for plugging and abandonment, the surface location of which is:
  - a. within less than two hundred (200) feet from any residence or other permanent structure intended for human occupancy, unless the operator obtains a variance from council for which the operator provides notarized affidavits from all affected property owners within two hundred (200) feet of the proposed well stating consent to the proposed re-entry activity for reworking which does not involve deepening or conversion.
- (4) Development setbacks. Development setbacks shall be pursuant to the provisions in Section 24.77.2
- (5) Mud requirements. Drilling mud shall be environmentally safe water-based fluid. No excess mud shall be allowed to accumulate on the site, and residues shall be removed following the completion of drilling operations. All post-drilling shavings shall be hauled out upon completion.



- (6) No well may be operated within the corporate limits where the hydrogen sulfide concentration exceeds the minimum standards authorized under Rule 36 of the statewide conservation rules.
- (7) Transport lines. Markers shall be installed to identify the location of collection and transport lines to prevent accidental rupture.
- (8) Pits. The use of earthen pits for reserve mud or waste material such as drilling mud, contaminated mud, drill stem test returns and the like shall not be permitted. However, earthen pits may be used for storage of fresh water and for drill cuttings only. A sump pit may be constructed and used to collect and temporarily hold runoffs from the rig. Upon completion of any well, any earthen pit and sump pits shall be emptied of contaminated materials, allowed to dry and filled with dirt and smooth leveled with the grade of the drilling block, and reseeded with native grass for erosion control.
- (9) Derricks and rigs. No operator shall use or operate any wooden derrick in connection with the drilling or reworking of any well, or permit any drilling rig or derrick to remain on the premises or drilling site for a period longer than sixty (60) days after completion or abandonment of any well. All engines shall be equipped with effective mufflers.
- (10) Drilling fluid. The bore hole of any well, while being drilled or reworked, shall at all times contain drilling fluid of sufficient density which a reasonably prudent operator in the area would use to keep the well under control.
- (11) Blowout preventer. Two (2) dually controlled, hydraulically activated ram-type blowout preventers with a manually operated lock with working pressure rating equal to the maximum anticipated wellhead pressure, but at least equal to the minimum internal yield pressure rating of the casing to which it is connected, shall be used for all drilling or completion operations involving the use of drill pipe or tubing after the surface casing has been set. For wells drilled to depths below protection casing an annular (Hydril) type blowout preventer shall be used in addition to the two (2) dually controlled blowout preventers specified. The mechanical operation of the blowout preventers shall be checked a minimum of every twenty-four (24) hours, recorded in a signed and dated log, and pressure tested prior to installation on each casing string at least once a week thereafter during the drilling and completing point. A choke manifold having the same working pressure rating as the preventers will be installed below the blowout preventer stack. In addition, the drilling rig, as part of its inventory, will have "inside blowout preventers" for each size and thread of tubing or drill pipe to be used in the drilling of such test well and any other type of safety equipment commonly used in the industry that may be requested by the superintendent. It is required that, upon obtaining a depth of three hundred (300) feet, a conductor lining or pipe be set and cemented to the bore hole throughout to the surface with attachment of adequate diverter or blowout preventers and testing thereof prior to drilling further.





- (12) Surface casing. All operators commencing drilling operations on a new well shall be required to set and cement a sufficient amount of surface casing to properly protect all fresh water sands in accordance with the requirements of the Texas Natural Resources Conservation Commission, the Texas Department of Health, and any other governmental agency having jurisdiction. The length of surface casing shall in no case be less than fifteen hundredths (0.15) of the length of the next string of pipe proposed to be set. The surface casing shall be new or used casing, inspected and pressure tested to have a minimum internal yield value, as defined by the API formula, of at least the product of one (1.0) pound per square inch times the total depth of which the surface casing is set and shall be cemented by the pump and plug method. A volume of cement shall be used which, according to accepted engineering procedures, is calculated to fill the annular space between the surface casing and well bore to the surface of the ground, the cement will be circulated with the pump until the returns of cement are observed at the surface of the ground, and the cement shall be allowed to stand for a period sufficient to develop one thousand (1,000) PSI compressive strength before the plug is drilled. If cement does not circulate to the surface, then in such event, a temperature survey shall be conducted to determine the depth reached by the cement, and at such time such remedial procedures shall be followed as directed by the superintendent. As to wells above four thousand (4,000) feet, the superintendent shall have the authority to grant exception to the surface casing requirements.
- (13) Setting and cementing casing. No well shall be drilled within the city limits without properly setting a conductor string of casing to a minimum depth of three hundred (300) feet below the surface of the ground. No wells shall be drilled without first cementing the casing string by the pump and plug method with a sufficient cement to completely fill all of the annular space behind such string to the surface of the ground. The same method shall be used for the cementing of the surface casing string to the sides of the hole. The production and/or protection string shall be cemented by the pump and plug method with sufficient cement to completely fill all of the annular space behind the production string to at least one hundred (100) feet above the highest oil and/or gas bearing horizons.
- (14) Production and protection casing. The producing or protection strings shall meet API specifications. Cementing shall be by the pump and plug method, and a volume of cement which is according to accepted engineering calculations, sufficient to fill the annular space between the casing and the well bore to a point at least one thousand (1,000) feet above the shoe, or the highest producing zone, whichever is the shallower depth. Cement shall be allowed to stand for a period sufficient to develop two thousand (2,000) PSI compressive strength before drilling the plug.
- (15) Drill stem tests. Open hole drill stem tests may be conducted only if the well effluent produced during the test is produced through an adequate oil and gas separator to storage vessels, the gas placed into a temporary line to flow into the air at a place approved by the superintendent, and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the





- annulus and up the drill pipe. The superintendent shall shut down operations if, in the opinion of the superintendent, gas is being flared by the operator which is excessive or dangerous.
- (16) Formation pressures. No well shall be completed or operated in a zone which is reasonably anticipated to produce shut in pressures in excess of the working pressure rating of the standard API wellhead equipment on the well.
- (17) Wellheads. All wells shall be equipped with casingheads, tubingheads, and wellhead connections which conform to API standards. The casingheads used on such wells shall have working pressure ratings of not less than the highest pressure encountered in the area. All Christmas trees to be used by the operator in the city limits shall be tested to the related pressure after the same is installed, and a copy of such testings shall be furnished to the superintendent. The superintendent shall approve tubingheads and wellhead connections to be used on such wells which shall have working pressure ratings in excess of the well's shut in surface pressure. All such wells having a surface shut in pressure of three thousand (3,000) pounds per square inch or less shall be equipped with at least one master valve and one wing valve. All wells having surface shut in pressures in excess of three thousand (3,000) pounds per square inch shall be equipped with at least two (2) master valves and one wing valve, and no such well shall have threaded connections between the surface safety valve and the Christmas tree.
- (18) Multiple completions. Multiple completions may be permitted by the superintendent when the casing, tubing and wellhead equipment is adequate, and the well is properly equipped with special packers for such purpose, together with all equipment customarily required for multiple completions. Except as provided in this section, multiple completion shall not be permitted.
- (19) Surface safety valves. A high-low surface safety valve shall be installed on all wells with a surface shut in pressure in excess of one thousand five hundred (1,500) pounds per square inch. In addition, a cutoff safety valve will be installed downstream from the wellhead equipment, or as directed by the superintendent.
- (20) Daily reports. Daily drilling reports shall be furnished by the operator to the superintendent. The superintendent or his agent will make periodic inspections, of all wells in the process of being drilled or completed to ascertain that all provisions of this article are being observed. Prior to the running of casing, cementing operations, installation of production equipment or perforation operations, the operator shall notify the office of the superintendent in sufficient time so that the superintendent may be present.
- (x) Within thirty (30) days after completion of any well, the operator shall file in the office of the superintendent a final report including the casing program actually utilized in the well, all cementing affidavits, all tests, a description of equipment and all necessary reports required by all governmental regulatory bodies or agencies having jurisdiction. In addition, such final reports shall specify any changes in well location, depth, and any other variation from the terms of the application. The final report shall specify the perforated interval and



include information pertaining to other sands, if any. The superintendent may request from the operator that he furnish to the superintendent copies of all logs run on such well. If such request is made by the city council and such well is not a tile well, the operator shall furnish copies of such logs to the superintendent and if it is a lite well, he shall furnish them six (6) months after the completion of such well.

- (y) Well control. In the event of the loss of control of any well, the operator shall immediately take all reasonable steps to regain control of such well, regardless of any other provisions of this article and shall notify the superintendent by telephone and in writing as soon as practicable after receipt of notice of the occurrence of such loss of well control endangering persons or property. If and when the superintendent certifies in writing to the city secretary that in his opinion,
  - (1) danger to persons or property exists because of such loss of well control, briefly describing the same, and
  - (2) the operator is not taking, or is unable to take reasonable, necessary steps to regain control of such well;
- (z) The operator shall employ any well control expert or experts or other contractors or suppliers of special services, necessary to regain control of such well.
- (aa) Relief wells.
  - (1) Drilling of a relief well may be commenced without first securing a permit if such action is deemed necessary in the good faith opinion of the operator. The operator shall make all reasonable efforts to notify the superintendent by telephone as soon as feasible, but failure to make such notification shall not be deemed a violation of this article. Within twenty-four (24) hours thereafter, the operator drilling the same shall notify the superintendent that such operations have been commenced, stating fully the reasons therefore, and shall within five (5) days after commencement of operations make application to the superintendent for a special permit to drill such well as a "relief well."
  - (2) No filing fee is required for a "relief well" permit, but the operator drilling such relief well shall furnish the superintendent any information with respect to such relief well as may be requested from time to time by the council or the superintendent. No such well drilled as a relief well under the provisions of this section shall be completed as a producing well unless a permit therefore shall have been issued in the same manner as is required for the drilling of any other well. A "relief well" permit will be for a six (6) months' period only, and any relief well not completed as a producing well shall be plugged and abandoned within six (6) months after commencement of drilling operations, unless an extension is granted by the city council.
  - (3) Pipelines. Before any excavation or construction work is commenced on any pipeline to move oil, gas, water or other product to or from any well site, on, over, under, along or across any city street, sidewalk, alley or other city property, a franchise shall first be obtained from the city council. All pipelines shall be laid only in accordance with the provisions of such franchise, this code, the city charter and other ordinances of the city. Before a franchise is obtained from the city council, the parties requesting



- such franchise shall present information to the city pertaining to the safety equipment to be used in the pipeline, the type of pipe to be used, and how the same compares to state and federal regulations for similar type pipelines to be operated within a city. All permanent pipelines, shall meet A.SA 331.8 specification or better. Any operator constructing a pipeline shall furnish the superintendent a centerline description plat showing the proposed and as-built location and size of such pipeline. No operator shall interfere with or damage any existing storm sewer, drainage facility, water line, sewer line or gas line, or facility of a public utility located on, under or across the course of any such pipeline. Temporary lines may be laid under revocable easements.
- (4) Storage facilities. Steel storage tanks shall be used for the storage of liquid hydrocarbons and shall be constructed, installed and maintained in a good and workmanlike manner. All such steel tanks shall meet the minimum quality and design standards of API 12B standard bolted steel tanks or API 12D standard welded steel tanks including recommended pressure and vacuum relief valves. All such tanks shall be equipped with a vent line and at the point where gas is vented to the atmosphere from such vent line a flame arrester shall be installed. Each tank or tank battery shall be surrounded by an earthen fire wall located at such a distance from the tanks and of sufficient height to hold and retain at least one and one-half (1 1/2) times the maximum capacity of such storage facilities. An operator may use, construct and operate steel conventional separators and such other appurtenances as are reasonably necessary for treating oil, condensate, or gas at each tank battery location. Such facilities shall be constructed and maintained so as to meet or exceed API standards. All pressure vessels shall be equipped with both a regulation pressure relief safety valve and a bursting head.
  - (5) Fired vessels. No fired vessel or open flame shall be located nearer than one hundred and fifty (150) feet from any well or storage tank.
  - (6) Fences. Within sixty (60) days of completion of drilling, redrilling, reworking or converting, or activation of an idle well, drill sites are to be secured from unauthorized entry by appropriate means which may include gate guards or a cyclone fence of heavy gauge. The entry gates shall be of galvanized steel, and shall be kept locked. All wells and production facilities shall be adequately protected by a cyclone type fence of heavy gauge wire, at least seven (7) feet tall with an eighteen (18) inch or longer barbed wire apron around the top, with the fence and apron extended over entry gates. The entry gates shall be galvanized steel and cyclone-type mesh, and shall be kept locked to prevent unauthorized entry. Flashing red warning lights shall be installed as requested by the superintendent on the tank battery sites. Safety precautions normally taken by reasonably prudent operators shall be observed. The final design of the fence around the wells and production facilities shall be approved by the superintendent.
  - (7) Pumping unit prime movers. Only electric prime movers shall be permitted for the purpose of pumping wells.



