Contents

Division 1 General Procedures 259
24.5.1 General Procedural Requirements & Authority 259
24.5.2 Pre-Application 261
24.5.3 Filing Applications 262
24.5.4 Notice Provisions 263
24.5.5 Staff Review 264
24.5.6 Decision Making & Public Hearings 264
24.5.7 Tabling of Application 265
24.5.8 Withdrawal of Application 265
24.5.9 Scope of Approval 265
24.5.10 Post-Decision Proceedings 266
Division 2 Plans, Amendments and Annexation 266
24.5.11 Comprehensive Plan 266
24.5.12 Text Amendment 268
24.5.13 Annexation 269
Division 3 Zoning Procedures 271
24.5.14 Rezonings 271
24.5.15 Conditional Use Permits 274
24.5.16 Historic District or Landmark Plan Review 278
Division 4 Subdivision Procedures 280
24.5.17 General Subdivision Procedures 280
24.5.18 Preliminary Plat 283
24.5.19 Final Plat 286
24.5.20 Minor Plat 289
24.5.21 Construction Plans 289
24.5.22 Replats 291
24.5.23 Vacating Plats 293
24.5.24 Amending Plats 294
24.5.25 Certificate of Compliance 294
Division 5 Stormwater Permitting 295
24.5.26 Administration and Permitting Process 295
24.5.27 Storm Water Management Permit 296
24.5.28 Simplified Storm Water Management Control Plan 298

DRAFT

24.5.29 Storm Water Concept Plans 299
24.5.30 Storm Water Management Plan 301
24.5.31 Storm Water Variances 302
24.5.32 Storm Water Appeals 303
24.5.33 Storm Water Inspection 304
24.5.34 Storm Water Pollution Prevention Plan (SWPPP) 306
Division 6 Administrative Permits 311
24.5.35 Site Plan Review 311
24.5.36 Building Permits and Certificates of Occupancy 316
Division 7 Relief 317
24.5.37 Appeals 317
24.5.38 Zoning Variances 319
24.5.39 Subdivision Variances 320
24.5.40 Interpretation 321

Tables

Table 5.1-1 Common Procedural Elements 259
Table 5.1-2 Process Summary 260
Table 5.4-1 Type and Description of Notice 263
Table 5.11-1 Notice-Comprehensive Plan 266
Table 5.12-1 Notice-Text Amendment 268
Table 5.14-1 Notice-Rezoning 271
Table 5.15-1 Notice-Conditional Use Permit 274
Table 5.22-1 Notice-Replat 292
Table 5.37-1 Notice-Zoning Appeal 317
Table 5.38-1 Notice-Subdivision Variance 319

DRAFT

Article 5 Introduction

Division 1 General Procedures

Purpose: This Article -

- *Establishes the workflows associated with zoning and subdivision plat processes, and*
- *Assures that the processes comply with state law, and*
- *Assigns decision making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to applicants, and*
- *For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.*

24.5.1 General Procedural Requirements & Authority

(a) Applicability. This Article sets up rules and procedures for specific land use decisions under the jurisdiction of the Planning and Zoning Commission, Zoning Board of Adjustment, the City Council (where applicable), and administrative decisions.

(b) Procedures

(1) This Article sets up rules for procedures, such as pre-application, neighborhood notification, notices and public hearings. It then describes the process for specific land use decisions. The procedures have a common workflow and description, as follows:

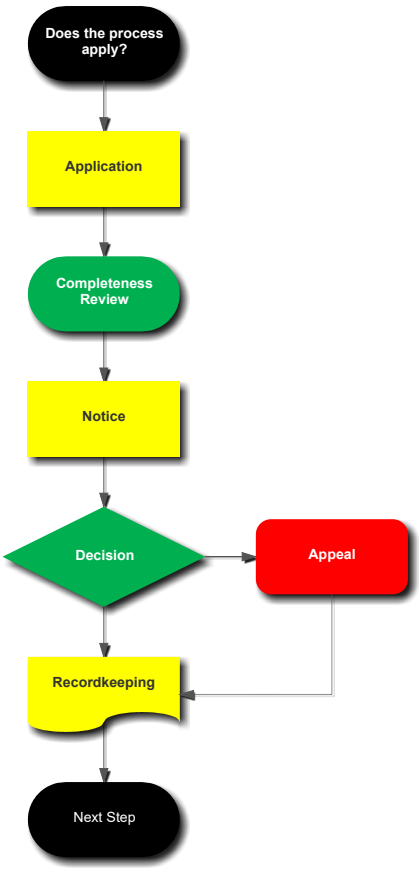

Table 5.1-1 Common Procedural Elements

Element	What does this mean?
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how the City of Laredo determines that the application has sufficient information to be processed.
Notice	This describes the type of notice, and how it is provided.
Decision	This states who approves the application, and the type of proceeding that leads to the decision.
Approval Criteria	These are any standards that apply to the application. All applications are subject to this Chapter and zoning district regulations.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Appeals	This provides a way to review an application that is denied, or that have conditions that the applicant disagrees with.
Scope of Approval	This indicates what activity the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Recordkeeping	This states how the formal decision of approval is maintained.

DRAFT

(2) The processes established in this Article are summarized below:

Table 5.1-2 Process Summary

	Agency							Notice			
Process	*Director*	*Other Administrative Officials*	*Planning and Zoning Commission*	*City Council*	*Board of Adjustment*	*Historic District / Landmark Board*	*Appeals Board*	*Publication*	*Mail*	*Signs*	*Cross-Reference*
Plan Adoption or Amendment	I		R-PH	D-PH				✓			24.5.11
Text Amendment	I		R-PH	D-PH				✓			24.5.12
Annexation	I		R-PH	D-PH				V	V	V	24.5.13; Texas Local Government Code, Chapter 43
Rezoning	I		R-PH	D-PH				✓			24.5.14
Conditional use permit	I		R-PH	D-PH						✓	24.5.15
Historic district or landmark plan					D	D					24.5.16
Preliminary Plat	I		D-PH						✓		24.5.18
Final Plat	D		D-PH								24.5.19
Minor Plats	I		D-PH						✓		24.5.20
Construction Plans		I, D									24.5.21
Replat	I	D	A-PH								24.5.22
Vacating Plat (if lots sold)	D										24.5.23
Amending Plat	I/D	D	A-PH								24.5.24
Certificate of compliance	I/D		A-PH								24.5.25
Site Plan	D		A-PH								24.5.35
Building Permit Certification	D										24.5.36
Certificate of Occupancy Certification	D										24.5.36
Zoning Appeals	I				A-PH				✓	✓	24.5.37
Zoning Variances	I				A-PH				✓	✓	24.5.38
Subdivision Variances	I		D-PH								24.5.39
Interpretation	I-D										24.5.40
Stormwater Permitting		I-D					A				Division 5

Note: this table is a general summary. Refer to the referenced sections for the specific procedure. If there is any conflict between the text section referenced here and this Table, the text section controls.

