

CITY OF LAREDO ORDINANCE NO. 2012-O-112

AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF LAREDO, ARTICLE IV, 24-65 SUPPLEMENTARY ZONING DISTRICT REGULATIONS, SECTION 24.65.18, ARTS AND ENTERTAINMENT DISTRICT (AE DISTRICT), REQUIRING APPROVAL OF SIDEWALK CAFÉS, AUTHORIZING, BY LICENSE, SIDEWALK CAFÉS, SETTING THE CRITERIA FOR UNOBSTRUCTED PEDESTRIAN PATHS ALONG SIDEWALKS, AND ESTABLISHING MINIMUM REQUIREMENTS, FEES OF FIFTY DOLLARS (\$50.00) FOR THE FIRST YEAR AND ONE HUNDRED DOLLARS (\$100.00) FOR EACH SUBSEQUENT YEAR AND A TWENTY-FIVE DOLLAR (\$25.00) TRANSFER FEE AND PENALTIES FOR SIDEWALK CAFÉS; AND AMENDING APPENDIX "A" (DEFINITIONS), OF THE LAND DEVELOPMENT CODE OF THE CITY OF LAREDO, BY ADDING THE DEFINITIONS OF "SIDEWALK CAFÉ" AND "SIDEWALK CAFÉ LICENSE"; TO BECOME EFFECTIVE 60 DAYS FROM PASSAGE, PROVIDING FOR SEVERABILITY AND PUBLICATION.

WHEREAS, Sidewalk Cafés can provide positive visual amenities, enhance business opportunities and enhance the quality of life for our citizens and visitors provided they can be operated in a manner which ensures public safety and does not compromise the use of sidewalks for pedestrian travel and access; and

WHEREAS, the Arts and Entertainment (AE) Zoning District contributes to the sense of place within the City and contributes to creating a destination location for residents and tourists; and

WHEREAS, Sidewalk Cafés help preserve and enhance the character of the City and promote desirable land use within the Arts and Entertainment (AE) Zoning District so long as the compelling interest of the City and the public is protected through regulation and safeguarded; and

WHEREAS, Sidewalk Cafés are designed to utilize public space and the City Council has determined that the use of the public right-of-way by private entities serves a public purpose in promoting the economic re-vitalization and promotion of the City of Laredo's downtown; and

WHEREAS, within the Arts and Entertainment (AE) Zoning District, there are areas of sidewalk rights-of-way which are adequate to accommodate Sidewalk Cafés; and

WHEREAS, the Planning and Zoning Commission, after a public hearing on August 2, 2012 has recommended the City Council of the City of Laredo pass this amendment to City of Laredo Land Development Code creating rules, regulations, procedures and licensing for Sidewalk Cafés in the Arts and Entertainment (AE) Zoning District; and

WHEREAS, the City Council has held a public hearing on August 20, 2012 on this amendment and finds the ordinance appropriate and consistent with the General Plan of the City

of Laredo and in the best interest of the public health safety and welfare.

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

Section 1: Section 24.65.18 ARTS AND ENTERTAINMENT DISTRICT (AE DISTRICT) of Article IV, Section 24.65 SUPPLEMENTARY ZONING DISTRICT REGULATIONS, of the *Land Development Code* of the City of Laredo, is amended by the addition of the following:

Section 24.65.18 ARTS AND ENTERTAINMENT DISTRICT (AE DISTRICT)

(1) Only properties located within the area bounded on the north by Scott Street, Zacate Creek on the east, and the Rio Grande River on the south and west, may be considered for rezoning to AE (Arts and Entertainment District).

(2) The minimum allowable area eligible for consideration for rezoning to AE (Arts and Entertainment District) shall be one city block.

(3) [~~Unless otherwise prohibited, any~~] *Any use permitted in the B-1 and CBD Districts shall be permitted in the Arts & Entertainment (AE) District, without limitation in allowable floor area, unless the use is prohibited elsewhere in the Code of Ordinances or in the Laredo Land Development Code.*

(4) Night clubs, bars, saloons, and cantinas are permitted and are subject to the following performance standards:

(a) No more than 20 percent of the square footage of the windows and clear doors shall bear advertising or signs of any sort, and 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. This requirement shall not apply to premises where there are no windows or where existing windows are located at a height that precludes a view of the interior of the premises by a person standing outside the premises.