- (8) Vented gas. No operator shall allow gas to escape or be vented into the air except for bleed gas normally vented from standard gas flow controls and normal stock tank vapors. All gas burned shall be burned in a manner which does not create or constitute a fire hazard and the location of the torch, pipe or other burning device, the construction thereof, the maintenance thereof, and the operation thereof shall at all times be in full compliance with such regulations as may be from time to time issued by the city.
  - (9) Salt water and waste water disposal. All salt water produced from any oil or gas well shall be disposed of in accord with the requirements of the Texas Railroad Commission. No person shall permit any crude oil, gas or other flammable petroleum product to spill over, overflow, leak, drain out, escape or accumulate in any sewer or about the premises, or on any surface, or in any open surface ditch or any other exposed surface conduit, or handle any hydrocarbon in any manner or amount which creates a potential fire hazard, or permit any condition which may pollute any surface or subsurface water or damage any publicly owned land.
  - (10) Production equipment. The operator shall maintain all production equipment in good condition.
  - (11) Premises to be kept clean. All surface areas utilized by an operator for production facilities shall be kept clear of dry grass, weeds and combustible trash or other rubbish or debris that would, if allowed to accumulate, result in a fire hazard. In the event the operator does not keep the premises clean, the superintendent may have it contracted and the payment of such work performed shall constitute a valid lien against the property.
  - (12) Signs. Printed signs with at least two (2) inch letters reading
    - a. "DANGER, NO SMOKING OR OPEN FLAMES ALLOWED," or similar words, and in Spanish "PELIGRO, NO FUMAR, MATERIAL COMBUSTIBLE," or similar words, shall be posted in conspicuous places on each well, storage tank or battery of tanks. The signs shall include well name, drilling block number, R.R.C. identification number, twenty-four hour emergency telephone number, and notification telephone number of the Laredo Fire Department. Well and lease designations required by the Railroad Commission or any other governmental authority having jurisdiction shall also be displayed.
  - (13) Blocking of streets and alleys. No street or alley shall be blocked or obstructed by any drilling or producing operations unless prior consent is obtained from the city, except in connection with emergency operations being conducted under or pursuant to sections 22-81 and 22-82.
- (bb)** All wells within the city limits which are not producing oil or gas on a regular basis will, be plugged and abandoned, except as follows:
- (1) Wells in use as water supply wells in compliance with rules and regulations of the Texas Natural Resources Conservation Commission and the Texas Department of Health.
  - (2) Wells in use as salt water or waste disposal wells operating under a valid permit



- (3) Wells used as injection or observation wells in secondary recovery, pressure maintenance or other improved recovery operations where such operations are conducted under a valid permit from the Railroad Commission.
  - (4) Wells capable of producing oil or gas on a regular basis which are shut in.
  - (5) Any well on which drilling, reworking, recompletion, or well servicing operations are in progress and continued with no cessation of more than ninety (90) consecutive days.
- (cc) Whenever any well is abandoned, it shall be the obligation of the operator to plug such well in accordance with the rules of the Railroad Commission and this section. The operator shall submit to the superintendent's office twenty-four (24) hours in advance of the plugging operation an application for a permit which shall include a notice of intent of plug and abandon a description of the abandonment program and the filing fee. Whenever a drilling or reworking operation has just been completed on a well and the operator desires to plug and abandon such well, the twenty-four (24) hour notice shall be reduced to no less than a two (2) hour notice. The abandonment operations shall be conducted in such a manner to prevent well fluids from reaching the surface or contaminating subsurface fresh water zones.
- (dd) Where enough of the producing or protective casing, has been removed from the well to expose the shoe of the surface casing, then a two hundred-foot cement plug shall be placed opposite the shoe of the surface casing to extend at least one hundred (100) feet downward and a similar one hundred (100) feet upwards from the shoe of the surface casing. Sufficient time shall be allowed for this cement to harden enough so that it will sustain the weight of drill pipe or tubing to this depth. The operator shall feel for the top of the plug to determine that the top is at least one hundred (100) feet above the shoe of the surface casing and is of sufficient hardness to hold the weight of the drill pipe or tubing to this depth. If a mechanical bridge plug or cement retainer is used in the middle of the cement plug, it will not be required to feel for the top of the plug. In the event the top of the plug is not one hundred (100) feet upwards from the shoe, then a second cement application will be required and tested as above. After the plug at the shoe has been successfully completed, then a minimum fifty (50) foot cement plug shall be set at the surface, after which the casing shall be cut off a minimum of five (5) feet below the surface of the ground and a one-half-inch steel plate welded over the top. The location shall then be backfilled and leveled.
- (ee) Where the protective or producing string of casing to be left in the well extends upwards from the shoe of the surface casing so as to prevent the above described method of abandonment, then the following procedure will be used. A packer or cast iron cement retainer shall be set in the surface casing fifty (50) feet above the top of any other casing within the surface casing and sufficient cement shall then be squeezed below the packer or retainer to theoretically extend to one hundred (100) feet below the shoe of the surface casing and fill that portion up to the packer or retainer with the cement. The packer or retainer will be left in the well. If cement cannot be pumped into the annulus, the well shall be cemented in accordance with R.R.C. rules.





- (ff) When casing is to be shot or cut off and pulled, a blowout preventer equipped to completely blank off the well bore and close off around the casing to be pulled shall be installed and tested prior to shooting or cutting off the casing.
- (gg) In all cases prior to cutting any casing, the annulus between the casing to be recovered and the surface string of casing will be tested to determine whether this annulus is dead or pressured. In the event it is pressured then no casing will be recovered until this pressure is released to zero and the annulus filled with mud laden fluid of sufficient density to maintain zero surface pressure.
- (hh) The well shall have a safety valve installed on the top of the casing string before any casing is shot or cut off. This safety valve shall not be removed until the first joint of casing has been pulled and shall then be kept immediately at hand so that it may be, if needed, reinstalled.
- (ii) The well shall be completely filled at all times with mud laden fluid of sufficient density to prevent the entrance of formation fluids which would jeopardize well control during all casing and tubing operations. Periodic checks will be mad of the mud fluid during displacing operations.
- (jj) The operator shall have a responsible representative at the well during the setting and tagging of cement plugs and during the casing pulling operations, to insure that the procedures outlined in the "Notice of Intent to Plug and Abandon" filed with the Railroad Commission are complied with and to insure that other provisions of this article are complied with.
- (kk) The superintendent shall inspect all abandoned and plugged wells for compliance with these requirements. No operator's bond shall be released unless the superintendent has issued a certificate of inspection.
- (ll) By acceptance of any permit authorized and issued pursuant to this section, any operator or permittee expressly stipulates and agrees to be bound by this section and to comply herewith and that by reference, the terms of this section shall be deemed to be incorporated in any permit issued pursuant to this section with the same force and effect as if this section was set forth verbatim in such permit.
- (mm) Development requirements pertaining to land near existing oil and gas wells and related storage facilities. No structure, including any public or private parking areas, shall be located within two hundred (200) feet from the vicinity of any existing wellhead or related facility used for the storage of oil, natural gas, or hydrocarbons. For all transmission lines of four (4) inches and greater in diameter, a fifty (50) feet no build zone shall be required and shall be based on a twenty-five (25) feet center line from the outermost edge of the transmission lines.<sup>1</sup>

## **24.6.18 Residential Building Types**

- (a) **Generally.** These standards apply to any single-family attached dwelling, duplex, townhouse, zero-lot line house, live/work dwelling, boarding/rooming house, or senior living facility.

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<sup>1</sup> From 24-77.



**(b) Townhouse.**

- (1) No front yard or side yard is required.
- (2) A rear setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development. On townhouses and lots that do not abut at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve-foot rear setback shall be required.
- (3) A minimum of one hundred (100) square feet of contiguous open area shall be provided on each individual lot. The open area may be located in front or to the rear of the townhouse. On corner lots or where side yards are present, the one hundred (100) square feet of contiguous area may include the side yard as long as it is not separated by a fence from the remaining portion of the one hundred (100) square feet of space. The "contiguous open area" may consist of lawns, landscaped areas and/or walkways, but shall not include parking or driveways.
- (4) The minimum lot depth shall be eighty (80) feet.
- (5) The minimum lot width shall be fifteen (15) feet.
- (6) Each townhouse shall have either an attached garage, a detached garage, or there shall be a common non-commercial parking lot for the townhouse development.
- (7) A townhouse shall have a maximum of three (3) floors in any zoning district.

**(c) Zero Lot Line.**

- (1) A zero lot line may only be located on an interior side property line.
- (2) The zero lot line for each lot shall be denoted on the subdivision plat.
- (3) For zero lot line subdivisions, a minimum five-foot wide maintenance easement shall be provided through deed restrictions on the lot adjacent to the zero lot line. This easement shall be kept free of permanent obstructions such as tool sheds or fences without a gate. When filing an application for a building permit for a zero lot line development, the subdivider shall provide the city with two (2) copies of deed restrictions establishing the maintenance easements. One (1) copy of these deed restrictions shall be recorded by the applicant prior to issuance of the building permit. Along with the required building permit filing fees, an additional fee shall be provided by the subdivider to cover the recording costs of these deed restrictions. The following notation shall appear on the plat:  
*"Foot wide maintenance easements are established within the lots adjacent to all nonattached zero lot lines. Such easements shall extend for the depth of the lot and are included in the deed restrictions for all affected properties."*
- (4) Dwelling units shall be constructed on the zero lot line on one (1) side of the lot and a side setback shall be provided on the other side of the said lot subject to the following conditions:
  - a. The minimum width of the side setback opposite the zero lot line shall be ten (10) feet.





- b. A zero setback shall not be permitted when the zero lot line abuts a non-zero lot line development, in which case, a minimum side setback of five (5) feet shall be required.
  - c. There shall be no openings in any exterior wall located upon or oriented towards the zero side yard of the subject property. Exception: an alcove or atrium with doors or windows may be recessed into the dwelling structure if such recessed area is separated from the zero side yard by means of a solid wall not less than eight (8) feet in height. Said wall shall be constructed of the same material as exterior walls of the unit.
- (5) The zero-lot line for an existing legally permitted zero-lot line residence may be maintained on any addition to the residence, so long as the maintenance easement requirement indicated above is maintained.

**(d) Live/Work**

- (1) A single-story live/work unit is permitted. However, in a two-story live/work unit, the residential living portion is not permitted on the first floor.
- (2) In a mixed-use development or building, a live/work dwelling is considered a non-residential use.

**(e) Boarding/Fraternity or Sorority House/Dorm**

- (1) The minimum lot area shall be 6,000 square feet for the first five occupants of the building's designated occupancy and 900 square feet for each additional residential occupant.

**(f) Senior Living Facility**

- (1) No dwelling unit shall contain more than two bedrooms.
- (2) Dwelling units shall have gross living area minimums that comply with the following requirements
  - a. Studio: 475 square feet
  - b. 1 Bedroom: 525 square feet
  - c. 2 Bedrooms: 725 square feet
- (3) Indoor common or recreational areas shall be provided at a ratio of 100 square feet of gross floor area per dwelling unit. Such areas may include common living/seating rooms, dining room, library, game room, exercise room, dance floor, arts and crafts room, music room, and other indoor recreational facilities.
- (4) In addition to dwelling units for occupants of the facility, a senior living facility may include special facilities and services for its residents such as cafeterias, dining rooms, housekeeping services, laundry services, transportation services, swimming pools, greenhouses, and other outdoor recreational facilities.

## **24.6.19 Restaurants**

- (a) **Generally.** No restaurant serving alcohol may operate in a MX-1 zoning district without a Special Use Permit (SUP). A restaurant which is already located and operating in one of



these zones which wishes to add alcohol service is required to apply for a Special Use Permit (SUP).

**(b) Requirements.** The City Council may grant a Special Use Permit (SUP) for a restaurant serving alcohol in a MX-1 district under the following conditions:

- (1) Establishments serving alcohol shall not locate within three hundred (300) feet of any:
  - a. church,
  - b. public school,
  - c. public park,
  - d. residential structure,
  - e. or residential zoning district.

Measurement is made from the front door of the establishment serving alcohol to the nearest property line (by shortest route) to the front door of the church, public school, entrance to the public park, front door of the residential structure or zoning district boundary and in a direct line across intersections wherever they occur and consistent with measurement methodology per Texas Alcoholic Beverage Commission adoption.

- (2) .
- (3) Property lighting shall screen to avoid adverse impact on adjacent residential neighborhoods.
- (4) .
- (5) An opaque fence or wall greater than seven (7) feet in height is required along any side or rear property lines which abut or adjoin property containing a residential structure or residential zoning district. Apartment complexes, residential condominiums or residential townhomes are similarly screened irrespective of their zoning district location.
- (6) Establishments must make provisions to minimize litter, and to keep it from blowing onto adjacent streets and properties.
- (7) Signage shall comply with the City's Sign Ordinance and TABC rule or regulation.
- (8) .
- (9) 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.
- (10) At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full service menu.
- (11) The restaurant shall not exceed the "Occupant Load" established in the Certificate of Occupancy with Occupant Load.
- (12) The restaurant 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.
- (13) The restaurant shall undergo an annual Fire Inspection.



- (14) 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:
    - a. Food Manager License (annual)
    - b. Food Handler's Permit (annual)
    - c. Certificate of Occupancy with Occupant Load. Occupant Load being the approved capacity of a building or portion thereof.
  - (15) The special use permit shall be issued to the restaurant owner/operator and may only be transferred upon application to and with the express permission of the City Council.
    - a. A business entity, which has been granted an SUP, is required to report (on a form approved by the Director of Building Services) any change in the entity's ownership status which occurs by virtue of the transfer of a majority of its stock or a majority of its membership interest to the City of Laredo Building Services Director. Any change in ownership interest is deemed a transfer of the business and requires Council approval of the transfer of the existing SUP.
    - b. Failure to comply with (15)a., renders the existing SUP null, void and of no force or effect.
    - c. A publicly traded business entity is exempt from the requirement of (15)a.
  - (16) City Council may impose additional conditions necessary for the safety and general welfare of the public.
- (c) **Enforcement Procedures.** If a City of Laredo Zoning Enforcement Official or Fire Official inspection reveal non-compliance with this Section or any of any additional express conditions of the Special Use Permit, Special Use Permit suspension/revocation procedures are as follows:
- (1) *Warning*
    - a. A Zoning Officer or Fire Official shall, upon discovery of special use permit non-compliance with subsection (b) of this section, issue a written warning, granting a grace period of at least 10 working days. During this time, the use may be brought into compliance with the approved Special Use Permit for that location.
    - b. The requirement for the issuance of a written warning and grace period does not apply to a citation issued as a result of a violation of the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load or the failure to, 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 and that citation/s shall be filed for prosecution.
  - (2) *Citation.* If non-compliance persists after the conclusion of the warning grace period, a Zoning Enforcement Official or Fire Official shall issue a written citation.
  - (3) *First Suspension.* If a citation results in a court having jurisdiction or a jury finding the holder of the Special Use Permit guilty of a violation, or if a holder of a special



