



# Laredo Land Development Code

## Article 9 Agencies

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# Article 9 Agencies

## 24.9.1 Generally

This Article introduces and establishes agencies, describes their composition, and summarizes their authority.

## 24.9.2 Planning Department

The Planning Department serves as an administrative and staff agency responsible to the Mayor and City Council, to the Planning and Zoning Commission, and to the Zoning Board of Adjustment. The Planning Department and the Planning Director have authority for processing proposals to change the text and map of this title and for processing master zoning plan applications, site plan approval applications, applications for special permits and Zoning Board of Adjustment applications.

## 24.9.3 Zoning Enforcement Officer

The Zoning Enforcement Officer has duties and responsibilities to enforce zoning violations. These duties and responsibilities include:

- (a) Complaints investigations.
- (b) Written notification to the person responsible for zoning violation(s), ordering the necessary action to correct violations, and will:
  - (1) Order discontinuance of illegal uses of land, buildings, or structures.
  - (2) Order removal of illegal buildings or structures or illegal additions or structural additions.
  - (3) Order discontinuance of any illegal work.
- (c) Any other action authorized by this Code to ensure compliance with or to prevent violation(s).

## 24.9.4 Historic Preservation Officer

- (a) The Historic Preservation Officer demonstrates an interest, competence, or knowledge in historic preservation.
- (b) The Planning Director appoints the historic preservation officer.
- (c) The Historic Preservation Officer facilitates the administration of the Historic District Landmark Board and requirements related to Historic District and Landmark requirements..
- (d) .

## 24.9.5 Planning Director

- (a) .
- (b) **Powers and Duties.** The Planning Director has the following duties and responsibilities:
  - (1) To advise the City Manager on any matter affecting the physical development of the City.



- (2) To formulate and recommend to the City Manager a comprehensive plan and modifications.
- (3) To review and make recommendations regarding proposed Council action implementing the comprehensive plan.
- (4) To participate in capital program preparations and revisions.
- (5) To advise the City Planning and Zoning Commission in the exercise of its responsibilities and to provide necessary staff assistance.
- (6) To keep the official zoning map current and the copies, by entering any changes which the City Council may order by amendments to the Zoning Ordinance and Map.
- (7) .

## **24.9.6 Planning and Zoning Commission**

### **(a) Creation, Membership, Qualifications, Officers Forfeiture of Office.**

- (1) The City establishes a Planning and Zoning Commission consisting of nine (9) members appointed by the City Council and Mayor for terms of four (4) years from among the qualified voters of the city. The Mayor and City Council appoints one (1) member each. Members of the commission will hold no other city office. The commission makes recommendations to the City Manager and the City Council on all matters affecting the physical development of the city, are consulted on the comprehensive plan and implementation, and may exercise all other responsibilities provided by law.
- (2) Planning and Zoning Commission members are resident citizens and qualified voters of the city. Planning and Zoning commissioners' terms run concurrently with the four-year term of the appointing councilman or the Mayor. A commissioner may be reappointed; however, no person will serve as a Planning and Zoning commissioner for more than two four-year terms of office, or eight (8) consecutive years. This provision does not preclude the reappointment of persons appointed to serve out an unexpired term.
- (3) Commissioners appointed to replace resignations will serve the unexpired term of the resigned commissioner. All Planning and Zoning Commission members will remain in office until new appointments are made.
- (4) Appointments to any vacancy in the Planning and Zoning Commission are made by the councilman or the Mayor who made the previous appointment. The councilman or the Mayor will appoint and fill vacancies within thirty (30) days.
- (5) The Planning and Zoning Commission elects a chairman and vice-chairman to serve a one (1) year term. Elections occur at the first regular Planning and Zoning meeting every October. Upon resignation of any officer, the commission elects a replacement from the commission to fill the unexpired term.
- (6) A Planning and Zoning commissioner forfeits the office of Planning and Zoning commissioner if the commissioner:
  - a. Accepts any elected or paid city office; or