Key: I = intake, review and referral
R = Recommendation
D = Decision
A = Appeal or Referral
PH = public hearing
✓ = required
V= varies by request or type of annexation or application

DRAFT

24.5.2 Pre-Application

(a) Applicability. This section applies to any application for a rezoning, conditional use permit, preliminary or final subdivision plat, site plan, stormwater management permit, or zoning variance.

(b) Initiation. Before filing an application subject to this section, the applicant shall request a conference with the Staff Coordinating Committee concerning the plans and data as specified in this Article and Article 12.

(c) Staff Coordinating Committee

The purpose of the Staff Coordinating Committee is to assist an applicant prior to the submittal of an application, to coordinate the technical aspects of development, and to advise the City Manager concerning planning issues.

(1) The Staff Coordinating Committee is composed of the following members or their representatives:

- **a.** The Director of Public Utilities
- **b.** The City Engineer
- **c.** The City Building Official
- **d.** The City Fire Chief
- **e.** The City Planning Director
- **f.** The Traffic Director

(2) The Committee may request the assistance other staff members and agency representatives.

(d) Scheduling. Any applicants wishing to discuss a development proposal with the Committee shall advise the Director of Planning at least 24 hours prior to the meeting.

(e) Meeting

(1) The pre-application meeting shall include the following:

- **a.** A discussion of technical studies, plans and other information deemed relevant to the specific application request,
- **b.** Discussion of the anticipated level of citizen interest,
- **c.** A discussion of the general project consistency with this Chapter and the Comprehensive Plan.

(2) The applicant shall provide a brief overview of the project, including proposed location, uses, densities, project layout, and design features.

(3) Planning staff will provide information and comments at the pre-application meeting, but will not take formal action on the application. In addition to provision of verbal information, Planning staff may provide a Pre-application meeting checklist.

DRAFT

(4) The applicant's and Planning staff's comments are for purposes of information, but are not binding on either the City or the applicant.

(f) Documentation

(1) During the meeting, Planning staff may review and complete an informational checklist, based on the scope of the application.

(2) Planning staff will record in writing and provide the applicant any pertinent information concerning the project scope, as described by the applicant, as well as verbal guidance provided by City staff.

24.5.3 Filing Applications

(a) General Requirements

(1) Applications filed under this Chapter must include the information required by Article 12 (Submittal Requirements). All applications shall be made on forms prepared by the Planning Director.

(2) The Council may establish fees for all applications required in this Chapter by resolution.

(b) Completeness Review

(1) The City of Laredo will not process incomplete applications.

(2) An application is not complete until all required items are submitted (see Article 12).

(3) When applications are filed, Planning staff will review them for completeness.

(4) The time period to process an application does not commence until the staff determines that the application is properly submitted and the applicant has corrected any deficiencies in the application.

(5) Review for completeness of application forms is solely to determine whether information required for submission with the application is sufficient to allow further processing.

(6) Planning staff will determine whether the application is complete and will transmit the determination to the Applicant. If staff determines that the application is not complete, staff will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application. Staff and the decision making agency are not obligated to further review the application until the required information is corrected. For applications subject to Division 4 of this Article (Subdivision Procedures), Section 24.5.15)(Conditional Use Permits) and Section 24.5.35 (Site Plan Review), the application is not considered filed and is denied.

DRAFT

(7) If the application does not comply with the standards for approval and does not request a variance, text amendment or rezoning, the Director may administratively deny the application.

(8) Planning staff or the approving authority may provide submission deadlines for materials required in support of any application provided for in Article 12. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approving authority.

24.5.4 Notice Provisions

(a) Generally

(1) This Chapter, relying on the minimum threshold set by State law, establishes various requirements for public notice.

(2) The Table below, along with subsection (b), describes the various types of Notice and their contents. More specific notice requirements may be prescribed in each procedural section.

Table 5.4-1 Type and Description of Notice

Type of notice	Description
Publication	The Planning Director will publish in an official newspaper or a newspaper of general circulation in the City.
Mail	The Director will mail the notices. Notice is served by its deposit in the City, properly addressed with postage paid, in the United States mail. Regular mail is sufficient, unless certified mail is required by a specific process or state law.
Electronic Transmission	**1.** The City may communicate with the applicant or persons requesting notice by electronic transmission. **2.** Electronic transmission may include email, or communication through social media or online notification procedures established by the Director.

(b) Required Information. Notice shall include the following information, unless the process includes a different requirement:

(1) A synopsis of the proposed ordinance or application,

(2) Time, date, and place of the public hearing or meeting;

(3) The type of land use or development decision that is being considered;

(4) If a public hearing is required, a statement that at the time and place of the hearing all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance or application;

(5) The Planning Department's website address (URL).

(c) Failure to Provide Notice. The failure of the City of Laredo to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this Chapter, and no person may challenge an action for

DRAFT

lack of notice where the City has complied with the applicable State law governing notice.

24.5.5 Staff Review

(a) Review by Other Departments and Agencies. The staff may forward copies of the application to various local, state and/or federal agencies and departments for their review and comment. The Director may ask the reviewers to respond in writing or attend an application review meeting with the staff.

(b) Staff Review. The staff shall review the application and supporting information. This may occur in a meeting with the applicant and representatives of other agencies or departments, as described in subsection (a) of this section. After reviewing the information, staff shall prepare a report summarizing the information for the reviewing bodies and providing a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the department before the hearing at which the application is scheduled to be heard.

(c) If an individual section of this Article (and where permitted by state law) delegate to staff the authority to approve, approve with conditions, or deny an application, the staff report may include a written decision to that effect.

24.5.6 Decision Making & Public Hearings

***Purpose**. The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.*

(a) Rules of Procedure. The City Council and Planning and Zoning Commission may adopt rules of procedure for public hearings.

(b) Action. Reviewing bodies shall hold regularly scheduled public hearings to receive and review public input on items required by this Code. Decisions and/or recommendations should be rendered in a timely manner, based upon the specific requirements of these regulations and following:

(1) Conformance with these regulations, the comprehensive plan, and other adopted plans, design guidelines and policies;

(2) Recommendations of staff and recommending bodies;

(3) Input of reviewing agencies and departments;

(4) Public comment and testimony received at the hearing; and

(5) Effects of the proposal on the neighborhood, area, and community-at-large.

(c) Authority to Condition Development Approvals

(1) After review of the application, other pertinent information or documents, and any evidence made part of the public record, the recommending and decision-making bodies may impose conditions that are reasonably necessary

DRAFT

to assure compliance with applicable general or specific standards expressed in these regulations.