- use permit pleads guilty, the special use permit will be suspended for a period of time necessary to remedy the violation, but for at least 24 hours, as follows:
- a. The Zoning Officer or Fire Official shall immediately notify the Planning Director, in writing, of the result of the prosecution of the citation.
  - b. The Planning Director shall, within 48 hour notice of the court's determination (or as soon after that as is practicable) issue the permit holder written notification of the special use permit's official suspension.
  - c. The special use permit holder shall suspend all business operations in accordance with the notice.
  - d. The special use permit holder shall not resume operation until the violation is corrected and the establishment is inspected. The Planning Director shall issue a "Notice of Termination of Suspension" upon finding that all issues relevant to the suspension are complied with and the 24 hour suspension period has run. The Planning Director shall issue the notice without unreasonable delay.
- (4) *Second Suspension.* Upon the second conviction of a violation of any of the provisions of this Section or any additional express condition of the special use permit, within any 12 month period, the special use permit will be suspended for a period of time necessary to remedy the violation, but for at least 72 hours. This provision shall be implemented in the same manner as set forth above in subsections (c)(1) – (3).
- (5) *Revocation.* Upon the third conviction of a violation of this Section or any additional express condition of the special use permit, within any 12 month period, and subject to the revocation/suspension procedures set forth in subsections (c)(1) – (3) above, the special use permit will be revoked and the City shall proceed with its removal from the City of Laredo Zoning Map.
- a. The Planning Director shall issue the permit holder written notification of the special use permit's official revocation and removal from the City of Laredo Zoning Map and the special use permit holder shall suspend all business operations which are inconsistent with and in violation of the zoning district in which the business is located.
  - b. Once the special use permit holder is notified of the revocation, the permit holder may petition the City Council for reinstatement of the permit. The reinstatement shall be processed and proceed in the same manner as a new application for a special use permit inclusive of all required fees and documentation.
  - c. If the special use permit holder appeals the conviction, any suspension or revocation will be abated until the completion of the appeals process.
- (6) *Multiple Violations on Same Day.* For purposes of subsections (1) – (5) above, a finding of guilt on more than one citation issued on the same day for the same location counts as only one violation.
- (7) *Appeal of Conviction.* If the special use permit holder appeals a conviction, any suspension or revocation will be abated until the completion of the appeals process.
- (8) *Effect of Other Violations (Habitual Offenses)*



- a. Twelve (12) violations of City Ordinances which result in an adjudication of guilt (by trial to the court, by jury or by entering a plea of guilt) during any 12 month period results in revocation of the special use permit. The special use permit holder may petition for reinstatement (see subsection (5)b above).
- b. If the 12 citations, issued during any 12 month period result in a court having jurisdiction or a jury find the special use permit holder guilty of each violation or if a special use permit holder pleads guilty to violations, the City of Laredo shall consider the special use permit revoked and proceed with its removal from the City of Laredo Zoning Map.
- c. The Planning Director shall then issue the permit holder written notification of the special use permit's official revocation and removal from the City of Laredo Zoning Map and the special use permit holder shall suspend all business operations which are inconsistent with and in violation of the zoning district in which the business is located.
- d. Once the holder of the special use permit is notified of the revocation, the permit holder may petition the City Council for reinstatement of the permit. The reinstatement shall be processed and proceed in the same manner as a new application for a special use permit inclusive of all required fees and documentation.
- e. If the special use permit holder appeals any of the convictions the revocation will be abated until the completion of the appeals process.

## **24.6.20 Retail**

- (a) All businesses, service or processing shall be conducted wholly within a completely enclosed building in the MX-2 or MX-3 district, except:
  - (1) the sale of automotive fuel, lubricants and fluids for gasoline or diesel fuel sales, and
  - (2) other outdoor display or storage of vehicles, materials and equipment, or
  - (3) the sale of goods associated with a plant nursery, or
  - (4) sidewalk cafes, or
  - (5) sidewalk displays (see 24.6.22(a)), or
  - (6) as approved pursuant to a conditional use permit.
- (b) **Production for Retail on Premises Only.** In the MX districts, all products produced on the premises shall be primarily sold at retail on the premises where produced, except for the work of skilled craftsmen or artisans.
- (c) **Maximum Building Size**
  - (1) In the MX-2 district, where the primary business is retail sale of hardware and remodeling supplies such as lumber, concrete, electrical fixtures, plumbing, heating or air-conditioning shops, wiring, masonry or tile, a free-standing structure shall not exceed 35,000 square feet in gross floor area.



## 24.6.21 Sexually Oriented Businesses

(a) **Generally.** Sexually oriented businesses are permitted if they comply with the following distance requirements.

- (1) Sexually oriented businesses shall not locate within two thousand (2000) feet of:
  - a. A church;
  - b. A public or private elementary or secondary school;
  - c. A boundary of any residential district;
  - d. A public park;
  - e. A boundary of any district zoned AG, RL, RM, RH, MX, ;
- (2) Sexually oriented businesses shall not locate within fifteen hundred (1500) feet of another sexually oriented business.

(b) **Measurement.**

- (1) For the purposes of subsection (1), measurements are made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot or to the nearest boundary line any district listed in (a)(1).
- (2) For the purposes of subsection (2) of this section, the distance between two (2) sexually oriented businesses are measured in a straight line, without regard to intervening structures or objects, from the closest property line in which the businesses are located.
- (3) The Board of Adjustment has no authority to grant any variance to the requirements of (a) and (b).

## 24.6.22 Sidewalk cafes

(a) **Generally.** Sidewalk cafes are unlawful unless a license is issued. It is unlawful for any person to place any furniture including tables, chairs or any obstruction within the public right-of-way (including sidewalks). A restaurant owner must obtain a "Sidewalk Café License" from the Building Services Department if they want to serve food or beverages to their patrons within the sidewalk of their restaurant.

(b) **Requirements.** Sidewalk cafés shall comply with the following minimum requirements:

- (1) A Sidewalk Café is allowed on a sidewalk with a minimum width of ten (10) feet from the building façade to the back of curb.
- (2) A Sidewalk Café is allowed on a sidewalk with a minimum of eight (8) feet from the building façade to the back of curb from 6:00 p.m. until 2:00 a.m.
- (3) A clear pedestrian path of more than four (4) feet must always be maintained and a pedestrian path of more than three (3) feet must be maintained around obstructions such as trees and parking meters.





- (4) The Sidewalk Café must be directly in front of a restaurant in which food, prepared and cooked in the restaurant, is offered for sale and for immediate consumption.
- (5) The area designated for the Sidewalk Café shall not block the restaurant entrance or other entrances, exits, or driveways.
- (6) There Sidewalk Café Areas or any sidewalk shall have no preparation, cooking, storage, cooling, or refrigeration of food or food service equipment.
- (7) Pets are not permitted within the Sidewalk Café other than a service dog assisting a handicapped person.
- (8) No portion of the Sidewalk Café can be elevated in the style of a deck.
- (9) All areas surrounding the Sidewalk Café shall be kept in a clean and orderly condition, and the restaurant owner shall insure that all wrappings, litter, debris, and food are promptly removed from the area and discarded in appropriate containers. Daily sanitary cleaning of the Sidewalk Café Area is required, and the sidewalks shall be washed down on a daily basis.
- (10) Sidewalk dining tables and chairs are placed along the building façade and never along the curbside of the sidewalk.
- (11) The Sidewalk Café License and approved Site Plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the Sidewalk Café during all hours of operation. The Café Area of the Sidewalk Café reflects the approved Site Plan. This plan shall not be modified or altered unless approved by the Building Services Director or their designee by a Sidewalk Café License Amendment.
- (12) The arrangement and number of tables and chairs within the Café Area of the Sidewalk Café shall reflect the approved Site Plan and shall not be substantially changed, altered, added to or reduced unless approved by the Building Services Director or his/her designee pursuant to a Sidewalk Café License Amendment.
- (13) Tables and chairs shall, during hours of operation of the restaurant, always be set up and maintained in a manner ready for access and use by patrons. In addition, the capacity of the Sidewalk Café shall not exceed the approved seating capacity number on the Sidewalk Café License. At no time may the Sidewalk Café be used more than the approved seating capacity to allow for standing room patrons.
- (14) Number of table and chairs are limited to one (1) table and two (2) chairs per 15 (fifteen) square feet. If space allows, the number of chairs may increase to four (4) per freestanding table, as long as the required four (4) foot clear pedestrian path is maintained for compliance with ADA requirements and any other codes and local ordinances. The capacity of the Sidewalk Café equals one person per approved chair.
- (15) If the owner of a restaurant with a Sidewalk Café chooses to enclose (with a railing, perimeter fencing, ropes, chains or the like) the Café Area from the remainder of the public way, the following criteria applies:
  - a. The railing, perimeter fencing, ropes, chains or the like, (also referred to as “Enclosure”) shall be clearly shown and approved on the Sidewalk Café’s Site Plan.





- b. The Sidewalk Café entrance shall not have an Enclosure and that entrance shall remain unobstructed.
  - c. The Enclosure shall comply with the approved Site Plan, and is no less than twenty four (24) inches or more than thirty six (36) inches in height.
  - d. The Enclosure shall not collapse or fall over due to wind or incidental contact with patrons or pedestrians.
  - e. The Enclosure shall be maintained in place during operating hours. No Enclosure may be stabilized by bolting, nailing, gluing or otherwise permanently affixing it to the sidewalk.
  - f. The Enclosure design must leave more than four (4) feet of clear and unobstructed Sidewalk space to allow for pedestrian passage.
- (16) If the owner of a restaurant with a Sidewalk Café chooses to place railing or fence mounted planter boxes along railings, fencing or other methods used to enclose a Sidewalk Café, no more than 50% of the top of railing, top of fence, etc., may be covered with planter boxes securely fastened to the fence or railing. No planter box shall extend into the required four (4) foot clear pedestrian path.
- (17) Landscaping: To promote the City of Laredo's objective of developing an attractive streetscape, the following landscape and standards shall apply to restaurants seeking permission to erect a Sidewalk Café within the MX-3 District:
- a. The location and size of self-supporting or floor planter boxes are determined during the Sidewalk Café License approval process or may be determined at a later time through a Sidewalk Café License Amendment.
  - b. Self-supporting or floor planter boxes may be used as temporary landscape features, these planter boxes are generally used for small trees and shrubs and may be used to distinguish the corners of the Sidewalk Café boundary or may be placed on the curbside area immediately adjacent to the Sidewalk Café area but in no event may the box or plant material extend into the required four (4) foot clear pedestrian path.
  - c. If large planters are approved, an exception may be made to allow planters to remain in place per an approved Site Plan.
  - d. All planters and plant material within shall be maintained throughout the entire time the Sidewalk Café or planters are present on the public way.
  - e. Dead, dying, or unhealthy material in any planter box shall be replaced with healthy material. Planter boxes shall not extend over the permitted seating area.
- (18) The Sidewalk Café Enclosure, furniture and planter boxes may be placed on the public right- of-way once the License is issued, and shall be removed on the expiration of the License. Any operating Sidewalk Café continuing to keep the Enclosure or furniture on the public way when it is closed for business or after its License has expired, are subject to citation and the Enclosure, furniture, planter boxes or other equipment may be removed by the City.



- (19) Non permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but is not limited to, parking meters, fire hydrants or any other items must be accessible to the public or to the City for municipal purposes or emergency services.
- (20) No portion of the Sidewalk Café Area may expand to include sidewalks fronting neighboring businesses, residences, or empty lots.
- (21) Sidewalk Café Licenses are only issued to restaurant owners with a valid food products establishment license
- (22) Permanent structures in Sidewalk Cafés are prohibited. No furniture, umbrellas, or other sidewalk elements shall be attached permanently to the sidewalk or to any tree, post, sign, or other public fixture.
- (23) Umbrellas and any type of temporary overhead structure shall not interfere with street lights, traffic lights, signage, overhead utility lines, trees or other overhead structure. These structures are more than seven (7) feet above the sidewalk.
- (24) Furniture and other sidewalk elements for Sidewalk Cafés except for approved planters shall be removed from the sidewalk at the close of each business day.
- (25) Signs in the right-of-way are prohibited.
- (26) Lighting shall conform to the Historic Urban Design Guidelines. All lighting shall comply with the ambiance of the restaurant and of the general area. Flashing lights, animated lights, chase lights, strobe lights, high intensity lights or spotlights are not allowed.

(c) **Application Submittal.** Sidewalk Café applications are submitted to the Building Services Department for administrative review. and once all the criteria of this Section have been met and approved by the Building Services Director or their designated representative, a Sidewalk Café License may be issued. The Sidewalk Café application form is provided by the Building Service Department and requires the following:

- (1) Name of restaurant, physical address of restaurant, name of owner of restaurant (hereinafter also referred to as “applicant”), address of the applicant, phone number of the restaurant and the phone number of the applicant.
- (2) Property owner name, address, and phone number if different from applicant. If the property owner is not the applicant, the application must include an affidavit from the property owner authorizing the applicant or other representative of the property owner to act on the property owner’s behalf.
- (3) Copies of all relevant state and local permits and licenses (*including but not limited to health department permits/licenses, sales tax certificate, fire permits, certificate of occupancy, TABC licenses (if applicable) and current tax certificate showing City taxes have been paid up to date.*).
- (4) The applicant provides written notice to each property owner and tenant on each side of the restaurant and directly across the street from the restaurant of a Sidewalk Café License application. During the review process the applicant shall submit notice copies given to each abutting landowner and tenant of the restaurant owner’s Sidewalk Café application.



- (5) A copy of the restaurant owner's current insurance certificate (general liability) which covers the Café Area naming the City of Laredo as an additional insured.
- (6) A Site Plan drawn to scale (1/8"=1'-0"), preferably on 8 ½ x 11 inch paper; and that includes:
  - a. A north arrow;
  - b. Property line location;
  - c. the sidewalk layout and dimensions from street corner to street corner, the layout of the area to be utilized for the Sidewalk Café (Sidewalk Café Area or Café Area) and adjacent private properties, to include the sidewalk width remaining for clear path of travel;
  - d. the size and dimensions of each item of furniture and planter boxes, the number of tables, chairs, umbrellas, trash receptacles, planter boxes and Enclosures or other items used to delineate the area used for the Sidewalk Café;
  - e. location of doorways, fire hydrants, parking meters, bus shelters, sidewalk benches, trees, and any other fixture, structure, or obstruction existing within the area used for the Sidewalk Café.
  - f. Photographs attached to the site plan which:
    1. Are clear and accurate representations of the site,
    2. Depict the entrance to the restaurant.
    3. Depict the proposed site location for the Sidewalk Café and the proposed Sidewalk Café's relationship to the surrounding public right-of-way,
    4. Depict each proposed furniture and outdoor items (planter boxes /trash receptacle /umbrellas, Enclosures, etc.).