- b. No longer resides within the city limits;
  - c. Fails to attend three (3) consecutive regular meetings without excuse from the commission.
  - d. Is absent for more than twenty-five percent (25%) of regular meetings, with or without excuse, during a term year.
  - e. .
  - f. Willfully, intentionally and knowingly violates any standard of conduct adopted by the commission.
- (b) Compensation.** Planning and Zoning Commission members serve without pay but may be reimbursed for business expenses incurred in relation to commission business and approved by the commission and approved by the City Manager.
- (c) Duties and Powers.** The Planning and Zoning Commission has the following powers and responsibilities:
- (1) To send a recommendation to the City Council to make and amend a comprehensive plan for the City's development. Before plan adoption, the Commission or City Council shall hold at least one (1) public hearing after ten (10) -day notice published in a daily newspaper of general circulation printed in the city. Plan adoption is by resolution.
  - (2) To recommend to the City Council alternative zoning plans for the city and approval or disapproval of proposed changes in the zoning plan.
  - (3) To recommend certain special permits for specific land uses that may not be adequately regulated by zoning.
  - (4) To exercise control over platting, replatting or subdividing land within the corporate limits of the city and within area of extraterritorial jurisdiction to effectively control all applications for platting, replatting or subdividing of land, with plats and maps required by law.
  - (5) To make studies and project plans for city improvements with the view of its future development and extension.
  - (6) To act with and assist the City Council in formulating and executing proper plans for municipal development.
  - (7) To make recommendations to the City Council concerning financial procurement and other aid from the state and federal governments when aid is necessary to the achievement of the commission's planning and objectives.
  - (8) .
- (d) Legal Effect of Comprehensive Plan.**
- (1) After City Council adopts the comprehensive plan, no subdivision, street, park nor any public way, ground or space, public building or structure and no public utility, whether publicly or privately owned, that conflicts with the comprehensive plan will be constructed or authorized by the City until and unless the location and extent have been submitted to and approved by the Planning and Zoning Commission.
  - (2) .



- (3) The Planning & Zoning Commission, subject to City Council approval, makes rules and regulations and adopts bylaws for its own government. The commission will designate times and places for meetings. A majority of the commission constitutes a quorum for business transactions. If a vacancy exists, that vacancy does not count towards determining a quorum.

## 24.9.7 Zoning Board of Adjustment

A board of adjustment is established in accordance with the provisions of Texas Local Government Code § 211.008 et seq., regarding the zoning of cities and powers and duties.

### (a) Organization.

- (1) A Zoning Board of Adjustment consists of five members and four alternates. The Mayor and council members each nominate one member. By lottery, the first five nominees selected are regular members and the remaining four are alternate members for a two-year term. The two-year term of a member or alternate runs concurrently with the Mayor and council member who made the nomination. A member appointed to fill a vacancy serves for the unexpired term. No member serves more than four years. Zoning Board of Adjustment hearings are made public. The Board elects a Chairperson and Vice-Chairperson. The Board acts by motion in which not less than four (4) concurring votes are required to reverse an administrative decision or to grant a variance.
- (2) The Board may call upon the employees of the Building Department, for assistance in the performance of the administrative duties of the Board.
- (3) The Board establishes policies and guidelines that assist in making its determination.
- (4) No Board member abstains from voting unless there is a conflict of interest, including the Chairperson, and four (4) members constitute a quorum.
- (5) In the absence or disability of a Board member, an alternate serves in the same capacity and with the same duties and responsibilities as a member.
- (6) A Board member may be removed for cause on a written charge after a public hearing. An alternate is subject to removal on the same basis as a Board member.

### (b) Responsibilities. The Zoning Board of Adjustment have the following duties, responsibilities, and authority:

- (1) *Administrative Appeals.* To hear and decide appeals where it is alleged that there is an error in any order, requirement, or zoning use interpretation by the Building Official, or other city officer.
- (2) *Substantive Appeals.* To hear appeals to grant special variances in the following instances:
  - a. Permitting the reconstruction of a damaged, non-conforming building.
  - b. Varying the building set-back, height, distance and area requirements in peculiar and unusual circumstances which would prevent the reasonable use of the land.
  - c. The Board has no authority to grant variances to the specific performance standards relating to off-street parking and loading; signs and outdoor advertising; fencing; landscaping; or development standards.



- d. The Board has no authority to grant variances to specifications in the Standard Technical Specification Manual.
- (c) **Standards for Granting Variances, Appeals, and Permits.** The Board in making its decisions are governed by the following basic standards:
  - (1) The basic spirit and intent of this ordinance, and the City's comprehensive plan.
  - (2) The protection of residential property values.
  - (3) The health and safety of the general citizenry of Laredo.
  - (4) In applicable cases, the protection of the historic and cultural aspects of the city.
  - (5) In applicable cases, that the strict enforcement of this ordinance denies the property owner the use of their property for any reasonable land use, except as may be specifically stated in variances for parking and loading requirements.
  - (6) That the essential character of the neighborhood is preserved.