(2) The Planning Director shall include a copy of the conditions with the record of decision.

(3) The applicant shall be notified of any conditions imposed on the application.

24.5.7 Tabling of Application

***Purpose**: this section allows for the tabling of applications as needed to collect additional information, or to engage in further review.*

(a) Applicant Request. An applicant may request to table any application for a future meeting date. If the application was noticed, re-noticing will be at the applicant's expense:

(b) Director Request. The Planning Director may request to table any application for further review and consideration. In that case, the Planning Director shall provide notice and explanation to the applicant before the meeting at which the application is scheduled for hearing. Notice of the tabling will be given at the beginning of the scheduled meeting.

(c) Applications on hold. Applications placed on hold cannot exceed three (3) months, in which previous processes and fees paid need to be resubmitted.

24.5.8 Withdrawal of Application

(a) Generally. An application may be withdrawn at any time prior to formal consideration by the reviewing body.

(b) Fees. Withdrawal of an application after the determination of completeness results in the forfeiture of fees.

(c) No Public Hearing Required. If no public hearing is required, the applicant should give notice of the withdrawal to the Planning Director at the earliest possible time. This allows the Planning Director to notify other applicants of an agenda change.

(d) Public Hearing Required. If a public hearing is required, an applicant may request a withdrawal from the Planning Director at any time prior to opening of the hearing. Once the public hearing is opened, the reviewing body shall decide whether to approve the request and may instead act on the application.

24.5.9 Scope of Approval

(a) Generally. The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application, or denial of the application.

(b) Amendments. The reviewing body may allow amendments to the application if the effect of the amendment is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body may

DRAFT

not permit a greater amount of development, a more intensive use, a larger area of land than indicated in the original application, or a greater variance than was indicated in the notice.

24.5.10 Post-Decision Proceedings

(a) Revisions to Approval

(1) Major Revisions

a. A major revision is any revisions that the Planning Director determines is not a minor revision.

b. A major revision is approved by the original decision-maker is required in accordance with the procedures established for original consideration of the application.

c. In making a determination, the Planning Director may seek a recommendation from any recommending body involved in the original application process.

Division 2 Plans, Amendments and Annexation

24.5.11 Comprehensive Plan

(a) Applicability. This section applies to any action to adopt or modify the City's comprehensive plan, consistent with Sections 9.02 – 9.04 of the City Charter, and Chapter 213 of the Texas Local Government Code.

(b) Initiation. The City Manager shall submit a proposed comprehensive plan or proposed modification of the existing plan to the City Council. [*Reference: City Charter Section 9.03(B)*]

(c) Completeness. Not applicable.

(d) Notice. The following notice is required for a plan adoption or amendment:

Table 5.11-1 Notice-Comprehensive Plan

Notice	When	Where / To Whom / Additional Requirements
Publication	≥ 10 days before the Planning and Zoning Commission hearing	• notice published in a daily newspaper of general circulation printed in the city.
Website	≥ 15 days before the Planning and Zoning Commission hearing	• not applicable

(e) Decision

(1) Referral

a. The City Council shall refer the proposed plan or modification to the Planning and Zoning Commission.

b. The referral may specify a deadline for the Planning and Zoning Commission to report its recommendations.

(2) Planning and Zoning Commission Recommendation

DRAFT

a. The Planning and Zoning Commission consider the plan or modification at a public hearing.

b. After the hearing is closed, the Planning and Zoning Commission shall submit its recommendations:

1. To recommend approval the plan or modification, or

2. To recommend deny the plan or modification, or

3. To recommend to approve the plan or modification with revisions.

c. The Planning and Zoning Commission shall submit its recommendations within the time period prescribed by the City Council in its referral. If the City Council does not prescribe a time period, the Planning and Zoning Commission shall submit its recommendation within 180 days after the date of the Council's referral. If the Planning and Zoning Commission fails to act during this time period, the Planning and Zoning Commission is deemed to have submitted the proposed amendment with a recommendation to deny the plan or modification.

(3) City Council Decision

a. The City Council shall consider the plan or modification at a public hearing.

b. After the hearing is closed, the City Council shall by resolution:

1. Adopt the plan or modification, or

2. Deny the plan or modification, or

3. Approve the plan or modification with amendments, or

4. Remand the plan or modification to the Planning and Zoning Commission. The remand may include a deadline as provided in subsection (1) a above, and the failure to specify a deadline has the effect specified in subsection (2)c above.

(f) Approval Criteria

(1) The comprehensive plan shall include at least the following elements: land use, community facilities, and transportation.

(2) The plan shall contain an existing land use map and a future land use map.

(3) The plan shall include cross-references comparing future land use categories to comparable zoning districts. Pursuant to Texas Local Government Code § 213.005 (map of a comprehensive plan illustrating future land use shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."

(4) The plan shall include goals, objectives and policies for each element.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

DRAFT

(i) Scope of Approval. See Sections 9.03(C) and 9.04(C) of the City Charter.

(j) Recordkeeping. The Planning Department shall maintain a copy of the adopted Comprehensive Plan, and shall display the plan on its website.

24.5.12 Text Amendment

(a) Applicability. This section applies to any action of the City Council to amend, supplement or change the regulations of this Chapter. This includes the regulations, restrictions and boundaries or classification of property contained within this Chapter, a change to the Official Zoning Map (OZM) initiated by the City Council instead of a property owner, or regulations affecting subdivision plats.

(b) Initiation

(1) *Generally*. A text amendment may be initiated:

a. By the City Council on its own motion;

b. By City staff,

c. By motion by the Planning and Zoning Commission;

d. By application of any resident, property owner, or business owner within the City.

(2) Standard Technical Specifications Manual

a. The Standard Technical Specifications Committee shall review the Standard Technical Specifications Manual at least on an annual basis.

b. The Standard Technical Specifications Committee shall forward its recommendations for revision to the City Council. The City Council shall forward any amendments for consideration by the Planning and Zoning Commission for adoption as provided in subsection (e) below.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. The following notice is required for a text amendment:

Table 5.12-1 Notice-Text Amendment

Notice	When	Where / To Whom / Additional Requirements
Publication	≥ 10 days before the City Council hearing	
Website	Any time before the initial hearing	• not applicable

(e) Decision.

(1) *Generally*. All hearing and notification procedures shall comply with Chapters 211 or 212 of the Texas Local Government Code, as applicable.

(2) *City Council Hearing*. The City Council shall consider the text amendment at a public hearing. After the hearing is closed, the City Council shall by ordinance:

a. Adopt the text amendment, or

DRAFT

b. Deny the text amendment, or

c. Approve the text amendment with amendments, or

d. Remand the text amendment to the Planning and Zoning Commission.