**(d) No Waiver/Variance and Appeal**

- (1) The authority to grant the use of the right-of-way in the MX-3 District for a private purpose is a non-delegable function of the City Council and the limitations on established in this LDC. The City has a compelling state interest in the regulation of public rights-of-way and therefore, there shall be no waiver or variance to any of the provisions of this Section.
- (2) An Applicant whose Sidewalk Café License application has been denied may petition, in writing, the Building Services Director to reconsider the basis for their denial of a Sidewalk Café License within fifteen (15) calendar days of the Applicants notice of denial of a Sidewalk Café License.
- (3) Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the denial.
- (4) In its petition, the Applicant must indicate the provisions of the denial objected to, the reasons for the objection(s), any facts that are contested, the evidence that supports the Applicant's view of the facts, any alternative terms that the Applicant would accept.



- (5) Within thirty (30) calendar days a reconsideration petition submittal, the Building Services Director shall review the petition, and shall either:
  - a. grant the petition;
  - b. deny the petition; or
  - c. grant the petition in part and deny it in part.
- (6) Any Applicant whose reconsideration petition by the Building Services Director has not been granted in its entirety and who remains adversely affected by the Building Services Director's decision, may appeal the decision to the City Council by filing a written appeal with the City Manager, specifying the reasons, within fifteen (15) days of the time the decision is issued. City Council hears the matter within sixty (60) days.

**(e) Sidewalk Café License Fee/Duration/ Expiration/Suspension/Revocation/Transferability**

- (1) Each Sidewalk Café License issued shall contain:
  - a. the name of the holder of the license (restaurant owner),
  - b. the address of the restaurant engaged in the Sidewalk Café,
  - c. the telephone number of the restaurant,
  - d. the number of tables and chairs allowed in the Café Area,
  - e. the capacity of the Café Area, whether the Café Area has an Enclosure and,
  - f. a copy of the approved Site Plan.
- (2) The fee for a Sidewalk Café License is fifty dollars (\$50.00) for the first year and one hundred dollars (\$100.00) for each subsequent year.
- (3) A Sidewalk Café License may be transferred to a new owner of the restaurant for a twenty-five dollars (\$25.00) fee.
- (4) Every Sidewalk Café License expire on December 31st of each year.
- (5) The fee for review and approval of a Sidewalk Café shall be prorated as of the date of issuance of the license (for example the fee for a license issued on March 1 of any given year shall be calculated by dividing the license fee by twelve (months) multiplied by the number of months remaining until the date of expiration of the license (December 31).
- (6) The Building Services Director shall suspend a Sidewalk Café License upon the issuance of any citation for the violation of any of the provisions of this Section until the violation has been remedied or the Building Services Director or the Municipal Court make a finding that there has been no violation.
- (7) The Building Service Director shall revoke the Sidewalk Café License upon a guilty finding by the Municipal Court during any license year of three or more violations of any of the provisions of this Section.
- (8) A Sidewalk Café License shall not be issued for the remainder of any license year nor the next license year to any restaurant owner who has been found by the Municipal Court to have violated the provisions of this section more than six (6) times during a license year (habitual violator).



### 24.6.23 Sidewalk Displays

(a) **Generally.** Sidewalk displays within the MX-3 Zoning District are defined as a use located on a public sidewalk, within a public right-of-way or easement that is associated with a retail use and consists of available displayed goods for public purchase. A business may display or sell its regularly stocked items directly in front of the business during any hours the business is open to the public without a license, as per City of Laredo Code of Ordinances, Chapter 28, Article V, Section 28-101(b), and Section 24-84.3 (f) of the Laredo Land Development Code shall be waived, provided the following conditions are met:

- (1) A clear path of at least 4 feet of sidewalk running parallel to and fronting the business shall remain free and clear of any obstructions to accommodate pedestrian traffic however, all American with Disabilities Act (ADA), Fire Code, and Health and Safety Code requirements shall remain in effect. If there is a conflict with any of the provisions of this Section the more restrictive provision shall apply.
- (2) All goods for sale (merchandise) must be placed on display tables, racks, or alternative modes of display. Alternative modes of display are approved by the Building Services Director or their designee if the alternative display is sturdy and covered or skirted with cloth from the floor/ground to the display surface. Merchandise shall not be placed directly upon the ground. All display tables, racks, and alternative modes of display must conform to the Historic Urban Design Guidelines.
- (3) Special event sales are allowable by permit from the City and legally permitted in accordance with Chapter 28, Article V, Section 28-107 Vending Under Special Event Vendor's Permit of the City of Laredo Code of Ordinances. The Historic Urban Design Guidelines regarding display of items for sale shall also apply.

### 24.6.24 Signs

(a) **Purpose.** This article provides standards for all private signs. All private signs not exempt as provided below shall be erected and maintained in accordance with these standards, which are intended to be the minimum necessary and least burdensome to accomplish the purposes stated in this section. The general objectives of these standards are to promote health, safety, welfare, convenience, consistent enforcement, and enjoyment of the public, while ensuring equal treatment which shall, in part, achieve the following:

- (1) *Safety.* To promote the safety of persons and property by providing that signs do not create a hazard due to collapse, fire collision, decay or abandonment, that they do not obstruct firefighting or police surveillance, and that they do not create traffic hazards; as per these standards, signs shall not confuse or distract motorists by impairing the driver's ability to read traffic signs, and see pedestrians, obstacles, or other vehicles.
- (2) *Communications efficiency.* To promote the efficient transfer of information in sign messages by providing that: Businesses and services may identify themselves. Customers and other persons may locate a business or service. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way. Persons exposed to signs are not overwhelmed by the number of messages presented, and



are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose.

- (3) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that: signs do not interfere with scenic views, they do not create a nuisance to persons using the public rights-of-way, they do not create a nuisance to adjacent and contiguous property, and that they do not pose a detriment to land or property values.

**(b) Scope.** This article shall not be related to building design, nor shall the ordinance regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; flags; gravestones; plaques; the display of street numbers; or any display of construction not defined as a sign.

**(c) First Amendment Rights.**

- (1) This article shall not be interpreted, nor enforced, in any manner violating First Amendment Rights.
- (2) Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful message, provided that such sign otherwise complies with all other provisions of this chapter.

**(d) Code Administrator.**

- (1) The requirements of this article shall be administered and enforced by the building development services department through the building development services director's (administrator) designated representatives (collectively referred to herein as "building officials"). The administrator is authorized to promulgate regulations and procedures consistent with this function.
- (2) The administrator is empowered, upon presentation of proper credentials, to enter or inspect any building structure, or premises in the city for the purposes of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists. The provisions of this article shall be enforceable without limitation against: a sign owner, a sign user, an operator or lessee of a sign, or the property owner on which the sign is located. Such persons may be referred to herein as "responsible persons."

**(e) Permit required to erect, install, or modify signage.**

- (1) *Sign permit or authorization required.* No sign, other than those signs allowed without a permit by this chapter, shall be erected, placed, attached, secured, altered or displayed to/on the ground of any building or any structure until a permit or written authorization for such sign has been issued by the building official. An application for a sign permit or authorization may be obtained from the city's building development services department. The building official shall approve or deny an application within fifteen (15) business days of the department's receipt of the application. A sign permit or authorization will be issued if a proposed sign conforms to all city ordinances. Incorrect information on an application shall be grounds for denial or revocation of a sign permit.





- (2) *Permits required for alteration.* Except as provided, no person or business firm, acting either as principal or agent, shall alter, change the face, lettering, or by any other means, re-face any sign (except for signs with temporary messages made from interchangeable characters attached to tracks or grooves on the sign board, electronic message display or changeable electronic variable message sign), either by changing the message or by renovating an existing message, or shall erect any sign or sign structure until a sign permit for such work has been issued by a building official. Signs requiring permits include, but are not limited to: new signs, re-facing existing signs, modifying an existing sign, temporary signs, special occasion signs, and feather banners.
  - (3) *To whom issued.* No sign permit for the installation or erection of any sign shall be issued to any person other than those licensed and insured in the city, unless otherwise specified, in accordance with this chapter. Signs that require authorization in this chapter are not required to be installed or erected by a licensed or insured person; however, they must meet all other provisions of this chapter.
  - (4) *Not to issue for prohibited locations.* No sign permit or authorization shall be issued under this section for any sign in a district where signs are prohibited by the city's zoning ordinance as it currently exists or under future amendments. No permit shall be issued for the placement of any sign on property which has not been platted in conformance with the subdivision regulations of the City of Laredo. No sign shall be placed in or over any public right-of-way with the exception of official government signs, but as specifically allowed within the ordinance.
  - (5) *Fees.* The sign permit fee shall be applied towards each sign that requires authorization (e.g., monument signs, pole signs, wall signs, roof signs, banners, awnings and changeable electronic variable message signs). The permit fee shall be in compliance with fees as prescribed in section 28-50. The sign permit or authorization fee for a sign erected without the issuance of a sign permit prior to installation shall be twice the cost of the standard fee for that type of sign. If the ordinance requires engineering, no permit can be issued without the structure being certified by a Texas Licensed Engineer.
  - (6) *Interpretation and administration.* The building official shall be responsible for interpreting and administering this chapter. The building official may revoke any permit for a sign issued in error. Appeals from orders, decisions, or determinations of the building official in the administration of this chapter shall be in accordance with City Charter and shall conform to the latest adopted International Building Codes and National Electrical Code.
- (f) **Definitions and Requirements.** For the purpose of this chapter, the words below shall have the following definitions despite capitalization, unless the context clearly requires another meaning to be ascribed to them. The requirements and regulations set forth for each shall apply in the city and its ETJ. All signs must also conform to other requirements and regulations as mentioned in this chapter, including compliance with square footage allotment defined in section 28-38 (i.e., the dimensional tables).



**(g) Signs Regulations.** All new signs and sign structures, unless exempt, shall comply with the provisions of this chapter, however, all signs and sign structures existing prior to the adoption of this ordinance must comply with the following provisions of this chapter.

- (1) Section 28-26 Illegal signs.
- (2) Section 28-34 Non-conforming signs.
- (3) Section 28-43 Encroachments within public right-of-way.
- (4) Section 28-44 Existing sign encroachment.
- (5) Section 28-45 Removal of encroachment constituting obstructions.
- (6) Section 28-46 Unsafe signs declared nuisance; abatement.

**(h) Signs not Requiring Permits.** The following types of signs are exempt from permit requirements, but must be in compliance with all other sign regulations contained herein:

- (1) Signs required by law, street signs, traffic control signs and devices;
- (2) Public signs or notices, or any sign related to an emergency, including signs erected by local, state, or federal government;
- (3) Signs or lettering on governmental buses and shelters, public/private school buses, taxis, or any vehicles operating during the normal course of business. This does not apply to portable or vehicle signs or other signs which are parked or located for the primary purpose of displaying said sign;
- (4) Plaques;
- (5) Nameplates less than three (3) square feet;
- (6) Incidental signs;
- (7) Temporary private signs;
- (8) Flags.

**(i) Illegal Signs.** Any person who constructs, displays, maintains, permits or requests any person to construct, display, or maintain any of the following prohibited signs on property under their control commits an offense under this article:

- (1) *Abandoned signs.* Any sign on private property that promotes a time, event, message, business, election or purpose shall be removed within fourteen (14) days after the issue is decided, the event has taken place, or the establishment has gone out of business.
- (2) *Fence signs in or adjacent to and facing residential zoning districts.* Any sign painted on a fence, railing or wall which is not a structural part of the building on property located in or adjacent to, and facing a residential zoning district, whether or not on the property line, other than a nameplate sign conforming to the provisions of this article.
- (3) *Improperly illuminated signs.* Any sign which is illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. No signs which 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. No sign, other than a permitted animated sign or an electronic message display shall be illuminated, in whole or part, where the



- illumination is intermittent or varies in color or intensity from time to time. The use of searchlights is prohibited. Unless otherwise noted herein, all lighting of signs shall be indirect or internally illuminated lighting as defined herein, and all floodlights shall be shielded. Artificial lighting of any type used to illuminate buildings, structures, outdoor sales areas or outdoor storage areas unless shielded. Glare producing surfaces on signs are not allowed. Lights which are part of or illuminate a sign must be shielded, directed and positioned to prevent beams or rays of light from being directed at any portion of the travel ways of a city roadway or any adjacent residential use. Lights may not be of such intensity or brilliance as to cause vision impairment of a driver of any motor vehicle on a city roadway or otherwise interfere with the driver's operation of a motor vehicle and may not obscure or interfere with the effectiveness of an official traffic sign device or signal.
- (4) *Obstruction to doors, windows or fire escapes.* Any sign erected, relocated or maintained so as to prevent free ingress to or egress from any door, window fire escape or other area intended for human travel, or attached to a stand pipe or fire escape. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement or a driveway required to access parking.
  - (5) *Portable and vehicle signs.* No person shall display any sign attached to a vehicle, trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base or constitute the sign itself. No person shall park any vehicles with a vehicle sign in the same location or vicinity at frequent or extended periods of time, where the apparent intent as determined by the city is to use the vehicle and attached vehicle signs for purposes of advertising. It shall be prima facie evidence that a sign is used to advertise a product or message in violation hereof if parked at the same location in an area visible to a public right-of-way for a continuous period exceeding seventy-two (72) hours with the following exceptions: 1) construction trailers temporarily placed on active, permitted construction sites which advertise the business constructing facilities on the site; and 2) signs on governmental law enforcement and emergency response vehicles.
  - (6) *Odor, sound or visible matter emitting signs.* No sign shall be permitted to emit sound, odor, or visible matter so as to cause a distraction to persons within a public right-of-way.
  - (7) *Sidewalk.* Any sign, attached or painted on any sidewalk, curb, gutter or street, except house or street address numbers, traffic control signs and devices, wayfinding signs, or street signs placed by the city, state, federal government or other authority charged by law with regulating traffic safety.
  - (8) *Signs constituting a traffic hazard.* Any sign erected or maintained in any visibility triangle, or in such other location so as to obstruct free and clear vision of vehicular traffic of adjacent streets, roadways, sidewalks, or other public rights-of-way, any authorized traffic sign, signal or device, or which, by reason of position, shape, color, degree, manner or intensity of illumination, interferes with vehicular or pedestrian



traffic. Any sign which, by reason of words, phrases, symbols or characters, pictures, graphics, or lights, tends to interfere with, mislead or confuse traffic.