### **24.9.8 Historic District / Landmark Board Created**

- (a) **Establishment.** The historic district/landmark board is established.. This board consists of nine (9) citizen members appointed by the City Council and Mayor for terms of four (4) years from among the qualified voters of the city. The Mayor and City Council appoints one (1) member each who is:
  - (1) A resident of the city; and
  - (2) A person with demonstrated interested, competence, or knowledge of historic preservation; and
  - (3)
  - (4) A person who lives or works within the Historic Districts designated by the City
- (b) .
- (c) **Terms of office.**
  - (1) Board member terms run concurrently with the four-year term of the appointing councilman or the Mayor. A board member may be reappointed; however, no person serves as a board member for more than two (2) four-year terms of office, or eight (8) consecutive years. This provision does not preclude the reappointment of persons appointed to serve out an unexpired term.
  - (2) Board members named to replace resigning members or members who have forfeited their office under the conditions enumerated in subsection (d) of this section are appointed for the unexpired term of the resigned or forfeited member. If the chairman resigns, the board members elect a replacement from among their membership to fill the unexpired term.
- (d) **Forfeiture of office.** A member of the board forfeit their office if they:
  - (1) Accept any elected or paid city office; or
  - (2) No longer reside or work within the Historic District boundaries; or
  - (3) Fail to attend three (3) scheduled meetings without being excused by vote of the majority of the members present, or is absent for more than twenty-five percent (25%) of regular meetings, with or without excuse, during a term year.



- (e) **Transitional rule.** In view of the change of the mode of selection of the board members by this section, use the following transitional rule. Each of the current board members are unofficially assigned to a councilmember. Each councilmember may then decide to keep, nominate, and confirm the board member assigned to him or her, or to nominate another board member that may include an existing board member assigned to another councilmember but not nominated or confirmed by that councilmember. The appointees' term is measured from the date of appointment after this section amendment. Any term of office prior to the amendment of this provision is not considered when measuring the eight-year maximum term.
- (f) **Powers and Duties.** The Historic District/Landmark Board meets regularly, at a time and place established by the Board, where meetings are open to the public.
- (1) The historic district/landmark board uses the guidelines established in the Secretary of the Interior's Standards for Rehabilitation.
  - (2) .
  - (3) In all applications involving the demolition or partial demolition of a structure in an historic district or a locally significant historic landmark, the historic district/landmark board may order the postponement of demolition for a period of time no more than ninety (90) days.
  - (4) Any person aggrieved by the decision of the historic district/landmark board may appeal the decision to the council by filing a written appeal, specifying the reasons, within thirty (30) days of the time the order is issued.
  - (5) The historic district/landmark board makes recommendations to the City Council, Planning and Zoning Commission, City Manager and city departments concerning the adoption of policies, the sources of funds, and designation of districts and landmarks that may further the City's preservation effort.
  - (6) The board monitors and reports any actions affecting any Recorded Texas Historic Landmark, National Register Property, or archaeological landmark within the vicinity of the city to the Texas Historical Commission.

## **24.9.9 Standard Technical Specifications Manual Committee**

### **(a) Organization.**

- (1) A Standard Technical Specification Manual committee consists of eleven (11) members. The committee is made up of the Planning Director, the City Engineer, the Director of Utilities, the Environment Services Director, Traffic Safety Director, and six (6) representatives from the development community appointed by the Laredo Builders Association. The committee elects a chairperson and vice-chairperson. The committee acts by consensus. In the event no consensus can be reached, the point of debate will proceed to City Council with a recommendation from dissenting positions for action.
- (2) The committee establishes policies and guidelines that assist in making its recommendations.



- (3) In the absence or disability of a committee member, an alternate serves in the same capacity, and with the same duties and responsibilities as a member.

**(b) Powers and Duties.** The committee has the following duties, responsibilities, and authority:

- (1) *Review.* The committee shall, on an annual or as-needed basis, review the Standard Technical Specification Manual. If no revisions are proposed, the chairman of the committee prepares correspondence to the City Manager, Mayor, and City Council members. In the event revisions to the manual are proposed, or dissention exists within the committee on one (1) or more issues, recommendations are forwarded to the City Council for manual revision consideration.
- (2) *Administrative appeals.* To hear and decide appeals where it is alleged that there is an error in any order, requirement, or interpretation of the Standard Technical Specification Manual by any city officer. Interpretations are incorporated into division D, section 810, of the Standard Technical Specification Manual.
- (3) *Appeals for variance.* The committee does not hear appeals for variances to the Standard Technical Specification Manual.