(f) Approval Criteria. A text amendment is a legislative decision that is committed to the City Council's discretion. The City Council may approve the text amendment if:

(1) It is consistent with the comprehensive plan, and

(2) Promotes the public health, safety and general welfare.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval. The approval of a text amendment does not authorize the development of land. A text amendment allows property owners to apply for permits or actions that are consistent with its standards and requirements.

(j) Recordkeeping

(1) The text amendment involving only this Chapter shall be codified and published as part of the Laredo Code by the City Secretary.

(2) An amendment to the Standard Technical Specifications Manual shall be incorporated into the latest version of the Manual and published on the City's website.

24.5.13 Annexation

(a) Applicability. This section applies to the annexation of territory to the City, consistent with Texas annexation law (Texas Local Government Code, Chapter 43).

(b) Initiation.

(1) *Generally*. Annexations are initiated as provided by state law. All initial zoning requests shall be considered except the Agricultural District (AG) zone.

(2) *Annexation Schedule*. Voluntary annexation applications may be submitted year-round, but shall only be processed twice per year according to the following schedule.

a. First Cycle. Applications are due on the third Friday in January at 5 pm.

1. Staff review shall require four weeks when less than six applications are submitted in a cycle, six weeks when seven to twelve applications are submitted, eight weeks when thirteen or more applications are submitted.

2. Applications shall be presented at the first Planning Commission meeting which immediately follows staff review.

3. Applications shall be presented at the first three City Council meetings following the Planning Commission, for one public hearing, one

DRAFT

introductory reading, and one final reading, in accordance with State requirements.

4. Annexations be completed within 90 days after the date of the City Council introductory reading in accordance with State requirements. All documents and agreements must be signed within 90 days or the annexation application is void and the applicant must re-apply.

b. Second Cycle. Applications are due on the third Friday in July at 5 pm.

1. Staff review shall require four weeks when less than six applications are submitted in a cycle, six weeks when seven to twelve applications are submitted, eight weeks when thirteen or more applications are submitted.
2. Applications shall be presented at the first Planning Commission meeting which immediately follows staff review.
3. Applications shall be presented at the first three City Council meetings following the Planning Commission meeting, for one public hearing, one introductory reading, and one final reading, in accordance with State requirements.
4. Annexations shall be completed within 90 days after the date of the City Council introductory reading in accordance with State requirements. All documents and agreements must be signed within the 90 days or the annexation is void and the applicant must re-apply.

(c) Completeness. All information required by state law is required for any annexation initiated by a property owner and subject to submittal requirements outlined in Article 12 section 24.12.4.

(d) Notice. Public notice is required as provided by state law.

(e) Decision. Decision making procedures are provided by state law.

(f) Approval Criteria. The City's annexation policy is to evaluate annexation applications based on their conformance with the goals of the City's Comprehensive Plan.

(g) Subsequent Applications. Any limits on subsequent applications apply to the extent provided by state law.

(h) Appeals. Appeals procedures are provided by state law.

(i) Scope of Approval. The City will extend the regulations of this Chapter to annexed territory as provided by state law.

(j) Recordkeeping. Annexations are tracked as provided by state law.

DRAFT

Division 3 Zoning Procedures

24.5.14 Rezonings

(a) Applicability. This section applies to the change in the zoning classification of individual properties.

(b) Initiation. **Initiation**. A rezoning may be initiated by the owner of the subject property owner.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. The following notice is required for a rezoning:

Table 5.14-1 Notice-Rezoning

Notice	When	Where / To Whom / Additional Requirements
Publication	≥ 15 days before the Planning and Zoning Commission hearing	• not applicable
Mail *(see subsection (1) below)*	≥ 10 days before the Planning and Zoning Commission hearing ≥ 10 days before City Council appeal hearing (if applicable)	• All owners of property, or to the person rendering the property for taxes, located within 200 feet of any property affected. • If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given by publication. • If the rezoning affects residential or multifamily zoning, to each school district in which the property for which the change in classification is proposed is located.
Website	Any time before the initial hearing	• not applicable

(e) Decision

(1) *Planning and Zoning Commission Recommendation*. The Planning and Zoning Commission shall conduct a public hearing on the rezoning. If the public hearing is recessed, it can continue to a time and date certain, at least 10 days after the initial hearing after which a second meeting will occur. The Planning and Zoning Commission shall submit its recommendation:

a. To approval the rezoning, or

b. To deny the rezoning.

(2) Appeal to City Council

a. If the Planning and Zoning Commission recommends denial of the application, the applicant may appeal to the City Council.

b. The applicant shall file with the City Planning Department a written request for hearing before the City Council within 30 days of the Commission's decision.

c. The City Council shall consider the rezoning appeal at a public hearing. After the hearing is closed, the City Council shall by ordinance:

1. Approve the rezoning, or

DRAFT

2. Deny the rezoning, or
3. Approve the rezoning with conditions.

(f) Approval Criteria. In its review of an application for rezoning, the City Council shall consider the following criteria. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the Planning and Zoning Commission finds that a rezoning is inconsistent with the land use element of the Comprehensive Plan, the application shall not considered until a recommendation regarding a comprehensive plan amendment for the proposed zoning amendment is forwarded to the city council, either prior to or concurrently with the proposed zoning amendment.

(1) *Consistency*. The city council does not, on each rezoning hearing, redetermine as an original matter, the city's policy of comprehensive zoning. The city's zoning map shall not be altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.

(2) *Adverse Impacts on Neighboring Lands*. The city council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the city council finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings which promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.

(3) *Suitability as Presently Zoned*. The city council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

(4) *Health, Safety and Welfare*. The rezoning must bear a substantial relationship to the public health, safety, morals or general welfare or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.

(5) *Public Policy*. A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, or mixed-use development which functionally relates to the surrounding neighborhoods.

DRAFT

(6) *Size of Tract*. The city council shall consider the size, shape and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single city lot when there have been no intervening changes or other saving characteristic. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify an amendatory ordinance.

(7) *Other Factors*. The city council may consider any other factors relevant to a rezoning application under Texas law.

(g) Subsequent Applications

(1) This subsection applies if:

a. the applicant withdraws an application after notice of hearing is published, or

b. the City Council denies a rezoning application.

(2) If subsection (1) applies, the applicant shall not file any rezoning application for the same property during the waiting periods listed below:

a. Six (6) months to reapply for changes to the Zoning Map for the same or more intensive land use classification.

b. Three (3) months to reapply for changes to the Zoning Map for a less intensive land use classification.

(3) After the above waiting periods have concluded, the application expires and the applicant shall reapply the submittal process which includes payment of submittal fees.

