

**ORDINANCE NO. 2022-O-007**

**AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING ORDINANCE 2020-O-149 REGARDING THE TEMPORARY PARKLET PILOT PROGRAM TO EXTEND THE EXPIRATION DATE OF PROGRAM TO CONTINUE FOR ONE HUNDRED AND TWENTY DAYS (120) DAYS FOLLOWING THE EXPIRATION OF THE GOVERNOR'S COVID-19 DISASTER DECLARATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the pilot program has improved access to available outdoor space for Laredo's local business community that has allowed businesses to open at greater capacity to operate safely with adequate social distancing measures to protect customers; and

**WHEREAS**, the pilot program has provided an opportunity for local businesses that have been affected by the COVID-19 pandemic to modify operations and use City sidewalks, on-street parking, off-street parking, and City parks; and

**WHEREAS**, Council determines that the temporary pilot program, which is set to expire on December 31, 2021, provides a public benefit to the City because it allows businesses to operate safely with adequate social distancing measures that protect customers, employees, and the general public and as such it should be extended to coincide with the Governor's COVID-19 disaster declaration as COVID-19 still poses an imminent threat of disaster for Laredo.

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

**Section 1.** The City of Laredo Code of Ordinances, Chapter 18, Licenses, Permits and Miscellaneous Business Regulations, is hereby amended as follows:

**ARTICLE VIII - TEMPORARY PARKLET PILOT PROGRAM**

**Section 18-34. – Definitions.**

In this Article:

- (1) **TEMPORARY PARKLET** means a small area of land within a public right-of-way, street, off-street parking space, street closure, or public park, temporarily dedicated for use by the public for the commercial operation of restaurants and bars, together with improvements, such as lighting, signage, paving, benches, sculpture, landscaping, barricades and fencing, in furtherance of such purposes.
- (2) **RESTAURANT** means a business that prepares and sells food or beverages and may include the sale and on-premises consumption of alcoholic beverages.
- (3) **BAR** means a business, other than a restaurant, that sells alcoholic beverages for consumption on the premises.
- (4) **PUBLIC RIGHT OF WAY** means a strip of land over which the city has authority or used or



intended to be used, wholly or in part by the city, as a public street or sidewalk, or for utility purposes.

- (5) SIDEWALK mean that portion of a public right-of-way, not including the street, that is paved for pedestrian traffic.
- (6) STREET means that portion of a public right of way that provides primary vehicular access to adjacent land and areas designated for on-street parking.
- (7) TEMPORARY PARKLET GUIDEBOOK mean a manual approved by the Building Services Department, that establishes technical standards or specifications for authorized improvements and uses under this article.
- (8) TEMPORARY STREET CLOSURE means the temporary closure and lease of a public street where the street is closed for not more than 24 hours, pursuant to Ordinance 89-O-195.
- (9) OFF-STREET PARKING means public parking, intended for the parking of motor vehicles, in facilities, not on the public right-of-way, which are owned, leased, or otherwise controlled by a private owner.
- (10) PUBLIC PARK means a park owned and operated by the City of Laredo.

#### Section 18-35. – Temporary Parklet Pilot Program

- (a) This ordinance creates a temporary parklet program applicable to restaurants and bars that want to sell foods and beverages on adjacent off-street parking, sidewalks, right-of-ways, including on-street parking spaces, and public parks.
- (b) All other improvements in or uses of a public right-of-way, public parks, or on-street parking not specified in this article may only be approved as specifically provided by other ordinances, subject to applicable laws.
- (c) A temporary parklet permit granted under this article is a revocable grant of a privilege and is not a property right, nor a conveyance of an interest in real property.

#### Section 18-36. – Issuance of Permit

- (a) An application for a temporary parklet permit under this article must be filed with the Building Development Services Department.
- (b) The Director of the Building Development Services Department, or their designee, shall issue a temporary parklet permit to an applicant that meets the established criteria of this ordinance and the City of Laredo Parklet Manual, which may be amended by the Director of the Building Development Services Department from time to time.