- (9) *Signs in any easement.* Any sign located, in whole or part, in any easement (utility, drainage, etc.) except where a property owner be able to demonstrate to the city engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the city engineer or designee and franchise utility company and subject to providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement.
  - (10) *Signs in or over right-of-way.* Any sign located, in whole or in part, in or over any public right-of-way, except for directional or warning signs placed by an authorized government agency, or as provided for elsewhere in this code.
  - (11) *Sign on tree, pole, snipe signs etc.* Any sign attached to or painted upon any tree or public utility pole or structure is prohibited; provided that this does not prohibit the utility provider which maintains a public utility pole or structure from attaching to the utility pole or structure a cautionary or warning sign warning of dangers related to the presence of the utility line.
  - (12) *Signs posted in specified areas.* Unless otherwise permitted within this chapter, no person shall post or cause to be posted, attach or maintain any sign upon:
    - a. Any property not platted in conformance to the subdivision regulations of the city.
    - b. No sign shall be erected nearer than ten (10) feet from any telephone cable, power line or any street light standard.
    - c. No electronics/color video signs are allowed in residential areas, except for schools and churches.
  - (13) *Signs prohibited by ordinance.* Any sign which is not expressly permitted by this article or any sign which requires a permit for which no permit has been obtained.
- (j) Measurement of sign area and height.**
- (1) *All signs.* For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula (i.e., [square equals] height multiplied by width, [circle equals] 3.14 multiplied by radius squared, etc.), the dimensions of which shall be determined by enclosing the extreme outermost limits of the sign copy utilized. The square footage of a sign, made up of letters, words or symbols within a frame or on a banner shall be determined from the outside edge of the frame or banner itself. Double faced signs shall be calculated as the area of one side only. Three (3) dimensional or multifaceted signs shall be calculated as the maximum area visible from any single direction at any point in time.
  - (2) *Wall signs with multiple elements*
    - a. Regardless of the spacing between letters, letters forming a word or name shall be considered a single sign.



- b. When two (2) or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by less than the width or height of the largest item, the items shall be considered a single sign and the area shall be determined by measuring the area enclosing the sign elements with straight, intersecting lines.
  - c. When two (2) or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by more than the width or height of the largest item, the items shall be considered a separate sign and the area of each item shall be determined individually.
- (3) *Structural supports.* Bearing no sign copy shall not be included in sign area, provided such structural support is not constructed in an irregular manner so as to draw attention to the sign copy contained in the sign. Structural supports shall be included in the measurement of the height of a sign.
- (4) *Height.* The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade below the sign and/or support structure, unless otherwise noted in this chapter. If a sign is located on a mount, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign where it exceeds three (3) feet. Measurement for a sign height will be determined from the of the curb grade at the property line. Any freestanding signs directly adjacent to an elevated section of a freeway, expressway, arterial, or collector and within one hundred (100) feet of the freeway, expressway, arterial or collector may increase the maximum allowable vertical height by one (1) foot for each foot of roadway elevation.
- (k) Sign Specifications, design and other requirements.** These requirements and standards are applicable to all signs located in the city of Laredo.
- (1) *Compliance with other codes and ordinances.* If any portion of this chapter is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinances adopted by the city, the provision which establishes the higher standard shall prevail. All signs shall meet the standards of the adopted city building codes.
  - (2) *Visibility.* All signs shall observe all visibility requirements. Signs shall not be placed within visibility/site triangles, corner clips, easements as defined in the city's thoroughfare plan, engineering department standard design guide and the traffic department access management policy as they currently exists or may be amended. Signs shall not create a hazard. Signs with flashing, intermittent or moving lights are expressly prohibited within fifty (50) feet of an intersection, except for signs providing only time and temperature information.
  - (3) *Identification marking required.* All signs that require the issuance of a permit after adoption of this chapter shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, the name and telephone number of the licensee who erected the sign.





- (4) *Assumed wind load for design purposes.* For the purposes of design of structural members in signs must withstand one hundred five (105) MPH, three (3) second wind gusts, or as found in the latest adopted International Building Code. All signs must be certified by a structural engineer, authorized and licensed to do business in the state of Texas.
- (5) *Illumination.* Signs that are illuminated shall be designed so that any external illumination is shielded and no direct light is cast into residential areas or public streets. External lighting devices shall be permitted provided such fixtures do not extend more than eight (8) feet beyond the sign structure and are so attached that such illumination is directed upon the face of the sign so that it does not reflect directly into adjoining property or public streets.
- (6) *Multiple signs on a property or building.* The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein, or additional signs will exceed allowable square footage per sign type. However, if a freestanding multi-tenant sign or attached multi-tenant sign is used, another freestanding sign shall be allowed only on another platted lot within the development. Only one (1) freestanding sign shall be allowed per property per street frontage.
- (7) *State standards.* Signs located along federal and state primary aid highways are also subject to the latest requirements contained in V.T.C.A. Health and Safety Code, § 361.321-322 and the rural road sign control provisions of V.T.C.A. Transportation Code, § 394.002 et. seq. which is hereby adopted as supplementary outdoor sign regulations and by this reference is incorporated herein as though set forth in its entirety.

**(I) Removal and impoundment of prohibited signs.**

- (1) The city council hereby declares that any sign which is unlawfully placed or existing in the right-of-way, a city park or city property, in violation of setback requirements, or in violation of any other provision of this chapter and/or any other ordinance constitutes a public nuisance.
- (2) The following signs are subject to removal by the city under this section: bench signs and portable signs, unlawfully placed signs or signs existing in the public rights-of-way, signs in violation of the setback requirements, and/or signs in violation of any other provision of this chapter or any other ordinance. Upon discovery and inspection of any unlawful sign by the city, the sign shall be tagged for immediate removal. Notice shall be given to the occupant of the property by posting such notice on the front entryway of the building if such building exists where the sign is located and on the sign. Such notice shall advise of the opportunity to contest the unlawful nature of the sign by contacting a designated city official. If the sign continues to be unlawfully in place after seventy-two (72) hours, the city may remove the sign. The sign will be placed at a city sponsored storage facility.
- (3) Any sign that is found to be in violation of this code, removed by the city, is to be stored until claimed by the rightful owner or person who has the immediate right to





possession of such sign, or until disposed of as hereinafter provided. A fee of three dollars (\$3.00) per day shall be charged for such storage. Any such sign so impounded and stored shall be retained and held by the city who shall have a lien against such signs until all charges for removal, impoundment, and storage shall have been paid. All signs stored by the city which remain unclaimed for thirty (30) days by the owner or person who has the immediate right to possession thereof shall be subject to disposal.

**(m) Neglected and abandoned signs.**

- (1) *Abandoned signs.* Any sign on private property that promotes a time, event, message, business, election or purpose shall be removed within fourteen (14) days after the issue is decided, the event has taken place, or the establishment has gone out of business.
- (2) *Neglected signs.* Pursuant to the Texas Health and Safety Code, Chapter 342, as amended, a sign that is dilapidate, deteriorated, unsafe, unsecured, and/or is a hazard to the health or safety of the public or is abandoned, as defined herein, is hereby declared a nuisance. The nuisance may be abated by repair rehabilitation, demolition, or removal in accordance with these procedures as provided by law.
- (3) *Notification.* Upon written notification by the building official or his designee, such abandoned signs shall be removed from the property and neglected signs shall be repaired or removed from the property by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten (10) days after written notification to do so by the building official or his representative. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the city may resort to any civil remedy available to remove or repair the sign-up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety or welfare, the city shall remove it immediately. Within ten (10) days of the removal of the sign, the building official shall notify the owner of the property on which the sign was located of the reasons for the removal of such sign.
- (4) *Compliance.* It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event of failure to comply with such notice provided under this chapter, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building, or structure upon which such sign was located.

**(n) Special Event Signage.**

- (1) *Special events.* Generally defined as a festival, fair, tournament, or other similar happening.



- a. Banners, stake signs, inflatable device signs, or other apparatuses may not be erected at a special event until a site plan has been approved by the building official. The site plan will be required to illustrate the location of banners, stake signs, inflatable device signs, or other apparatuses to be used for a special event.
  - b. Signage located at the site of a special event shall be erected no earlier than seven (7) days prior to the event and removed no later than twenty-four (24) hours after the conclusion of the event.
- (2) *Certificate required.* A temporary sign certificate is required for a temporary special sign event. The certificate allows the holder to display temporary event signs on the lot where the event is to occur. Certificate is valid for a maximum of ten (10) days. Certificate can be issued for up to four (4) times in one (1) calendar year.

**(o) Unified Development Sign Plan.**

- (1) A unified development sign plan is required for developments of over one (1) acre.
- (2) A unified development sign plan is also required prior to the issuance of a sign permit, or as otherwise required herein, to determine overall sign locations on a property, the relationship of the signs to surrounding existing, proposed, and future improvements, and to determine consistency and uniformity among buildings and signs.
- (3) A unified development sign plan shall contain the following information:
  - a. Elevations of the signs illustrating the materials of construction, colors, lighting, fonts of letters, and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building;
  - b. Elevations depicting the size of the signs in relation to the size of the buildings within the development;
  - c. A plan drawn to concept plan, preliminary site plan, or site plan specifications, of the site illustrating the location of existing and proposed signs on the property and, if required by city staff, on adjacent properties;
  - d. Other information to illustrate the consistency and uniformity of the signs.
- (4) For nonresidential and multifamily developments, the sign coordination plan shall be submitted to the city for review with a concept plan, preliminary site plan, or site plan of the property. For single-family and two-family developments, the sign coordination plan shall be submitted to the city for review with a concept plan, preliminary plat, or final plat of the property.
- (5) Unified development sign plans shall be submitted to the building development services department in digital format (i.e., pdf, shapefile, or CAD file for review with the application for a building permit for the initial development of property or properties to be affected.

**(p) Billboards.**

- (1) *Certificate of nonconformance.* The company displaying the billboard shall apply for a certificate of nonconformance providing ownership, size, height, year built, emergency contact, within eighteen (18) months of adoption of this ordinance.



- (2) *Relocation.* In the event billboard is condemned by eminent domain authority of the City of Laredo or State of Texas within the city limits, the owner of the off premise sign shall be allowed to apply for sign permit to relocate the off premise sign to the remaining tract or an adjacent track provided that the new location meets the following conditions:
  - a. A new sign permit application shall be submitted and the proposed sign structure must meet the current subdivision code requirements;
  - b. The proposed location meets the current zoning, height and setback requirements for an off premise signs;
  - c. The proposed location is at least five hundred (500) feet from another billboard as measured along the corridor;
  - d. If the sign was a legal non-conforming sign, the degree of non-conformity shall not increase.
- (3) If the visibility of a billboard is obstructed due to roadway construction including over passes, noise barrier walls, or a grade change of the roadway – the existing billboard will be allowed to be reconstructed to a height clearly visible from the roadway grade consistent with the current sign code H.A.G.L. restrictions.
- (4) *Abandonment.* The nonconforming billboard shall be considered abandoned if the sign has not displayed a message for a period of one hundred twenty (120) consecutive days or more.
- (5) *Permits on state regulated highways.* If an application for billboard is submitted on a premise located along a state regulated highway as defined by the Highway Beautification Program or Rural Roads Act, a City of Laredo permit is required to apply for a permit with the State of Texas. The applicant may not obtain a permit for a billboard, unless the applicant holds a valid license issued by the State of Texas. If the property is not platted in conformance with the Land Development Code, an approved application will serve as authorization for a specified location; however, the platting process must be initiated for the specific location and must be completed prior to the issuance of a sign permit. If the work authorized by a permit issued under this section has not been commenced within three hundred and sixty-five (365) days after the date of issuance, the permit shall become null and void.
- (6) *Relocation permit issued by State of Texas.* If a business owner secures a relocation permit from the Texas Department of Transportation for the relocation of a billboard, the proposed location may be submitted to the administrator, and an appeal will be made to the city manager for approval.

**(q) Nonconforming Signs.**

- (1) *Assignment of status.* It is the intent of this chapter to encourage eventual elimination of signs that, as a result of the adoption of this chapter, become nonconforming. Existing signs which do not conform to the specific provisions of the ordinance may be eligible for the designated "legal nonconforming" provided that:
  - a. The administrator determines such signs are properly maintained and do not in any way endanger the public; and



- b. The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this ordinance.
  - (2) *Loss of status.* It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this chapter. It is the intent, therefore, to administer this chapter to realize the removal of illegal non-conforming signs, and to avoid any unreasonable invasion of established private property rights.
  - (3) A legal non-conforming sign may be continued in good condition, but shall not be:
    - a. Replaced by another non-conforming sign;
    - b. Structurally altered so as to prolong the life of the sign;
    - c. Expanded;
    - d. Reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the estimated replacement cost;
    - e. Relocated, unless caused by government action, and said location is approved by building development services department;
    - f. Advertising a business or activity no longer occupying the property on which it is located for a period exceeding fourteen (14) days, (i.e., abandoned sign).
  - (4) Provided a permit is issued, non-conforming signs may be altered under the following instances:
    - a. Must submit engineer sealed drawing for changes and pole support.
    - b. Must not increase level of non-conformity. Non-conforming signs shall not:
      - 1. Increase in square footage.
      - 2. Convert to digital/CEVMS sign.
      - 3. Convert to electrical/lit sign.
      - 4. Increase height (if outside of allowable).
    - c. Must not be located in visibility triangle.
- (r) Maintenance and repair of non-conforming signs.**
- (1) The legal non-conforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, as based on appraisal, it must be brought into conformance with this code or be removed.
  - (2) All signs shall be properly maintained. Exposed surfaces shall be clean and painted as required. Defective parts shall be replaced.
- (s) Repair or removal of nonconforming signs.** If these conditions are not met, and the sign is not designated a legal non-conforming sign, the sign must be brought into compliance with this ordinance or be removed. The building official shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
- (t) Obligation of sign owner, penalty for violation, additional remedies.**
- (1) It shall be the obligation of any person owning a sign to inform the person leasing or renting such sign of the requirements set forth in this chapter. However, any person



renting or leasing a sign shall not be hereby absolved of the responsibility to know and conform to the requirements of this chapter.

- (2) Any person who shall violate any provision of this chapter or who shall fail to comply therewith, or with any of the requirements thereof, shall for each and every violation of non-compliance be deemed guilty of a misdemeanor and upon conviction shall be punished as dictated by law and ordinance.
- (3) The remedies provided in this section should not be construed as exclusive; the city hereby provides that any other remedy available to it in the enforcement of this chapter, in law or in equity, is not intended to be and is not foreclosed by the provision of such remedies.