(4) The above waiting periods begin with either the date of withdrawal of the prior application before the Planning and Zoning Commission or City Council or the date of the City Council's denial of the prior application.

(As amended 9/15/86, Ord. # 86-0-170)

(h) Appeals. Not applicable.

(i) Scope of Approval. The approval of a rezoning does not authorize the development of land. A rezoning allows the applicant to apply for a building permit, in the case of uses permitted as of right, or a conditional use permit, in the case of uses designated as special uses within the applicable zoning district.

(j) Recordkeeping. If the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning districts and indicating their boundaries. The Planning Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

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24.5.15 Conditional Use Permits

(a) Applicability. This section applies to any application for approval of a use designated as a Conditional Use in the Use Chart (see Section 24.2.16). If an application for a conditional use permit includes a subdivision of land, Division 4 of this Article also applies.

(b) Initiation. A conditional use permit may be initiated by the owner of the subject property owner.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. The following notice is required for a conditional use permit:

Table 5.15-1 Notice-Conditional Use Permit

Notice	When	Where / To Whom / Additional Requirements
Publication	≥ 15 days before the Planning and Zoning Commission hearing	• not applicable
Mail *(see subsection (1) below)*	≥ 10 days before the Planning and Zoning Commission hearing ≥ 10 days before City Council appeal hearing (if applicable)	• All owners of property, or to the person rendering the property for taxes, located within 200 feet of any property affected. • If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given by publication.
Website	Any time before the initial hearing	• not applicable

(e) Decision

(1) The Planning and Zoning Commission shall conduct a public hearing on the conditional use permit. The Planning and Zoning Commission shall submit its recommendation:

- **a.** To approval the conditional use permit, or
- **b.** To deny the conditional use permit, or
- **c.** To approve the conditional use permit with conditions.

(2) Appeal to City Council

- **a.** If the Planning and Zoning Commission recommends denial of the application, the applicant may appeal to the City Council.
- **b.** The applicant shall file with the City Planning Department a written request for hearing before the City Council within 30 days of the Commission's decision.
- **c.** The City Council shall consider the conditional use permit appeal at a public hearing. After the hearing is closed, the City Council shall by ordinance:
  - **1.** Approve the conditional use permit, or
  - **2.** Deny the conditional use permit, or
  - **3.** Approve the conditional use permit with conditions.

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(f) Approval Criteria. The Planning and Zoning Commission or City Council will approve a conditional use permit only if the applicant demonstrates that:

(1) The proposed specific use shall comply with all regulations of the applicable zoning district, the provisions of Article 4 of this chapter, and any applicable supplemental use regulations as set forth in Article 6 of this chapter.

(2) The proposed special use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal, as submitted or modified, shall have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than any other use generally permitted in the same district. In making this determination, the Planning and Zoning Commission or Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any policy of the comprehensive plan which encourages mixed uses and/or densities.

(3) Adequate utilities shall be provided as set forth in the utilities standards of this chapter (Section 24.4.7).

(4) Adequate measures shall be taken to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads.

(5) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(6) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.

(7) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

(8) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

(9) The public interest and welfare supporting the proposed specific use authorization shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.

(g) Subsequent Applications

(1) This subsection applies if:

a. the applicant withdraws an application after notice of hearing is published, or

DRAFT

b. the City Council denies a conditional use permit application.

(2) If subsection (1) applies, the applicant shall not file any conditional use permit application for the same property during the waiting periods listed below:

a. Six (6) months to reapply for the same or more intensive use.

b. Three (3) months to reapply for changes to a less intensive use.

(3) The above waiting periods begin with either the date of withdrawal of the prior application before the Planning and Zoning Commission or City Council or the date of the City Council's denial of the prior application.

(h) Appeals. Not applicable.

(i) Scope of Approval

(1) *Generally*. The approval of a conditional use permit does not authorize the development of land. A conditional use permit allows the applicant to apply for a building permit.

(2) *Violations.* Any conditional use permit is in violation of this Chapter and shall be suspended or revoked if:

a. A court having jurisdiction or a jury find the holder of the Conditional use permit guilty of a violation or if a holder of an conditional use permit pleads guilty of violating:

b. Any requirement or term or condition of the Conditional use permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set out in the Conditional use permit as approved by the City Council.

c. The activity authorized by the Conditional use permit commences prior to the institution of all conditions imposed by the Conditional use permit.

d. The use for which the Conditional use permit was authorized does not commence within 6 months of the effective date of the Conditional use permit. The Building Services Director may grant extension of up to 6 months\for good cause shown, upon petition of the conditional use permit holder.

e. The use for which the Conditional use permit is authorized is discontinued for 6 consecutive months.

(3) *Notification.* If the use discontinues or fails to commence as stipulated in this, Zoning Enforcement Staff will issue written notification to the property owner. Ten (10) days after issuance of this notice, the Planning Director shall issue the permit holder written notification of the Conditional use permit's official revocation and removal from the City of Laredo Zoning Map.

(j) Revocation

DRAFT

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

(2) Circumstances that warrant revocation of an improved conditional use permit include, but shall not be limited to, any of the following:

a. Violation of any of the conditions of the conditional use permit if not corrected to the satisfaction of the City within 90 days of the owner having received written notice of the violation and the means necessary to correct it;

b. A plea of guilty or no-contest to an offense that that occurs on the property for which the conditional use permit is granted involving any zoning ordinance or provision of the City Land Development Code;

c. The building, premise, or land uses under the conditional use permit is enlarged; structurally altered, or otherwise significantly changed without the approval a of a separate conditional use permit for such enlargement, modification, structural alteration or change;

d. Violation of any provision of the site plan encompassing the property for which the conditional use permit was issue for, terms or conditions of a conditional use permit;

e. The conditional use permit was obtained by fraud or with deception.

(3) *Revocation process.* The revocation process shall be conducted through a public hearing and recommendation by the Zoning Commission followed by a public hearing and ordinance amendment consideration by the City Council. The City Council may revoke the conditional use permit; deny the revocation and allow the use to continue, or deny the revocation and amend the conditional use permit to attach conditions to assure that the terms, conditions and requirements of the conditional use permit be met.

(4) *Effect of revocation.* Upon the effective date of the revocation, it shall be unlawful to undertake or perform any activity that was previously authorized by the conditional use permit. Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

(k) Recordkeeping. A certified copy of all ordinances authorizing a conditional use permit pursuant to this section shall be recorded by and at the expense of the applicant in the name of the property owner as grantor in the office of the county clerk.

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24.5.16 Historic District or Landmark Plan Review

(a) Applicability.

(1) This section applies to every application or review involving:

a. alterations and/or additions to existing structures in an "H" (Historic) district (section 24.5.16),

b. alterations and/or additions to locally significant historic landmarks, or

c. the erection of any new structure within a historic district.