#### Section 18-37. – Requirements for Temporary Parklet Permit

- (a) General requirements for all temporary parklet permits. A temporary parklet permit holder shall be required to comply with the following requirements and contractual provisions, as applicable:
  - (1) all requirements set forth in the Temporary Parklet Manual and any other applicable technical standards or specifications with which the permit holder must comply;
  - (2) terms and restrictions necessary to protect public use of the public right-of-way or the facilities and access needs of a public or private utility provider;
  - (3) specifications for required clearances between the improvements and utility facilities, whether above ground, underground or overhead, as prescribed by applicable building and health and safety codes, franchise agreements or state or federal laws;
  - (4) a requirement that the permit holder pay the cost to relocate a utility facility or improvement in a public right-of-way in connection with the installation of the improvements, if consent is granted for such relocation;
  - (5) authorization for the city or a utility provider to remove, without liability, all or part of the



- improvements if necessary to obtain access to an affected utility facility;
- (6) provisions approved by the city attorney that require the permit holder to indemnify, defend, hold harmless and release the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with permit holder's use of public right-of-way;
  - (7) a provision specifying ~~that the expiration date of the permit shall not exceed December 31, 2021~~ the permit shall expire one hundred and twenty days (120) days after the Governor's COVID-19 disaster declaration orders have ended.
  - (8) a provision for termination of the permit for violation of its terms, subject to notice of the violation and an opportunity to cure the violation within 5 calendar days after receipt of the notice, except that violation of the expiration date of the permit shall be addressed immediately;
  - (9) a provision for termination of the permit by the city without recourse before the end of the permit term when necessary to implement capital improvements or utility project, to address threats to public health or safety, or to mitigate adverse impacts to adjacent property owners and businesses caused by the improvement or use for which the permit is granted;
  - (10) a provision providing for the prompt removal of all improvements or cessation of uses upon termination of the permit at the permit holder's expense, including the right of the city to remove improvements upon failure of the permit holder to do so and to recover the city's cost for such removal.
  - (11) a provision providing that the permit holder may not rent or lease the parklet premises.
  - (12) a provision providing that the temporary parklet permit holder shall have read and shall follow the protocols, practices, and guidelines, as applicable to their business, specified in the Governor's Report to Open Texas, and any potential amendments. Violations of this section shall result in the permit holder receiving a verbal warning and an opportunity to comply with this section. If a second violation occurs, the parklet permit may be revoked immediately and the parklet may be removed.
- (b) Uses and Improvements not allowed. No temporary parklet permit may be granted under this article for:
- (1) Any building or structure requiring a building permit;
  - (2) Any improvement, facility or use, the installation or allowance of which would:
    - a. result in a violation of the Americans with Disabilities Act or any other applicable local, state, or federal health or safety law or regulation;
    - b. unduly interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk;
    - c. create a traffic hazard; unduly interfere with the safe and efficient operation of a utility facility;
    - d. create undue adverse impacts on adjacent property owners and businesses; or
    - e. block the sight visibility triangle at an intersection; or
    - f. require the relocation of any utility or utility facility.

#### Section 18-38 – Temporary Suspension of Certain Ordinance Requirements.

- (a) For restaurants and bars that have met all requirements established under this Article and are in possession of a valid Temporary Parklet Permit, the requirements and enforcement of Ordinances that conflict with this Article shall be temporarily suspended for the duration of the permit, including but not limited to:
  - (1) requirements to obtain a Sidewalk Cafe license under Section 24.65.19(12) of the Laredo Land Development.