**(u) Permitted sign dimensions – Dimensional tables.**

Permit Required	Sign Type	Allowable Square Footage	Allowable Max Height
N	ADDRESS	2	
Y	FEATHER BANNER	37.5	15
Y	MONUMENT PROPERTY SIGN	130	16
Y	MONUMENT SIGN (INDIVIDUAL)	130	16
Y	MONUMENT UNIFIED DEVELOPMENT		
Y	SUBDIVISION ENTRANCE SIGN	64	
Y	UNDER AWNING SIGN	4	

**(1) Permitted sign dimensions – Freestanding.**

Permitted Sign Dimensions																		
Permit Required	RESIDENTIAL DISTRICTS								FREESTANDING	Time Limit (Days)	NON-RESIDENTIAL DISTRICTS							
	AG	R-1	R-1A	R-2	R-3	RS M	RS	RO			On-Premise (Max Area is Sq. Ft)	B-1	B-1R	CBD / AE	B-3	B-4	M-1	M-2
Y	72	12 & diaK	12 & diaK	12 & diaK	12 & diaK			30	in general, unless noted below	NON E	40	30	72	200 ■	200	200	200	200
Y	15	6 & diaK	6 & diaK	6 & diaK	6 & diaK			6 & diaK	CHANGEABLE COPY	NON E	32	32	32	32	32	32	32	32
N	4	4 & diaK	4 & diaK	4 & diaK	4 & diaK			4	DIRECTIONAL	NON E	8μ	8μ	8μ	8μ	8μ	32μ	32μ	32μ
N	36	12	12	12	12	12	12	12	FOR SALE/RENT/LEASE	■	24	24	24	24	36	36	36	36
Y	72 & diaK	72 & diaK	72 & diaK	72 & diaK	72 & diaK			72 & diaK	ELECTRONIC MESSAGE DISPLAY	NON E	40	30	100	150	150	150	150	150
Y	72 & diaK	72 & diaK	72 & diaK	72 & diaK	72 & diaK			72 & diaK	CEVMS	NON E	40	30	S.U. P	200 □	200 □	200 □	200 □	200 □
Y	100							40	MULTI-TENANT	NON E	100	100	150	300	400	500	500	500



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	50	5	5	5	5	5	5	8	HEIGHT (FT)		15	15	15	50	50	50	50	50
	10	5	5	5	5	5	5	5	SETBACK (FT) ▲		5	5	2	5	10	10	10	10
LEGEND																		
&diaK	Permitted for church, public park, public recreational facility, school, library, apartment complex of 40 units or more, or cultural facility only.																	
▲	No sign shall be permitted within the intersection visibility triangle.																	
□	One hundred (100) square feet for the first fifty (50) feet of frontage plus one (1) foot per linear foot of lot frontage up to a maximum of two hundred (200) square feet.																	
μ	Per driveway curb cut.																	
■	Signs must be removed by fourteen (14) days after the completion of event, election, construction, or sale.																	
<sup>p</sup>	Not to exceed eight (8) ft. in height.																	
	Not permitted in this zoning district.																	

(2) Permitted sign dimensions – Attached.

Permitted Sign Dimensions																		
Permit Required	RESIDENTIAL DISTRICTS								FREESTANDING	Time Limit (Days)	NON-RESIDENTIAL DISTRICTS							
	A G	R-1	R-1A	R-2	R-3	RS M	RS	RO	On-Premise (Max Area is Sq. Ft)		B- 1	B- 1R	CBD / AE	B-3	B-4	M-1	M-2	MX D
Y	72	12 &diaK	12 &diaK	12 &diaK	12 &diaK			40	IN GENERAL, UNLESS NOTED BELOW	NONE	60	50	100□	150 □	200 □	350 □	350 □	350□
Y	72							30	AWNING	NONE	40	30	72	72	100	100	100	100
Y	50	12 &diaK	12 &diaK	12 &diaK	12 &diaK			30	CANOPY	NONE	40	30	72	72	100	100	100	100
Y	15	6&dia K	6&dia K	6&dia K	6&dia K			6&dia K	CHANGEABL E COPY	NONE	32	32	32	32	32	32	32	32
N	4	4 &diaK	4 &diaK	4 &diaK	4 &diaK			4										
N	36	12	12	12	12	12	12	12										
Y		12 &diaK	12 &diaK	12 &diaK	12 &diaK				ELECTRONIC MESSAGE DISPLAY	NONE	60	50	150	150	200	200	200	200
Y		12 &diaK	12 &diaK	12 &diaK	12 &diaK				CEVMS	NONE	60	50	S.U. P	100	150	200	200	200
Y									PROJECTING	NONE			80					
Y									ROOF				100					
Y	10 0							40	MULTI- TENANT	NONE	10 0	10 0	150	300	400	500	500	500
Y	∞								BEACON	30/YEAR	∞	∞	∞	∞	∞	∞	∞	∞
Y	72							40	BANNER	NONE	50	40	100	100	200	300	300	300
Y									PULL DOWN BANNER	100 DAYS/TWI CE A YEAR	8	8		8	8	8	8	8
									PROJECTIONS				3					





LEGEND	
&diaK	Permitted for church, public park, public recreational facility, school, library, art gallery, or cultural facility.
▲	No sign shall be permitted within the intersection visibility triangle.
□	Maximum of not more than five (5) percent of the total wall area facing a public or private street—whichever is greater.
∞	NO LIMIT
■	Signs must be removed by fourteen (14) days after the completion of event, election, construction, or sale.
Q	Not to exceed eight (8) ft. in height.
	Not permitted in this zoning district.

**(3) Permitted sign dimensions – Historic - Freestanding.**

Permitted Sign Dimensions HISTORIC DISTRICTS																		
Permit Required	RESIDENTIAL DISTRICTS									FREESTANDING	Time Limit (Days)	NON-RESIDENTIAL DISTRICTS						
	AG	R-1	R-1A	R-2	R-3	RSM	RS	RO	On-Premise (Max Area is Sq. Ft)			B-1	B-1R	CBD/AE	B-3	B-4	M-1	M-2
Y	72	12 &diaK	12 &diaK	12 &diaK	12 &diaK			40	in general, unless noted below	NONE	60	50	72□	100□	200□	300	300	300
Y									CHANGEABLE COPY	NONE			32	32	32			
N	4	4 &diaK	4 &diaK	4 &diaK	4 &diaK			4	DIRECTIONAL	NONE	20	20	20	50	50	50	50	50
N	36	12	12	12	12	12	12	12										
NA									ELECTRONIC MESSAGE DISPLAY	NONE								
NA									CEVMS	NONE								
Y	60	12 &diaK	12 &diaK	12 &diaK	12 &diaK			12	MONUMENT	NONE	50	40	60	60	90	90	90	90
Y									PROJECTING	NONE			30					
Y	90								MULTI-TENANT	NONE	90	90	140	300	300	300	300	300
	50	5	5	5	5	5	5	8	HEIGHT		15	15	15	15	50	50	50	50
	10	5	5	5	5	5	5	5	SETBACK (FT) ▲			5	2	5	10	10	10	10

  

LEGEND	
&diaK	Permitted for church, park, recreational facility, school, library, art gallery, or cultural facility and for home occupations only.
▲	No sign shall be permitted within the intersection visibility triangle.
□	Maximum or not more than three (3) percent of the total wall area fronting a public or private street—whichever is greater.
***	Eight (8) sq. ft. or twenty (20) percent of the window on which the sign is to be placed—whichever is less.
△	Signs must be removed by fourteen (14) days after the completion of event, election, construction, or sale.
■	Signs are allowed for one hundred (100) days/twice a year.



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NOTE	Signs projecting over the sidewalk within the CBD shall have a sign clearance of eight (8) ft.
q	Not to exceed eight (8) ft. in height.
	Not permitted in this zoning district.

(4) Permitted sign dimensions – Historic – Attached.

Permitted Sign Dimensions HISTORIC DISTRICTS																		
Permit Required	RESIDENTIAL DISTRICTS									FREESTANDING	Time Limit (Days)	NON-RESIDENTIAL DISTRICTS						
	AG	R-1	R-1A	R-2	R-3	RSM	RS	RO	On-Premise (Max Area is Sq. Ft)			B-1	B-1R	CBD/AE	B-3	B-4	M-1	M-2
Y	72	12 &diaK	12 &diaK	12 &diaK	12 &diaK			40	Wall, in general, unless noted below	NONE	60	50	72□	100□	200□	300	300	300
Y	72							30	AWNING	NONE	40	30	50	72	100	100	100	100
Y	50	12 &diaK	12 &diaK	12 &diaK	12 &diaK			30	CANOPY	NONE	40	30	50	72	100	100	100	100
Y									CHANGEABLE COPY	NONE			32	32	32			
N	4	4 &diaK	4 &diaK	4 &diaK	4 &diaK			4	DIRECTIONAL	NONE	20	20	20	50	50	50	50	50
N	36	12	12	12	12	12	12	12										
NA									FLASHING	NONE								
NA									ELECTRONIC MESSAGE DISPLAY	NONE								
NA									CEVMS	NONE								
Y									PROJECTING	NONE			30					
NA									ROOF	NONE								
Y	90								MULTI-TENANT	NONE	90	90	140	300	300	300	300	300
NA									BEACON	0/YR								
Y	72								BANNER	■	50	40	100	100	200	300	300	300
Y	***								WINDOW	NONE	***	***	***	***	***	***	***	***
									PROJECTION (FT)				3					
	10	5	5	5	5	5	5	5	SETBACK (FT) ▲		5	5	0	5	10	10	10	10

LEGEND	
&diaK	Permitted for church, park, recreational facility, school, library, art gallery, or cultural facility and for home occupations only.
▲	No sign shall be permitted within the intersection visibility triangle.
□	Maximum or not more than three (3) percent of the total wall area fronting a public or private street— whichever is greater.
***	Eight (8) sq. ft. or twenty (20) percent of the window on which the sign is to be placed, whichever is less.
△	Signs must be removed by fourteen (14) days after the completion of event, election, construction, or sale.

Article 6 Supplemental Use Regulations | 24.6.24 Signs

■	Signs are allowed for one hundred (100) days/twice a year.
NOTE	Signs projecting over the sidewalk within the CBD shall have a sign clearance of eight (8) ft.
Q	Not to exceed eight (8) ft. in height.
	Not permitted in this zoning district.

(5) Permitted sign dimensions – Off-premise signs.

Permitted Sign Dimensions OFF-PREMISE SIGNS										
Permit Required		ROADWAY CLASSIFICATION	NON-RESIDENTIAL DISTRICTS							
			B-1	B-1R	CBD/AE	B-3	B-4	M-1	M-2	MXD
		OFF-PREMISE FREESTANDING (DENOTING SIGN AREA IN SQ FT)								
Y	1, 4, 6	FREEWAY			672	672	672	672	672	
Y	2, 4, 6	EXPRESSWAY			672	672	672	672	672	
Y	3, 5, 6	INDUSTRIAL COLLECTOR	72•			242	242	382	382	
Y	3, 5, 6	MAJOR ARTERIAL	72•			242	242	382	382	
Y	3, 5, 6	MODIFIED MAJOR ARTERIAL	72•			242	242	382	382	
		SETBACK FROM PROPERTY LINE (IN FEET)			10	10	10	10	10	
		ILLUMINATION ALLOWED			Y	Y	Y	Y	Y	
		MAXIMUM ALLOWANCE FOR CUT-OUTS (AS PERCENTAGE OF SIGN FACE)			20	20	20	20	20	
		MAXIMUM DISTANCE FROM SIGN FACE FOR PROJECTING SIGNS (IN INCHES)			42	42	42	42	42	
DEFINITIONS:										
1.	Minimum spacing between off-premise signs: one thousand five hundred (1500) feet as measured <i>along</i> corridor.									
2.	Minimum spacing between off-premise signs:									
	A. One thousand (1,000) feet to be measured along the corridor									
	B. Two hundred fifty (250) radial feet measured from sign pole to sign pole (intersecting roadway)									
3.	Minimum spacing between off-premise signs:									
	A. One thousand (1,000) feet to be measured along <i>and across</i> the corridor									
	B. Two hundred fifty (250) radial feet measured from sign pole to sign pole (intersecting roadway)									
4.	Maximum H.A.G.L. thirty-five (35) feet from highway grade; fifty (50) feet at overpass.									
5.	Maximum H.A.G.L. thirty-five (35) feet from street grade, seventy-two (72) square foot signs on major arterials: twelve (12) feet at overpasses.									
6.	Digital signs are allowed in zones of B-3 and above, subject to spacing of one thousand five hundred (1,500) feet along and/or across (radial) from another digital sign <i>facing the same direction</i> .									
•	Dimensions applicable to replacement and relocated signs ONLY. No additional signs are authorized in B-1 (Limited Business Zoning Districts).									
NOTE: H.A.G.L. = Height in feet to base of sign face; clear clearance.										



**(v) Construction and maintenance.**

- (1) All signs shall be constructed and maintained in accordance with the requirements of International Building Code, and the National Electric Code as adopted by the city of Laredo.
- (2) Except for temporary signs and sidewalk signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be attached to the ground, a building, or another structure by direct attachment to a wall, frame or structure. All pole signs (i.e., freestanding signs) shall be enclosed by material designed to prevent rust. Sign should appear as a solid mass or base, such as a cylinder, block, rectangle or square. Pole should be covered from undisturbed natural ground level to the highest portion of the sign. All sign foundations shall be designed for one hundred and five (105) mile per hour winds, or most current adopted code, the plan for which must bear a state of Texas professional engineer's calculations and seal.
- (3) All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated as defined in the building code. A permit is not required for routine maintenance.

**(w) Overlay Districts.** Architectural, historic, or scenic area as defined by the zoning ordinance may include requirements for signs subject to the provisions included in this chapter. The overlay districts may include more or less restrictive standards for billboards. In the event of a conflict between a specific overlay district requirement and other provisions of this chapter, the most restrictive shall apply.

**(x) Historic Districts.** For the purpose of establishing, enhancing, preserving and developing the historical character and quality of the historic districts, no sign shall be erected, altered, restored, or moved within such a district until an application has been submitted to and approved by the historic district/landmark board. No sign shall obstruct any architectural feature which is of importance to the property's historical quality or character as determined by the historic district/landmark board.