(b) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.

(c) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.

(5) Artisan manufacturing, *meaning the on-site production and/or assembling of*

specialty goods primarily by hand, including jewelry, ceramics, quilts, woodwork, and other small glass and metal arts and crafts products, shall be conducted wholly within an enclosed building. The manufacture of specialty goods or crafts shall be an accessory use to an artist studio and shall not cause or result in noxious odors, smoke, dust, or dirt, or cause objectionable sounds of an intermittent nature which become a nuisance to adjacent uses.

(6) Production [~~for Sale at Retail:~~] or manufacture of artisan products or crafts shall be in limited quantities, [All products] produced or manufactured on the premises, whether primary or incidental, and shall be sold at retail on the premises where produced or manufactured.

(7) Accessory uses within an artist studio include [~~warehousing~~] the storage of limited quantities of raw materials to be used in the production or manufacture of artisan "objet d'art" or crafts, which in no event shall be more than 50% of the floor space of any floor of the studio in the same building [~~with the main permitted use~~].

(8) Trade or Business Schools are permitted provided, however, that machinery which is used for instructional purposes is not objectionable due to noise, fumes, smoke, odor or vibration.

(9) Outdoor displays within the Arts & Entertainment (AE) Zoning District: An outdoor display is defined as a use located on a public sidewalk, which may be within a public right-of-way or easement that is associated with a retail use and consists of a display of goods available 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:

(a) A clear path of at least 4 feet of sidewalk running parallel to and fronting the business [~~remains~~] 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 and if there is a conflict with any of the provisions of this Section the more restrictive provision shall apply.

(b) All goods for sale (merchandise) must be placed on display tables, racks, or [~~approved~~] alternative modes of display[;]. Alternative modes of display shall be approved by the Building Services Director or his/her designee so long as the alternative display is sturdy and covered or skirted with cloth from the floor/ground to the display surface. [~~and may~~] Merchandise shall not be placed directly upon the ground. All display tables, racks, and alternative modes of display must be in conformity with the Historic Urban Design [~~Standards~~] Guidelines.

(c) [~~In addition, special~~] 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 [Standards] Guidelines regarding display of items for sale shall also apply.

(10) Outdoor cultural events and performances which are open to the public and that feature visual art, music, dance, theater, performance art, design, or cultural heritage are permitted, subject to the following:

(a) The outdoor event or performance must be presented by an existing business on the property OR be sponsored, cosponsored, or permitted by the City if using public property. All events must comply with all applicable codes and ordinances, in accordance with both the City of Laredo Code of Ordinances Chapter 28, Article V, Commercial Use of Streets, Sidewalks and Other Public Places, and Chapter 23, Article I, Section 23-2(b) Closing of Parks, Playgrounds, Athletic Fields.

(b) For consumption of alcoholic beverages in public plazas at special events within the AE District, a permit must be obtained from the Chief of Police in accordance with the City of Laredo Code of Ordinances Chapter 5, Section 5-4(c) Possession, Consumption of Alcoholic Beverages in Certain Public Places. Exceptions.

(11) Noise

(a) A noise nuisance shall be considered to exist in the AE zone only when the noise level exceeds 65 decibels. No outdoor speakers will be allowed between 8 a.m. and 5 p.m. Distance measurement of a noise nuisance shall be made in accordance with the City of Laredo Code of Ordinances Chapter 21, Article XI, Division 2 Sections 21-217(2)c and 21-217(2)d.

(b) Exceptions to the above may be made in accordance with the City of Laredo Code of Ordinances Article XI, Division 3. Section 21-221(4), which include but are not limited to outdoor events sponsored, cosponsored, or permitted by the City.

(12) Sidewalk Cafés

(a) Unlawful unless License Issued. It shall be 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 desiring to serve food and/or beverages to his/her patrons in a dining area located within the sidewalk in front of his/her restaurant must first obtain a "Sidewalk Café License" from the Building Services Department.