- (2) off-street parking requirements, only to the extent necessary to create a parklet in accordance with this Article.
- (3) zoning compliance requirements for temporary changes to existing restaurants, bars, and adjacent properties utilized which are otherwise complying with this Article. This shall not affect the requirements for permanent construction or alterations, including but not limited to, attaching an overhang or awning to the building, adding a balcony, or permanent rooftop improvements.
- (4) zoning requirements relating to non-permanent signs on private property, except requirements related to electronic signs, shall be suspended for bars and restaurants otherwise complying with this Article, unless placement of the non-permanent sign creates a threat to public safety, as determined by the Laredo Police Department and/or Traffic Department.
- (5) review by the Historic Landmark Board or any other Board or Commission shall not be required for any temporary changes to existing restaurants or bars otherwise compliant with and operating under this Article.
- (6) all permit and application fee requirements otherwise necessary to provide outdoor seating for restaurants or bars.

**Section 2. Extension for Permit Holders.** The City Council hereby extends the expiration for all current parklet permit holders to reflect the changes made to the expiration date of the pilot program. All current parklet permits shall not expire on December 31, 2021 and shall be allowed to continue for one hundred and twenty (120) days following the expiration of the Governor's disaster declaration.

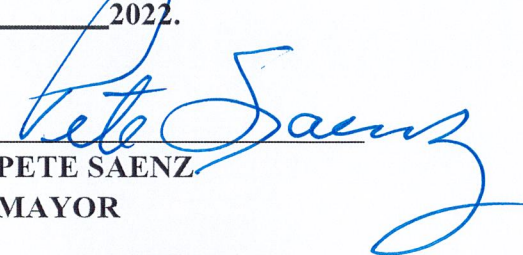
**Section 3.** This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 4.** The importance of this ordinance creates an emergency and an imperative public necessity, and the suspension of conflicting ordinances concerning land use and development is temporary, therefore the provisions of the Laredo City Charter requiring that ordinances concerning land use and development must be referred to the Planning and Zoning Commission prior to the public hearing of the proposed ordinance are hereby waived.

**Section 5.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

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

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS  
26 DAY OF January 2022.

  
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PETE SAENZ  
MAYOR

ATTESTED:

  
\_\_\_\_\_  
JOSE A. VALDEZ, JR.  
CITY SECRETARY



APPROVED AS TO FORM:

  
\_\_\_\_\_  
~~DEAN J. ROGGIA~~ Valeria E. Reyes  
~~CITY ATTORNEY~~ Assistant City Attorney



**City Council-Regular**

**Meeting Date:** 01/18/2022

**Initiated By:** Riazul Mia, Assistant City  
Manager

**Staff Source:** John Hickle, Building Director

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**SUBJECT**

**2022-O-007** An Ordinance of the City of Laredo, Texas, amending Ordinance 2020-O-149 regarding the temporary parklet pilot program to extend the expiration date of the program for one hundred and twenty days (120) following the expiration of the Governor's COVID-19 disaster declaration; providing that this ordinance shall be cumulative; providing a severability clause; and declaring an effective date.

**PREVIOUS COUNCIL ACTION**

During the September 14, 2020 City Council meeting, Council asked staff to create a pilot program that would allow city-wide restaurant and bars to utilize their outdoor areas. Council passed Ordinance 2020-O-149 establishing the Temporary Parklet Pilot Program on November 2, 2020.

**BACKGROUND**

The pilot program has improved access to available outdoor space for Laredo's local business community that has allowed businesses to open at greater capacity to operate safely with adequate social distancing measures to protect customer. The pilot program is set to expire on December 31, 2021 and the amendment to Ordinance 2020-O-149 is to extend the expiration of the program to coincide with the Governor's COVID-19 disaster declaration as COVID-19 still poses an imminent threat of disaster for Laredo.

**COMMITTEE RECOMMENDATION**

N/A.

**STAFF RECOMMENDATION**

Staff recommends approval of this ordinance.

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**Fiscal Impact**

**Fiscal Year:**

**Budgeted Y/N?:**

**Source of Funds:**

**Account #:**

**Change Order: Exceeds 25% Y/N:**

**FINANCIAL IMPACT:**

N/A

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**Attachments**

2022-O-007 Parklet

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