(2) No permit shall be issued for the alteration, construction or demolition of any structure located in a historic district or for any locally significant historic landmark without the approval of the Historic District/Landmark Board. However, the Building Official may order the immediate demolition of any structure in imminent danger of collapse that represents a significant threat to the public safety.

(3) No permit shall be issued for the installation of any sign or monument in the historic district without the prior submittal completeness and approval of the Historic District/Landmark Board.

(4) Only activity requiring a building permit is subject to review by the Historic District/Landmark Board.

(5) The following activities are exempt from Historic District/Landmark Board review:

a. The proposed use, interior arrangement, or interior design of any structure

b. Repairs and renovations to existing buildings which do not alter the exterior appearance

c. Activity which does not require a building permit

d. The addition, repair, or renovation of utilities and services such as power, water, sewer, and communication lines

(6) The Historic District/Landmark Board may authorize staff to administratively approve activities which require Board approval. For any of those activities, any reference to the Historic District/Landmark Board is deemed to refer to staff.

(b) Initiation.

(1) Applications (see Article 12 for contents) shall be filed with the Historic Preservation Officer before meeting with the Historic District/Landmark Board at least 20 days prior to a regularly scheduled meeting of the board.

(2) Applications shall be accompanied by drawings and submitted for approval by the Historic District/ Landmark Board.

(c) Completeness. See Section 24.5.3(b).

DRAFT

(d) Notice. See table 5.15-2.

Table 5.15-2 Notice-Historical District or Landmark

Notice	When	Where / To Whom / Additional Requirements
Publication	≥ 15 days before the Historic District/Landmark Board hearing	• not applicable
Mail	≥ 10 days before the Historic District/Landmark Board hearing ≥ 10 days before City Council appeal hearing (if applicable)	• All owners of property, or to the person rendering the property for taxes, located within 200 feet of any property affected. • If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given by publication.
Website	Any time before the initial hearing	• not applicable

(e) Decision.

(1) The Historic District/Landmark Board shall review the application and and shall approve, approve with conditions, or deny the application.

(2) 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 90 days.

(f) Approval Criteria. In reviewing an application, the Historic District/Landmark Board shall consider the guidelines established in the Secretary of the Interior's Standards for Rehabilitation and Urban Design Guidelines.

(g) Subsequent Applications. Not applicable.

(h) Appeals. 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.

(i) Scope of Approval. After the plan is approved, the applicant may apply for a building permit or certificate of occupancy consistent with any conditions established by the Historic District/Landmark Board.

(j) Recordkeeping. The applicant and Planning Director shall maintain a copy of the approved application.

DRAFT

Division 4 Subdivision Procedures

24.5.17 General Subdivision Procedures

(a) Applicability

(1) *Generally*

a. This Division applies to any subdivision, except as provided in subsection 24.5.17(a)(3) below.

b. For plats within the ETJ, the County Planning Department will place the plat before the County Commissioners Court. Once approved and executed by the Commissioners Court, the plat will be forwarded to the City Planning Department by the County Planning Department for recordation.

c. If this Chapter or any other City ordinance requires a property owner to have a plat of that land submitted to and approved by the Planning and Zoning Commission, that plat is deemed a subdivision plat within the meaning of this Chapter. The proposed plat must meet the procedural and substantive requirements of this Division to be approved. This applies whether the proposed plat includes only one lot, or more than one lot. (As amended 11/21/88, Ordinance # 88-0-148)

(2) *Unlawful to Subdivide Land Except by an Approved Plat*

a. It is unlawful for property owner, or agent of a property owner, having any land within the City of Laredo or within the extraterritorial jurisdiction of the corporate limits of the City of Laredo, to subdivide or lay out that land in lots unless by a plat approved and recorded pursuant to the regulations contained in this Division and the applicable provisions of this Chapter.

b. The City may approve an amending plat without notice, hearing, or approval of other lot owners if the sole purpose is as authorized under Section 212.016 of the Local Government Code.

c. A lot of record may only be developed if existing public infrastructure is already in place (or payment by the land owner for placement and construction).

(3) *Exemptions*. This Division does not apply to:

a. a conveyance of a parcel of land to or between adjoining property owners which does not create an additional building lot,

b. a conveyance of land in excess of 50 acres, which does not create a new street, and is used for agricultural purposes,

c. a conveyance in one instrument to the same grantee or grantees of all of a lot of record,

DRAFT

d. the sale or conveyance of abutting street rights-of-way, whether improved or unimproved, to adjacent property-owners by the City of Laredo, or

e. The development of any lot of record as defined Article 9 of this Chapter. (As amended 12/7/09, Ordinance # 2009-O-213)

(b) Scope of Approval

(1) *Floodplain*. All plat approvals, whether preliminary or final, in which an area of special flood hazard exists, and which requires compliance with the Flood Hazard District (F) and a Flood Insurance Rate Map Revision is required are valid for 48 months from the initial date of plat approval. The owner or applicant may not extend this term.

(c) General Standards. The following standards apply to all plats, and are in addition to the design specifications required by either the City Engineering Department or the City of Laredo Utilities.

The following standards ensure that the development of any property subject to the City's subdivision regulations is completed in a manner that follows the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City, and to insure the public welfare.

(1) No land shall be used for a purpose prohibited by any restrictive covenant, inscribed on the plat as approved by the Planning and Zoning Commission, nor shall any land be used that is not in accordance with the regulations of this ordinance.

(2) No building shall be erected, converted, enlarged, reconstructed or structurally altered or moved for a purpose or purposes prohibited by covenants incorporated as plat restrictions and approved by the Commission.

(3) No building shall be erected, nor moved, nor shall any permit be issued for an improvement by the Building Official, on a parcel of land, except on a lot as platted in accordance with this Division.

(4) No building shall be enlarged except on a parcel of land platted in accordance with this Division.

(5) No building affected by fire, flood, wind, or other disaster shall be reconstructed beyond 50% of its present floor area except on a lot as platted in accordance with these regulations.

(6) The acceptance of a final plat by the City of Laredo does not obligate the City to finance or furnish any storm sewers, drainage structures, or street or water or sewer improvements or any other improvements within the approved subdivision. Expenditure of public funds for these purposes must be approved by ordinance passed by the City Council of the City of Laredo. (As amended 4/20/87, Ordinance # 87-0-83)

(d) Building Permits on Unplatted Land. The Building Official may issue a permit on a parcel of land not platted in accordance with this Division only if:

DRAFT

(1) The permit is for the repair, improvement or reconstruction of an existing single-family residential structure located within the City that does not further encroach in any building setback, except upon the approval of a variance from the Board of Adjustment.