(b) Sidewalk cafés in order to be licensed shall meet the following minimum requirements:

1) A Sidewalk Café shall be 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 shall be 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 no less than four (4) feet must be maintained at all times and a pedestrian path of no less 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 at all times the Sidewalk Café is operational.
- 5) The area designated for the Sidewalk Café (referred to herein as "Sidewalk Café Area" or "Café Area") shall not block the restaurant entrance or other entrances exits or driveways.
- 6) There shall be no preparation, cooking, storage, cooling, or refrigeration of food or food service equipment located in a Sidewalk Café Area or on any sidewalk.
- 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) Tables and chairs for sidewalk dining shall be 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 shall reflect the approved Site Plan and shall not be modified or altered unless approved by the Building Services Director or his/her designee pursuant to 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 in excess of the approved seating capacity to allow for standing room patrons.

14) Number of table and chairs shall be limited to one (1) table and two (2) chairs per 15 (fifteen) square feet. If space allows, the number of chairs may be increased 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 shall equal one person per approved chair.

15) In the event 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 shall apply:

- a) The railing, perimeter fencing, ropes, chains or the like, (hereinafter also referred to as "Enclosure") shall be clearly shown on the Sidewalk Café's Site Plan and be approved.
- b) The Sidewalk Café entrance shall not have an Enclosure and said entrance shall remain unobstructed.
- c) The Enclosure shall be maintained in accordance with the approved Site Plan, and shall be no less than twenty four (24) inches or more than thirty six (36) inches in height.
- d) The Enclosure shall be durable so that it 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 shall be designed to leave no less than four (4) feet of clear and unobstructed Sidewalk space to allow for pedestrian passage.
- g) In the event the owner of a restaurant with a Sidewalk Café chooses to place railing or fence mounted planter boxes along railings, fencing or other such method 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. In no event shall any planter box extend into the required four (4) foot clear pedestrian path.

16) 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 AE District:

a) The location and size of self-supporting or floor planter boxes shall be 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) In the event that large planters are approved, an exception may be made to allow such planters to remain in place as per 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.

17) 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 Sidewalk Café in operation continuing to keep the Enclosure and/or furniture on the public way when it is closed for business or after its License has expired shall be subject to citation and the Enclosure, furniture, planter boxes or other equipment may be removed by the City.

18) 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 can be identified as items which must be accessible to the public or to the City for municipal purposes or emergency services.

19) No portion of the Sidewalk Café Area may be expanded to include sidewalks fronting neighboring businesses, residences, or empty lots.

20) Sidewalk Café Licenses shall only be issued to a restaurant owner, having a valid food products establishment license, at the address stated, within the AE District.

21) 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.

22) 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 and shall be not less than seven (7) feet above the sidewalk.

23) 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.

24) Signs in the right-of-way are prohibited.

25) Lighting shall conform to the Historic Urban Design Guidelines. All lighting shall be consistent with the ambiance of the restaurant and of the general area and there shall be no flashing lights, animated lights, chase lights, strobe lights, high intensity lights or spotlights.

(c) Application Requirements for Sidewalk Café License.

1) An Application for a Sidewalk Café shall be 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 his/her designated representative a Sidewalk Café License may be issued. The Application for a Sidewalk Café shall be on a form provided by the Building Service Department and require, at a minimum the following:

a) 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.

b) Property owner name, address and phone number if different from applicant. If 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.

c) 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.).

d) The applicant shall be responsible for notifying, in writing (including a copy of the complete application), and at a minimum, each Property Owner and tenant (if different from the Property Owner) on each side of the restaurant and directly across the street from the restaurant of the submission of an application for a Sidewalk Café License. During the review process the applicant shall submit copies of the notice given to each abutting landowner and tenant of the restaurant owners application for a Sidewalk Café.

e) A copy of the restaurant owner's current certificate of insurance (general liability) which covers the Café Area naming the City of Laredo as an additional insured.

f) A Site Plan which shall be drawn to scale (1/8"=1'-0"), preferably on 8 1/2 x 11 inch paper; and shall include:

i) North arrow;

ii) Location of property lines;

iii) the layout and dimensions of the sidewalk 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;

iv) 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;

v) 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.

vi) Photographs shall be attached to the site plan and shall:

1. Be clear and accurate representations of the site,

2. Depict the entrance to the restaurant.

3. Depict the proposed site where the Sidewalk Café is to be located and relationship of the proposed Sidewalk Café to the surrounding public right-of-way,

4. Depict each item of proposed furniture and outdoor items (planter boxes /trash receptacle /umbrellas, Enclosures, etc.) to be used.