**(y) Signs Permitted in residential zones.** Signs are allowed as follows in residential zones.

- (1) Two (2) signs at each entrance of a subdivision, identifying the subdivision name. The total surface area of the two (2) signs shall not exceed sixty-four (64) square feet and be sufficiently offset from the edge of pavement in order to provide a safe environment for the traveling public shall comply with the sign restrictions for public property, right-of-ways of a public use easement, and intersections. All signs must be installed on private property.
- (2) One (1) identification sign per entrance to apartment or condominium complex not to exceed sixty-four (64) square feet in sign area shall comply with the sign restrictions for public property, right-of-ways of a public use easement, and for intersections.



- (3) For permitted non-residential uses (e.g., church, public park, public recreational facility, school, library, cultural facility or apartment complex of 40 units or more), one (1) freestanding sign, not to exceed thirty-six (36) square feet, or seventy-two (72) square feet for digital, in sign area, and one wall sign not to exceed thirty-six (36) square feet in sign area shall comply with the sign restrictions for public property, right-of-ways of a public use easement, and for intersections.
  - (4) Kiosk signage shall not exceed thirty-two (32) square feet around the perimeter of kiosk and must comply with the sign restrictions on intersections.
  - (5) All allowed freestanding signs shall have a maximum height limit of six (6) feet and shall have a setback often ten (10) feet from the property line and are not allowed in any public right-of-way.
  - (6) All allowed monument signs shall have a maximum height limit of ten (10) feet and shall have a setback of ten (10) feet from the property line; monument signs are not allowed in any public right-of-way and must comply with the sign restrictions on intersections.
  - (7) Temporary signs, including banners, shall not exceed twelve (12) square feet and may be used for a period that shall not exceed twenty (20) days in a calendar year; such signs require permits and must be installed in accordance with building and electrical codes.
  - (8) An address shall be displayed in front of each property at a minimum of three (3) inches tall.
- (z) Signs permitted in all other zones.**
- (1) Where a premise is on a corner, or has more than one (1) street frontage—one additional freestanding sign/electronic/color video display will be allowed on each additional frontage, but shall not exceed the size of the allowed square footage on the primary street frontage.
  - (2) Wall signs shall not exceed thirty (30) percent of the aggregate square footage of the wall area upon which they are installed. Electric awning signs shall not exceed thirty (30) percent of the aggregate square footage of the wall area upon which they are installed. The combination of wall signs and electric awning signs shall not exceed thirty (30) percent of the allowed wall area (each premise is allowed a minimum of thirty-two [32] square feet).
  - (3) Projecting signs may be installed on any wall and shall not exceed the square footage allowed for the wall area provided that the sign does not project beyond the property line and maintain a clearance of eight (8) feet over pedestrian areas, and fourteen (14) feet over vehicular ways.
  - (4) Roof signs may be allowed where no other sign types can provide effective identification. Roof signs shall be constructed so as to conceal all structure and fastenings. Application must include load calculations for roof support from a state of Texas licensed engineer. The height of the roof sign shall not exceed twenty (20) percent of the total height of the building of which it is attached.



- (5) One (1) under canopy sign for each separate occupancy, or separate entrance, shall not exceed eight (8) square feet in sign area. Under canopy signs must have a minimum clearance of eight (8) feet to grade.
  - (6) Incidental signs shall not exceed sixteen (16) square feet.
  - (7) Directional/information signs are permitted as the contextual situation requires.
  - (8) All signs (i.e., freestanding, projecting, awning, marquee, canopy, under canopy, etc.) must maintain minimum clearances and constructed electrical standards as adopted per city code.
  - (9) Kiosk signage shall not exceed five hundred (500) square feet around the kiosk, and must comply with the sign restrictions in intersections.
  - (10) One monument sign per street egress and ingress shall not exceed fifty (50) square feet or ten (10) feet tall, and must comply with the sign restrictions on intersections.
  - (11) Bench signage shall not exceed six (6) square feet.
  - (12) No sign may be placed or designed so as to simulate or interfere with traffic control devices, or official highway directional/information signs.
  - (13) Address shall be visibly displayed (a minimum of three (3) inches tall) in front and at rear of property where an alley is located.
- (aa) Encroachment.**
- (1) No person or legal entity shall display a sign upon any public property, or within the right-of-way of a public use easement except for directional and warning signs installed by an authorized government agency, or as provided for in this chapter.
  - (2) No sign with a clearance of less than sixteen (16) feet shall project into a public right-of-way.
  - (3) The administrator may grant authorization, under specific guideline, to permit temporary public interest signs which encroach into the public right-of-way. Temporary cloth signs which extend over a public street shall have a minimum clearance of sixteen (16) feet.
  - (4) *Existing sign encroachments.*
    - a. Requirements. The owner of any existing sign which encroaches into the public right-of-way shall apply for and execute an encroachment agreement with the city as well as furnish public liability insurance coverage with a minimum of one million dollars (\$1,000,000.00) within three (3) months from the effective date of this chapter. The owner of any such encroaching sign who fails to comply with this section shall be deemed to be in violation of this code and shall be subject to the penalties contained herein. In addition, any such sign that is not subject to a valid encroachment agreement within the time stated above shall be deemed an illegal sign and shall be subject to removal at any time.
    - b. Inspection. In addition to those fees and insurance required by this chapter, an initial application fee and annual permit fee shall be levied for all approved sign encroachments; such signs shall be subject to an annual inspection by a Texas





licensed electrical sign company who shall inspect, certify and thereafter apply for an annual renewal license. Such fees shall be as following:

- c. Application fee (included 1st permit) .....\$200.00
- d. Annual permit fee .....100.00

NOTE: All annual permit fees must be paid by January 1 of each year.

- (5) **Removal of encroachment constitution obstruction.** Any sign encroachment that does not meet the requirements of this code or the building code shall be deemed an obstruction into such right-of-way. The building official shall notify in writing the record owner of such sign, or record owner of that property, upon which such sign is located to correct the violation or to remove such obstruction within thirty (30) days; after the thirty (30) day period, the city may abate such obstruction and affix a lien against the property for the cost involved.

**(bb) Unsafe signs declared nuisances, abatement.**

- (1) Any sign or sign structure that is structurally unsafe and any electrical system or equipment regulated by this chapter that is unsafe or that constitutes a fire or health hazard, unsanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of a sign or sign structure, an electrical system, or equipment regulated by this chapter constituting a hazard to safety, health or public welfare by reason of improper installation, inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, and/or abandonment is hereby declared an unsafe use. Any such unsafe sign, sign structure, or equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal (i.e., when permitted by this and other city codes).
- (2) Exception. When done in compliance with this chapter and other applicable laws, ordinances, and regulations the nuisance may be abated by repair, rehabilitation, or removal and replacement.
- (3) Should the building official determine that any sign is not properly maintained, is unsafe or insecure, or has otherwise been constructed, erected, and/or maintained in violation of the provisions of this chapter – the official shall give written notice to the permittee or owner thereof. Such notice and order shall contain substantially the following:
  - a. The registration number (if available), location, business name of the sign, and sufficient identification of such sign;
  - b. A statement that the building official has found such sign to be in violation of this chapter or other laws, together with a general description of such violation;
  - c. The amount of time required to bring the sign into accordance with this chapter or any other law, said time not to exceed ten (10) days.
- (4) In addition to the above, the building official may issue citations or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this code or any other law.



- (5) Notwithstanding anything contained herein to the contrary, the building official may cause any sign which is dangerous to persons or property to be removed summarily and without notice.
- (6) The owner of all buildings or structures damaged by deterioration or by fire shall notify the building official and the building development services director in writing at the earliest possible opportunity, but in any case no later than ten (10) business days after the date of the damage. The building official shall, at the earliest possible opportunity, but in any case no later than ten (10) business days inspect such buildings or structures and all unsafe signs, sign structures, and/or wiring or electrical equipment that shall be repaired or replaced. If the building official learns of the damage, the building official shall conduct an inspection at the earliest possible opportunity, but in any case no later than ten (10) business days; applicable inspection fees shall be assessed.
- (7) Any work covered or concealed without inspection shall be considered constitutive of an unsafe sign or sign structure. Unsafe structures shall remain considered as such every day until the work is inspected and approved as being in compliance with this chapter. Inspections will not be permitted until a valid active permit is obtained in accordance with this chapter.

**(cc) Code administrator.**

- (1) The requirements of this ordinance shall be administered and enforced by the building development services department through the building development services director's (administrator) designated representatives (collectively referred to herein as "building officials"). The administrator is authorized to promulgate regulations and procedures consistent with this function.
- (2) The administrator is empowered, upon presentation of proper credentials, to enter or inspect any building structure or premises in the city for the purposes of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours, unless an emergency exists. The provisions of this ordinance shall be enforceable against and without limitation: a sign owner, a sign user, an operator or lessee of a sign, or the property owner on whose land on which the sign is located. Such persons may be referred to herein as "responsible persons."

**(dd) Application for permit.** All sign operator(s) desiring a sign permit within the city limits shall make a written application to the building official or designee. The application shall be made on forms prescribed by the building development services director. A separate application will be required for each sign. The following information is required for each application.

- (1) Contractor/subcontractor/installer information (i.e., name, address, phone, etc.);
- (2) Sign owner information (i.e., name and address of the applicant, all members of the firm if an association or partnership, or the business name and address of the applicant and its officers if a corporation);
- (3) Property owner information (i.e., name and address);



- (4) Signed affidavit, or application from property owner allowing sign;
- (5) Location of property:
  - a. Street address (i.e., property address and business address).
  - b. Legal description.
  - c. Current zoning information.
- (6) Type of sign (i.e., as defined in this ordinance);
- (7) A site plan with measurements, including right-of-ways, property lines, and utility easements showing the proposed location of the sign, along with the locations of all existing signs on the same premises;
- (8) Complete drawings of sign construction plans must be with the permit application as follows:
  - a. Drawings must be drawn to scale one (1) inch is equivalent to twenty (20) feet (1"=20'), dimensioned, and is of sufficient clarity.
  - b. Proposed sign design, type of material used for sign, sign dimensions, square footage, structural supports, anchoring details and specifications, as well as electrical components specifications which must be Underwriters Laboratories (UL) approved or listed.
  - c. All freestanding signs taller than twenty-five (25) feet or with an area greater than three hundred ten (310) square feet must have a State of Texas professional engineer seal certifying a design based on ultimate design wind speeds noted in the most recent adopted International Building Code.
- (9) Any other documents as required by administrator.
- (10) Sign permit(s) will only be issued to licensed registered sign operators. All electrical, animated, illuminated, or other electrical signs permits shall be issued only to registered electrical contractors or electrical sign contractors certified through the State of Texas department of licensing and regulations.
- (11) Signs that fail to comply with all applicable requirements contained herein shall be subject to denial or subsequent cancellation of the sign permit. All signs taller than twenty-five (25) feet or with an area greater than three hundred ten (310) square feet must have a State of Texas professional engineer seal certifying a design based on ultimate design wind speeds noted in most the recent adopted International Building Code.

**(ee) Permit fees.** The following fee schedule shall apply to all sign applications.

REVIEW FEE	GENERAL	\$20.00 FLAT FEE PER APPLICATION
REVIEW FEE	FREESTANDING	\$30.00 FLAT FEE PER APPLICATION
REVIEW FEE	ATTACHED	\$20.00 FLAT FEE PER APPLICATION
REVIEW FEE	BANNERS	\$20.00 FLAT FEE PER APPLICATION
REVIEW FEE	ANIMATED SIGN	\$50.00 FLAT FEE PER APPLICATION
REVIEW FEE	REFACE	\$10.00 FLAT FEE PER APPLICATION
PERMIT FEE	GENERAL	\$0.55 PER SQUARE FOOT



PERMIT FEE	ANIMATED SIGN	\$0.75 PER SQUARE FOOT
PERMIT FEE	ELECTRONIC MESSAGE DISPLAY	\$0.75 PER SQUARE FOOT
PERMIT FEE	REFACE	\$30.00 FLAT FEE PER APPLICATION
EVENT FEE	MUNICIPAL BANNER	\$75.00 PER LOCATION
EVENT FEE	PULL DOWN BANNER	\$10.00 PER LOCATION
EVENT FEE	SPECIAL EVENT	\$75.00 PER EVENT, PER LOCATION
EVENT FEE	TEMPORARY WEEKEND SIGNS	\$25.00 PER WEEKEND
ANNUAL FEE	FEATHER BANNER	\$20.00 PER LOCATION
ANNUAL FEE	TEMPORARY WEEKEND SIGN	\$500.00 PER LOCATION, PER ENTITY
SPECIAL FEE	MULTIBANNER PERMIT	\$200.00 PER LOCATION

**(ff) Permit issuance, denial and cancellation.**

- (1) The building official shall, within fifteen (15) working days of the date of the application, either approve, deny or refer the application back to the applicant in any instance where insufficient information has been furnished. The permit must be displayed on site during construction. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail. The failure of the building official to act within such time period shall not be construed as approval of the application, but will entitle the applicant to pursue a writ of mandamus in a court of competent jurisdiction.
- (2) The building official shall deny an application if it does not comply with the requirements of this section. A denial and the reasons for the denial shall be noted on the application (i.e., citing code sections and interpretation of possible nonconformity). The applicant shall be notified of the denial in person, or by notice mailed to the applicant at the address shown on the application or the last known address. The administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application. The administrator may cancel a sign permit for any suspected violation of this code, the conditions of the permit, and/or other applicable law.

**(gg) Permit conditions and penalties.**

- (1) *Permit duration.* If the work authorized by a permit issued under this section has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void, unless otherwise noted in this article. If the work authorized by a permit issued under this ordinance has been commenced but is not completed within thirty (30) days after the date of commencement of the work, the permit shall become null and void and any portion of the sign erected must be removed and the site restored to the condition existing prior to the commencement of the work; it may be the case that the building official shall grant an extension of the permit period if the applicant shows good cause outside of the applicant's reasonable control for the delay in completion of the work, and the applicant pays a new permit fee.