(2) Any permit request to remedy a residence unsafe as per Section 103.2, Unsafe Residential buildings, of the Standard Housing Code (see Section 16-16 of the Laredo Code) or Chapter 16, Article 4 of the Laredo Code.

(3) The permit is for construction on an oil and gas exploration or extraction site after the issuance of a conditional use permit by the City Council (see Section 24.6.17 (Oil & Gas Production and Extraction)).

(4) The permit is for the removal of a mobile home, or the demolition of a house or building.

(5) The permit is for improvements or construction on city owned property for which a public purpose is intended, specifically a park or utility enhancement.

(6) The permit is for improvements or construction on property that is a lot of record located in Eastern or Western Division. Excluded from this exception is a lot of record within one block of the intersection of any two arterials and/or collectors identified on the City of Laredo's Major Thoroughfare Plan.
(Created on 12/7/09, Ordinance # 2009-O-213)

(e) Improvements by Political Subdivisions. A building permit, permit for electricity or permit for other construction related services may be issued for the construction of improvements by a political subdivision of the State of Texas on property (for which a public purpose is intended and there will be no resale of the property) which has received final plat approval by the Planning and Zoning Commission but has not recorded the plat, if:

(1) A resolution, order or ordinance is approved by the governing body of the political subdivision that clearly guarantees that any public improvements shall be constructed in accordance with the plans and specifications submitted to and approved by the Planning and Zoning Commission and the City (including all City departments which have review and approval authority).

(2) A written request, accompanied by a certified copy of the resolution, order, ordinance or certified minutes, is submitted to the City Manager by the chief Executive Officer or Director of the political subdivision which clearly requests the issuance of a building permit, other permit for electricity or permit for other construction related services and reaffirms the political subdivision's guarantee to complete the public improvements. Once the City Manager has approved that request, the request is forwarded to the City Council for approval. Once approved by the City Council, the City may issue

DRAFT

building permits or other permits for electricity or other construction related services.

24.5.18 Preliminary Plat

(a) Applicability. This section applies to any application for approval of a preliminary plat of subdivision.

(b) Initiation

(1) Applicants shall submit the information required by Article 11 of this Chapter. All subdivision plats, maps, fees, and related materials subject to the provisions of this chapter shall be submitted to the Director of Planning not later than four o'clock p.m. 15 days prior to the next regular Commission meeting, unless subject to the requirements of a public hearing pursuant to Section 212.105 of the Local Government Code governing the replat of property zoned R-1 (Single Family Residential District) during the preceding 5 years, or restricted to residential uses for not more than 2 family dwellings per lot. Plats, maps, fees, and related materials for replats requiring notification shall be submitted to the Director at least 25 days prior to the Commission meeting at which the public hearing is to be held.

(2) New developments shall be subject to the Model Subdivision Rules as granted by the Texas Administrative Code, Title 31, Part 10, Chapter 364.

(3) The proposed method(s) of providing water and sewage facilities to the subdivision in conformance with Section 212.105 of the Local Government Code, and in conformance with the model rules adopted under Section 16.343 Texas Water Code.

(4) A Master Plan (also referred to herein as a General Plan) shall be submitted for any subdivision proposed to be developed in sections or as a phased development.

(5) Incomplete applications shall be returned to the applicant within 48 hours of submittal. Following the submission of a completed application, the written comments and recommendation of the city staff shall be made available to the applicant(s) within 8 days prior to the Commission meeting.

(c) Initiation. The applicant shall file a complete application with the Planning Department.

(d) Completeness. See Section 24.5.3(b).

(e) Notice. Not applicable.

(f) Decision

DRAFT

(1) *Staff Review*. The Planning and Zoning Department will review the application and submit any comment and/or recommendations and place it on the Planning and Zoning Commission agenda.

(2) *Generally*. The Commission will review each plat filed pursuant to this chapter and take the following action:

a. If the plat complies with all provisions of this chapter, the Commission shall approve the plat, or

b. Defer action until the next regular meeting that occurs within 30 days after the filing date, or

c. Approve the plat with conditions, or

d. Disapprove the plat if it fails to comply with this chapter, or

e. Grant simultaneous preliminary and final plat approval if:

1. The application is a reapplication for a plat that expired within 3 years of the new application, and that fully complies with previous approval conditions;

2. If there have been any changes to codes or construction plans such that the plat would not receive approval if submitted today, the plat is no longer exempt and must go through the preliminary approval process again;

3. The plat covers a residential lot or lots in the Eastern or Western Division where the total area is less than 20,000 square feet served by water and wastewater facilities with frontage on an existing local public street;

4. The plat covers a single lot, or includes a single commercial or industrial reserve contained within an approved Master Plan, where no additional lots or streets are proposed; or

5. The plat vacates an existing plat.

(3) *Master Plan Accompanying Preliminary Plat.* The Planning and Zoning Commission may approve the Master Plan as submitted, approve the Master Plan subject to the comments and recommendations made by the Planning and Zoning Department and/or amend, modify or add to those comments.

(g) Approval Criteria. No person shall subdivide any tract of land except in conformity with this Chapter. The Planning and Zoning Commission shall approve a preliminary plat only if it conforms to:

(1) The comprehensive plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

(2) The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within Laredo and in its

DRAFT

extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

(3) The rules and regulations of Article 4 of this Chapter.

(h) Subsequent Applications. The Commission may reconsider the conditions for granting approval within 12 months following Commission approval upon the applicant's written request. The request shall be submitted on forms approved by the Department and shall state the specific requirement or condition of approval to be reconsidered and the reasons for reconsideration. The Commission may:

(1) affirm its previous action(s);

(2) rescind its previous action(s) if the merits of the situation warrant; or

(3) grant a variance as provided under this chapter.

(i) Scope of Approval

(1) *Timing*. All preliminary plat approvals and any conditions are valid for 30 months from the date on which the approval was granted. The Commission may, upon written request of the owner or applicant and in conformance with the submittal requirements of this chapter, prior to the expiration of plat approval, extend this term of approval for 1 additional 6 month period. No preliminary plat shall remain valid for longer than 36 months from the date of approval.

(2) Master Plan Accompanying Preliminary Plat

a. *CAD File Required*. The subdivider shall submit a geo-referenced CAD file (see Article 11 for contents and specifications) of the approved Master Plan within 10 business days after the Planning and Zoning Commission approves the Master Plan. No preliminary plat of any property which is the subject of a Master Plan shall proceed until the subdivider has submitted paper copies and CAD file of the approved Master Plan as provided in Article 11.

b. If a Master Plan is approved subject to comments, the applicant shall revise the Master Plan and submit the revised Master Plan to the Department of Planning and Zoning within 10 business days of the approval. The revised Master Plan shall guide the Commission and the Developer/Owner in the review of sectional plans covering portions of land contained within the Master Plan.

c. An approved Master Plan is valid until all phases or units contained in the plan are completed, or upon receipt of a proposal to modify the plan filed by the developer. An approved master plan/general plan is void if at any time after approval more than 36 months elapses with no subsequent plat application filed.