(d) No Waiver/Variance and Appeal

1) The authority to grant the use of the right-of-way in the AE District for a private purpose is a non-delegable function of the Laredo City Council and the limitations on such use are set forth in this Ordinance. 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 application for a Sidewalk Café License has been denied may petition, in writing, the Building Services Director to reconsider the basis for his/her 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 of the submittal of a petition for reconsideration, 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 petition for reconsideration 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 thereof, within fifteen (15) days of the time the decision is issued and the City Council shall hear the matter within sixty (60) days.

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

1) Each Sidewalk Café License issued shall contain, at a minimum, the name of the holder of the license (restaurant owner), the address of the restaurant engaged in the Sidewalk Café, the telephone number of the restaurant, the number of tables and chairs allowed in the Café Area, the capacity of the Café Area, whether the Café Area has an Enclosure and a copy of the approved Site Plan.

2) The fee for a Sidewalk Café License shall be 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 fee of twenty-five dollars (\$25.00).

4) Each and every Sidewalk Café License shall 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 finding of guilt 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).

(f) Enforcement and Penalties.

- 1) A person who violates this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A citation shall be issued if any violation and non-compliance of Sidewalk Café rules and regulations are found.
- 2) A person violating a provision of this chapter commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.
- 3) A culpable mental state is not required for the commission of an offense under this section that is punishable by a fine not exceeding \$500, unless the provision defining the conduct expressly requires a culpable mental state.
- 4) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine not to exceed:
 - a) \$2,000 if the provision violated governs public health or sanitation;
 - b) the amount fixed by state law if the violation is one for which the state has fixed a fine; or
 - c) \$500.00 for all other offenses.

Section 2: APPENDIX A of the Land Development Code of the City of Laredo is

amended by including, in the alphabetical order of the definitions, the following:

Sidewalk Café – means the licensed use of any street level portion of public right-of-way in which tables and chairs are placed for the sole purpose of patrons consuming food and/or beverages.

Sidewalk Café License - A license issued to a licensed food products establishment (restaurant only) allowing operation of a Sidewalk Café within the AE District.

Section 3: Effective Date: This Ordinance shall become effective not less than sixty (60) days from the date of the public hearing on this Ordinance, in accordance with the City Charter.

Section 4: Publication: After its passage by City Council, this Ordinance shall be published one (1) time in accordance with the provisions set forth in Section 2.09 (D) of the City Charter.


Section 5: Severability. If any provision, section subsection, sentence, clauses, or phrase of this ordinance, of the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation, contained herein shall become inoperative or fail by reason of any unconstitutionality.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS 4th
DAY OF September, 2012.



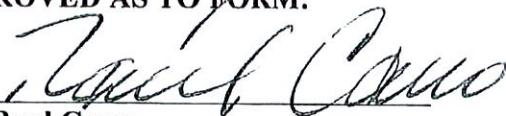
Raul G. Salinas
Mayor

ATTEST:

By: 

Gustavo Guevara, Jr.
City Secretary

APPROVED AS TO FORM:

By: 