- (2) *Lapse of permit.* A sign permit shall lapse if the use of a building/premises by a specified business or other establishment is discontinued by the owner or occupant for a period of ninety (90) days or more. Any sign for which a permit lapses shall be considered an abandoned sign and shall be removed as provided by this article.
  - (3) If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled; payment of the doubled fee shall not relieve any person of any other requirements and/or penalties prescribed in this ordinance.
- (hh) Inspection.** The building official is authorized to perform an inspection of all signs prior to and upon completion of the sign installation. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this chapter, other applicable ordinances, and the applicable permits. Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the administrator upon completion of the work. The contractor is responsible for contacting the building official, or the building development services department, for a required inspection at least twenty-four (24) hours prior.
- (ii) Variances.**
- (1) When requesting a variance for a permit, the applicant may apply to the administrator for a variance from certain requirements of this code. A variance may be granted by the board of adjustments where the literal application of the code would create a particular hardship for the sign user and the following criteria are met.
    - a. A literal application of the code would not allow the property to be used at its highest and best use as zoned, variances cannot be granted for un-platted property;
    - b. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;
    - c. A hardship arising for the sign user under a literal interpretation of the code due to unusual conditions, visual impairment, or other unique conditions to that property not caused by the owner and that do not apply generally to the city.
  - (2) The granting of the variance shall not be contrary to the general objectives of this code and the land use plan.
  - (3) In granting a variance, the board of adjustments may attach additional requirements necessary to carry out the spirit and purpose of this ordinance in the public interest.
- (jj) Violation.** When any sign is erected, constructed, built, reconstructed, altered or maintained in violation of these regulations, the sign 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.

**(kk) Removal of signs by the administrator.**

- (1) If upon inspection an administrator finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, the administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within thirty (30) days of the date of the order.
- (2) The administrator may cause the removal of an illegal sign in case of emergency, as well as signs placed on city owned property, or rights-of-way without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes. The administrator may also cause the removal of signs for failure to comply with the written orders or removal or repair; after removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work, the date in which it was performed, and a demand of payment towards the costs as certified by the administrator.
- (3) Any sign that is found to be in violation of this code and was removed by the city is to be stored until claimed by the rightful owner or person who has the immediate right to possession of such sign, or until disposed of as hereinafter provided. A fee of three dollars (\$3.00) per day shall be charged for such storage. Any such sign so impounded and stored shall be retained and held by the city who shall have a lien against such signs until all charges for removal, impoundment, and storage shall have been paid. All signs stored by the city which remain unclaimed for thirty (30) days by the owner or person who has the immediate right to possession thereof shall be subject to disposal.
- (4) If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become an assessment upon a lien against the property of the sign owner and will be certified as an assessment against the property together with a ten (10) percent penalty for collection, or the same manner as the real estate taxes.
- (5) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the administrator (e.g., in the case of a leased sign). For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

**(ll) Penalties.**

- (1) Any person, firm, or corporation violating any provision of this chapter shall be guilty of a Class C Misdemeanor. After all provisions of 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.

- (2) The registration of any sign contractor may be cancelled by the Building Official when such sign contractor repeatedly violates the requirements of this chapter. Conviction in court, whether appealed or not, on two (2) violations over a period of twelve (12) consecutive months, shall constitute evidence of repeated violation. Any repeated violation shall thus cancel the license or registration and not be renewed for such sign contractor, or anyone operating in concert with such sign contractor, for the remainder of their annual registration or until all such violations have been corrected. Upon correction of violations, the sign contractor's license or registration may be renewed upon furnishing the required bond.

**(mm) Stop work orders.** Upon notice from the administrator/city code enforcement officers/zoning officers/building inspectors, work on any sign or sign structure that is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work or causing such work to be done. Such work shall not resume until authorized by the building official to proceed once a sign permit is reviewed and approved.

**(nn) Citations.**

- (1) All city code enforcement officers/zoning enforcement officers/inspectors have independent authority to issue citations for violations of this chapter.
- (2) 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.

**(oo) 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; and/or
- (4) Stop an illegal act, conducting business, or utilization of this sign on or about any premises.

**(pp) Appeals.** Any person may appeal a decision of the building official concerning enforcement of the provisions of this article by filing the appeal with the city manager within ten (10) business days after the decision by the building official. The city manager or his/her designee may review the appeal at the staff level and has the authority to reverse the decision of the building official and order that a permit be granted, or reinstate a suspended or revoked permit. If the person is not satisfied with the resulting decision, an appeal can be made to the board of adjustments appeals; appeals for signs on un-platted property will not be accepted.



**(qq) License requirements.**

- (1) All sign operators shall be licensed by the City of Laredo. The license shall be valid for either one (1) individual, or one (1) company. A license holder supplying his license for a sole proprietorship, joint venture, limited liability corporation, or other legal entity shall not supply that license to any other person, sole proprietorship, joint venture, limited liability corporation, or other legal entity.
- (2) Except signs which require authorization in this chapter and all signs for which a permit is not required, no person shall install, erect, or maintain any sign, or contract for such service, until such person has applied to the building official for a contractor registration to install, erect and/or maintain signs and until such license or registration has been approved and issued. The building official or his/her designee shall approve or deny an application for a license and registration within thirty (30) days of the city's receipt of the application.
- (3) All electrical sign work must be performed by an electrical contractor or electrical sign contractor as licensed and registered with the Texas Department of Licensing and Regulation. All electrical contractors and electrical sign contractors must comply with all regulations of the Texas Department of Licensing and Regulation.
- (4) All persons engaged in the business of erecting, installing, servicing and/or maintaining off-premises signs shall also be licensed by the Texas Department of Transportation.
- (5) All company vehicles must have the state electrical sign contractor license number on each side of the vehicle in a minimum of two inch (2") tall letters and number (TDL #) as required by state regulations.
- (6) The registration of any sign contractor may be cancelled by the building official when such sign contractor repeatedly violates the requirements of this chapter. Conviction in court, whether appealed or not, on two (2) violations over a period of twelve (12) consecutive months shall constitute evidence of repeated violation. Any license or registration thus canceled shall not be renewed for such sign contractor, or anyone operating in concert with such sign contractor, for the remainder of their annual registration or until all such violations have been corrected. Upon correction of violations, the sign contractor's license or registration may be renewed upon furnishing the required bond.
- (7) The administrator shall evaluate, authorize, or deny as a part of the permit the person assigned to the installing of, erecting, maintaining, repairing and/or altering a sign. The authorization of the erector shall be based on the administrator's evaluation of the direct experience of the person specified for the sign work. Notwithstanding the previous sentences, a person does not undergo evaluation to install a nonelectrical sign, provided the sign does not exceed an area of thirty-two (32) feet, a height of seven (7) feet above grade, has no illumination, and no remuneration—monetary or otherwise—is involved.

**(rr) Insurance requirements.** All licensed sign operators shall purchase and maintain, at his or her own expense, adequate insurance coverage. Certificates of insurance shall be provided



to the city on March 15 of each year for which licensing is sought, or at the request of the building official. Liability insurance coverage policy limits must be in a minimum range of one million dollars (\$1,000,000.00), must name the City of Laredo as a lien holder, and must have a waiver of subrogation. In addition, all insurance policies shall be endorsed to the effect that the city of Laredo will receive at least sixty (60) days' notice prior to cancellation, non-renewal or material change which meets or exceeds the following limits: workers compensation insurance at statutory limits, including employers liability coverage a minimum limits of one hundred thousand dollars (\$100,000.00) each occurrence, each accident; and, comprehensive general liability at three hundred thousand dollars (\$300,000.00) general aggregate for bodily injury and property damage. Any subcontractor(s) hired by a contractor shall maintain insurance coverage equal to that required of the contractor. It is the responsibility of the contractor to assure compliance with this provision.

**(ss) License fee.**

- (1) *Non-electric sign contractors.* All persons licensed by the City of Laredo to install only non-illuminated signs, banners, vinyl overlays, etc. shall pay an annual fee of fifty dollars (\$50.00).
- (2) *Electric sign contractors.* All persons licensed by the City of Laredo to install electrical, electronic, digital signs shall pay an annual fee of one hundred dollars (\$100.00).

## **24.6.25 Telecommunications Facilities**

### **(a) Application Procedures**

- (1) *Application form:* The application shall be made on a form approved by the Planning Director, which includes the following information:
  - a. The name, address, and telephone number of the applicant and the applicant's agent, if any.
  - b. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;
  - c. A deed and legal description of the property;
  - d. Verification of compliance with FCC, FAA regulations and, if applicable, any other federal or state agencies;
  - e. A notarized statement by the applicant and a sealed set of plans by a qualified engineer, confirming the construction of the tower will accommodate collocation of additional antennas for future users;
  - f. A safety report by a qualified structural engineer establishing the structural integrity of the tower;
  - g. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer;



- h. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower;
  - i. A description of the feasible location(s) of future towers or antennas within the City of Laredo based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected;
  - j. The separation distance from other towers described in an inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).
- (2) *Site plan requirements.* The site plan shall include the following information:
- a. The location, type and height of the proposed tower;
  - b. On-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances established in this Section;
  - c. Adjacent roadways, proposed means of access, and parking;
  - d. Property line setbacks;
  - e. Elevation drawings of the proposed tower and any other structures;
  - f. Topography;
  - g. The setback distance between the proposed tower and the nearest residential districts established in this section.
  - h. A landscape plan showing specific proposed landscape materials.
  - i. Method of fencing, and finished color and, the method of camouflage and illumination.
  - j. Any additional information the Planning Director deems necessary to assess compliance with this LDC.

**(b) Factors to be Considered in Issuance of Special Use Permit Include.**

- (1) Prior to recommending the issuance of a Special Use Permit, the Planning and Zoning Commission shall make findings concerning the following:
- a. Proposed tower height;
  - b. Tower proximity to residential structures and residential district boundaries;
  - c. Nature of uses on adjacent and nearby properties;
  - d. Surrounding topography;
  - e. Surrounding tree coverage and foliage;
  - f. Tower design, particularly to design characteristics that reduce or eliminate visual obtrusiveness. This may include fencing and screening;
  - g. Access;
  - h. Availability of existing towers, other structures, or alternative technologies not requiring the use of towers or structures.



- (2) City Council may impose conditions necessary to minimize any adverse effect of the proposed tower on adjoining properties.

**(c) Design Standards**

- (1) *Existing Towers, Other Structures, or Alternative Technology.* No new tower shall be permitted unless no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna, or
  - a. Existing towers or structures are not located within the geographic area which meet applicant's engineering requirements, or
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements, or
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment, or
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna, or
  - e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable, or
  - f. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.
- (2) *Setbacks.* The following setback requirements apply to all towers
  - a. Towers must set back at least seventy-five percent (75%) of the tower's height from any adjoining lot line.
  - b. Guys and accessory buildings must comply the minimum zoning district setback requirements.
- (3) *Separation from off-site uses/designated areas.*
  - a. Tower separation is measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
  - b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1

Off-site Zoning District	Separation Distance
RL and RM districts	200 feet or 300% height of tower <sup>2</sup> whichever is greater.
RH districts	100 feet or 100% height of tower whichever is greater.



Non-residentially zoned lands or non-residential uses	None; only setbacks apply
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<sup>2</sup>Separation measured from tower base.

- (4) *Separation distance between towers.* Separation distances between towers are applicable for and measured between the proposed tower and preexisting towers. The separation distances are measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) follow those in Table 2.

TABLE 2

Tower Types	Lattice	Guyed	Monopole 75 ft in Height or Greater	Monopole Less than 75 ft in Height
Lattice	5000'	5000'	1500'	750'
Guyed	5000'	5000'	1500'	750'
Monopole 75 ft in Height or Greater	1500'	1500'	1500'	750'
Monopole Less than 75 ft in Height	750'	750'	750'	750'

- (5) *Security fencing.* Security fencing more than six feet tall shall enclose towers. This fencing is equipped with an appropriate anti-climbing device.
- (6) *Landscaping.* Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent.
- (7) *Buildings or Other Equipment Storage.*
- a. Antennas Mounted on Structures or Roof tops. The equipment cabinet or structure used in association with antennas shall comply with the following:
    1. A safety report from a structural engineer establishing the structural integrity of the principal support structure.
    2. Equipment storage buildings or cabinets shall comply with all applicable building codes.
  - b. Antennas Mounted on Utility Poles or Light Poles. These antennas are subject to franchises required by law. The equipment cabinet or structure used in association with these antennas shall locate within designated easements or within the public right-of-way as provided in the franchise agreement. No equipment cabinet or structure shall interfere with pedestrian or vehicular circulation and visibility.





- c. Antennas Located on Towers. The related unmanned equipment structure shall locate to the minimum yard requirements of the zoning district in which located.
- (d) **Removal of Abandoned Antennas and Towers**. Any antenna or tower that is not operated for a twelve (12) month continuous period shall be considered abandoned. The owner of the antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Laredo notifying the owner of abandonment. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

## 24.6.26 Temporary Structures and Uses

- (a) **Generally**. This section establishes certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this section and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.
- (b) **Approval Procedure**. Any use listed in this section may be permitted as a temporary use provided:
  - (1) Where the proposed temporary use obtains a Specific Use Permit in accordance with the requirements in Section \*\*\*, Specific Use Permit; and
  - (2) The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this section.
- (c) **General Standards for All Temporary Structures and Uses**. All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this LDC:
  - (1) The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
  - (2) The temporary use shall comply with all applicable general and specific regulations of this Section, unless otherwise expressly stated.
  - (3) Permanent alterations to the site are prohibited.
  - (4) All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
  - (5) The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
  - (6) The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health or building permits.
  - (7) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the



temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

- (8) If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- (9) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Official, including fire rating.
- (10) Off-street parking shall be adequate to accommodate the proposed temporary use.

### **24.6.27 Vehicle Sales and Repair**

Vehicles Sales and Repair uses shall comply with the following requirements.

- (a) Dismantling, remanufacturing, and rebuilding are not allowed.
- (b) Outside storage or display of products is not allowed.
- (c) Repair or installation work must be conducted inside a building.
- (d) Service bays shall not face a public street. Service bays that face a residential zoning district shall be screened in accordance to the Landscaping standards of this LDC.
- (e) Service bays facing a public street or a residential zoning district shall be screened to a height of at least six feet as viewed from the facing public street or facing residential property line.
- (f) Wash bays and vacuum bays facing a public street or a residential zoning district shall be screened in accordance to the Landscaping standards of this LDC.
- (g) The types of vehicles for rent shall be limited to passenger cars and/or 3/4 ton pick-up trucks.
- (h) No more than 20 parking spaces shall be reserved for rental vehicles.