Raul Casso
City Attorney

COUNCIL COMMUNICATION

<p>Date: September 4, 2012</p>	<p>SUBJECT: FINAL READING OF ORDINANCE NO. 2012-O-112 AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF LAREDO, ARTICLE IV, 24-65 SUPPLEMENTARY ZONING DISTRICT REGULATIONS, SECTION 24.65.18, ARTS AND ENTERTAINMENT DISTRICT (AE DISTRICT), REQUIRING APPROVAL OF SIDEWALK CAFÉS, AUTHORIZING, BY LICENSE, SIDEWALK CAFÉS, SETTING THE CRITERIA FOR UNOBSTRUCTED PEDESTRIAN PATHS ALONG SIDEWALKS, AND ESTABLISHING MINIMUM REQUIREMENTS, FEES OF FIFTY DOLLARS (\$50.00) FOR THE FIRST YEAR AND ONE HUNDRED DOLLARS (\$100.00) FOR EACH SUBSEQUENT YEAR AND A TWENTY-FIVE DOLLAR (\$25.00) TRANSFER FEE AND PENALTIES FOR SIDEWALK CAFÉS; AND AMENDING APPENDIX "A" (DEFINITIONS), OF THE LAND DEVELOPMENT CODE OF THE CITY OF LAREDO, BY ADDING THE DEFINITIONS OF "SIDEWALK CAFÉ" AND "SIDEWALK CAFÉ LICENSE"; TO BECOME EFFECTIVE 60 DAYS FROM PASSAGE, PROVIDING FOR SEVERABILITY AND PUBLICATION.</p>
<p>Initiated by: City Council</p>	<p>Staff source: Horacio de Leon, Jr., Assistant City Manager Nathan R. Bratton, Planning Director</p>
<p>Prior action: City Council held a public hearing and introduced this ordinance on August 20, 2012. Council voted to amend the Introductory Ordinance by adopting language proposed by the Main Street Laredo regarding Artisan manufacturing at Section 24.65.18(5) and by reducing the renewal cost of license from \$150.00 to \$100.00 for every year a café is licensed after the first year.</p>	
<p>BACKGROUND Ordinance No. 2010-O-084, creating the Arts and Entertainment zoning (AE District), was approved by City Council on July 6, 2010. Ordinance No. 2010-O-156, approved by City Council on October 18, 2010, rezoned 24 blocks and an additional 12 properties within the Central Business District from a CBD zoning (Central Business District) to the AE zoning (Arts and Entertainment District). At that time, there were additional concerns to be addressed requiring the creation of ordinances involving such issues as the use of public space, including permits for sidewalk cafés and display of goods in the public rights-of-way, as well as providing for permitting performances and creative events within public spaces.</p>	
<p>STAFF COMMENTS The arts and entertainment zoning district was designed to support existing arts and entertainment venues and promote the creation of additional venues and supporting uses. The intent was to establish a district which would:</p> <ol style="list-style-type: none"> 1) be economically viable for local merchants, 2) create jobs, 3) attract people from <i>los dos Laredos</i>, as well as tourists, and 4) improve the quality of life. <p>One of the types of businesses which are appropriate for the area zoned AE (Arts and Entertainment District), and which would further the points above, are sidewalk cafés. There are areas within the downtown where the sidewalk rights-of-way are adequate to accommodate sidewalk cafés. This ordinance sets forth the process, criteria, and fees for the licensing of sidewalk cafés, with the intention of protecting the public well-being and providing for adherence with access issues, such as compliance with the Americans for Disabilities Act requirements.</p>	

COUNCIL COMMUNICATION

<p>P&Z COMMISSION RECOMMENDATION: The P & Z Commission, in an <u>9</u> to <u>0</u> vote, recommended <u>approval</u> of the amendment as initially submitted.</p>	<p>STAFF RECOMMENDATION: Staff <u>supports</u> the proposed amendment as initially submitted.</p>
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Written comments may be submitted by no later than Wednesday, October 24, 2012 and
addressed to:
Alicia H. O'Connell, Director
5210 Bob Bullock Loop
Laredo, TX 78041
For additional information call (956) 795-2000.

L-94

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Call 734-5357

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excellent cond. \$4,550
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145-47-0085
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most ush, 6cyl, regular
cab, 77,000 miles, turns
very good. \$7,500
ph.956-857-5777

F-150 V6 blue title,

std v6, \$5,950 956-
774-9665 145-47-0064
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Ford F-150 CREW CAB

2002 WHITE 4 DOORS
EXCELLENT CONDITIONS
\$2000 (956) 740-4358

Ford Pickup 97'

6 Cyl, std.,
\$1,975,
(956) 949-7136

The following ordinances were passed by City Council September 4, 2012:

2012-O-111 Amending Chapter 28 of the City of Laredo Code of Ordinances by adding a new Article II to be entitled, "Sign Regulations" and revising the ordinance rules and regulations governing all signs within the City and revising in section 24-82 of the Land and Development Code entitled, "Signs and outdoor activity," providing a severability, savings, repealing, and penalty clause; establishing an effective date; and providing for publication. (AS AMENDED)

2012-O-112 Amending the Land Development Code of the City of Laredo, Article IV, 24-86, Supplemental Zoning District Regulations, Section 24.86.18, Arts and Entertainment District (Zoning District) including approval of sidewalk cafes, authorizing along sidewalks, and establishing minimums for unobstructed pedestrian paths (\$50,000) for the first year and one hundred dollars (\$100.00) for all other years and a twenty-five dollar (\$25.00) transfer fee and penalties for sidewalk cafes; and amending Appendix "A" (Definitions), of the Land Development Code of the City of Laredo, by adding the definitions of "sidewalk cafe" and "sidewalk cafe license" to become effective sixty (60) days from passage, providing for severability and publication. (AS AMENDED)

2012-O-113 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 18.69 acres as follows: renumbering of metes and bounds in attached Exhibit "A," located along Guadalupe Road and East of Bob Bullock Loop (Loop 20), from R-1 (Single Family Residential District) to B-3 (Community Business District); providing for publication and effective date.

2012-O-114 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning located along the east side of Cuervo/Ovenbos Road and east of El Eden Subdivision (from R-1 (Single Family Residential District) to B-4 (Highway Commercial District); providing for publication and effective date.

2012-O-115 Amending the Zoning Ordinance (Map) of the City of Laredo by repealing Ordinance 2009-O-028 authorizing a Conditional Use Permit for a health club (physical fitness center), and authorizing a Conditional Use Permit for a health club (physical fitness center), and 3, Block 1475, Eastern Division, located at 2503 Ligarte Street; providing for publication and effective date.

2012-O-116 Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning 11.12 acres, as former described by metes and bounds in attached Exhibit "A," located east of Alhambra Drive and West of Bob Bullock Loop (Loop 20), from R-1A (Community Business District) to B-3 (Single-Family Residential District); providing for publication and effective date.

2012-O-117 Designating as a one-way westbound the 2500, 2600, and 2700 blocks of Miles Street, between, N. Milro Avenue and N. Arkansas Avenue, during the peak hours of 7:30 a.m. to 8:30 a.m., and 3:30 p.m. to 4:30 p.m., Monday through Friday, during school days, providing for the installation of appropriate signs to indicate one-way traffic and providing for publication and effective date.

2012-O-126 Amending Chapter 2 "Administration" of the City of Laredo Code of Ordinances by adding Article VIII, Code of Ethics; establishing standards of conduct applicable to all employees, officials and persons conducting business with or otherwise influencing governmental action; prohibiting degrees of relationship for certain matters; establishing travel and entertainment; providing penalties for violations of the Standards; creating an Ethics Commission; providing an Ethics Commission; containing a savings clause; and providing for the publication and effective date thereof. (AS AMENDED)

2012-O-125 Amending Chapter 2 "Administration" of the City of Laredo Code of Ordinances by adding Article VIII, Code of Ethics; establishing standards of conduct applicable to all employees, officials and persons conducting business with or otherwise influencing governmental action; prohibiting degrees of relationship for certain matters; establishing travel and entertainment; providing penalties for violations of the Standards; creating an Ethics Commission; providing an Ethics Commission; containing a savings clause; and providing for the publication and effective date thereof. (AS AMENDED)

PUBLICATION DATES: 8/26/2012, 9/2/2012, 9/9/2012

FORFEITURE DATE: 9/16/2012

DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND BORDER PROTECTION:

Notice is hereby given as required by 19USC1607 and 19CFR162.45 of the seizure and intent to forfeit the property described below which is in violation of Customs laws and/or other pertinent statutes. All property listed below was seized in the vicinity of Laredo, TX. Any person having a legal interest therein and desiring to claim any of the listed property must appear at the Office of the Fines, Penalties and Forfeitures Officer, Customs and Border Protection, P.O. Box 3130, Lincoln Juarez Bridge 2, Building 2, Laredo, Texas 78044-3130, within twenty days of the date of the first publication and submit a claim for such property and a cost bond in the appropriate amount, if applicable. In default of which, the property will be declared forfeited to the United States and disposed of in accordance with the law.

CN: 2012230400045401, 6/4/2012, 1 BG, US CURRENCY IN THE AMOUNT OF \$67,860.00, 18USC1956 & 18USC1957 FOR VIOLATION OF 18I.R.C.A.R.T. 8A.M.N.