DRAFT

d. To the extent allowed by law, an approved Master Plan with "substantial alterations" constitutes the first in a new series of permits as defined in Chapter 245 of the Texas Local Government Code for that portion of an approved plan that is altered. In applying these provisions, a "substantial alteration" is considered any of the following actions if done through the initiative of the property owner or the property owner's agent:

1. Change in alignments or right-of-way of any proposed arterial or collector roadways.

2. Alteration of the proposed land use of any tract within the approved Master Plan. Land uses are defined by the City of Laredo's Comprehensive Plan.

(j) Recordkeeping. A preliminary plat is not considered a subdivision plat, and is not recorded with the County Office. The Planning Director and the applicant shall maintain copies of the preliminary plat for purposes of inspection and final plat approval.

24.5.19 Final Plat

(a) Applicability. This section applies to the approval of final plats for recording with the County Clerk.

(b) Initiation. The applicant shall file a final plat application, along with the materials required in Article 12, with the Planning Director.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) The Planning and Zoning Commission shall approve or deny (with reasons) the final plat within 30 days from the time of proper filing.

(2) City Engineer Review and Approval

a. The Planning Department will send the original plat to the City Engineer. The Chairperson of the Planning and Zoning Commission shall not sign the plat until the City Engineer signs the plat.

b. Within 30 working days the City Engineer shall find, prior to signing the plat, that:

1. The plans and specifications comply with this Chapter.

2. Monuments are placed as specified in Article 4.

3. The calculations on the drawing are technically correct.

4. If a bond or other guarantee is required, the proper instrument is approved by the City Attorney in the value required.

DRAFT

c. The City Engineer shall notify the applicant if the plans and specifications, monuments, or bond or other security are incorrect.

d. As soon as any necessary corrections are made, the City Engineer shall sign and date the plat.

e. After signing the plat, the Engineer Department shall deliver the original plat to the Planning Director for recording.

(3) After the City Engineer's signature, if required by the County Commissioners, the Planning Director shall place the plat before the County Commissioners for their review and approval. After the plat is approved by the County Commissioners, the Planning Director shall record the plat.

(f) Approval Criteria

(1) Final plats shall comply with the conditions of plat approval imposed by the Commission, if any, and the following additional requirements.

(2) No person shall subdivide any tract of land except in conformity with this Chapter. The Planning and Zoning Commission shall approve a final plat only if it conforms to:

a. The comprehensive plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

b. The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within Laredo and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

c. The rules and regulations of Article 4 of this Chapter.

(3) The Commission may deny final approval of any subdivision plat or replat if:

a. The subdivider has proceeded with the construction of any permanent improvements prior to the final approval of the plat; or

b. The subdivider has finalized the conveyance of a legal interest in lots or tracts of land within a subdivision which is not properly recorded or not in compliance with the provisions of this chapter and not excepted from the requirements of this chapter.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval

(1) *Timing*. If the final plat is not recorded within 30 months from date of approval and performance guaranteed in one of the forms required by Section 24.4.3, the plat expires. Upon the applicant's written request, the Planning Director shall approve one six-month extension of this deadline. If the owner resubmits the plat, the plat is resubmitted in the same manner as for a previously unsubmitted plat.

DRAFT

(2) *Water and Sewer Service.* No water or sewer services shall be provided, and no building permits issued to any buildings or lot (except for those buildings already provided with those services) after 1 year from the plat's recording unless all improvements as required by the Planning and Zoning Commission are approved.

(j) Recordkeeping.

(1) The Planning Director shall:

a. Record the plat in the responsible County Office of the applicant complies with Section 24.4.3 and pays all the necessary fees, and

b. File a copy of the performance agreement described in Section 24.4.3.

(2) If the County records only a reduction copy of the original plat, the Planning Director shall maintain the original or a copy of the original. The applicant bears the costs of reducing the original for recording by the County. The County may maintain custody of the original. The applicant may make a reproducible copy of the original.

(3) After the plat is recorded, the City Planning Department and the City Engineering Department will make changes to all pertinent city maps for which they are responsible.

DRAFT

24.5.20 Minor Plat

(a) Applicability. This section applies to minor plats described by Texas Local Government Code § 212.0065.

(b) Initiation. The applicant shall file a minor plat application, along with the materials required in Article 12, with the Planning Director.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) The City Engineer and the Planning Director will jointly approve the minor plat.

(2) The City Engineer or the Planning Director may, for any reason, elect to present the minor plat for approval to the Planning and Zoning Commission.

(3) The City Engineer or the Planning Director shall not disapprove the minor plat, and shall refer any minor plat which they refuse to approve to the Planning and Zoning Commission within the time period specified in Texas Local Government Code § 212.009.

(f) Approval Criteria. No person shall subdivide any tract of land except in conformity with this Chapter. The Planning and Zoning Commission shall approve a minor plat only if it conforms to:

(1) The comprehensive plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

(2) The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within Laredo and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

(3) The rules and regulations of Article 4 of this Chapter.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval. Minor plats are valid for 30 months from the initial date of approval. The Commission may, upon written request of the owner or applicant and in conformity with the submittal requirements of this chapter, extend this term for only 1 additional 6 month period.

(j) Recordkeeping. A minor plat is recorded in the same manner as a final plat (see Section 24.5.19(j).

24.5.21 Construction Plans

(a) Applicability

(1) Construction plans for all water and sewer improvements approved by the Director of Public Utilities.

DRAFT

(2) Construction plans for water and sewer improvements are not required if the Commission finds that water and sewer service facilities are unnecessary to the subdivision, and:

a. a statement to that effect is placed on the face of the plat, and

b. the statement is accompanied by an affidavit of exemption by the engineer preparing the plat, certifying that those facilities are unnecessary pursuant to the requirements of Section 212.0105(B) of the Local Government Code.

(b) Initiation. The subdivider shall submit:

(1) Complete plans and specifications for any proposed improvements, streets, drainage structures, utilities, and related improvements performed by the subdivider to the Engineering Department.

(2) Plans and calculations for storm sewers and special structures to the Engineering Department.

(3) Plans and profiles of water and sewer utility lines to Laredo Waterworks System and the City Utilities Department.

(4) Where required by Article 11, grading and drainage plans to the Engineering Department.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision. The agencies listed in subsection (b) above shall review the construction plans.

(f) Approval Criteria. All improvements to be done shall be in accordance with the design standards of the City of Laredo in effect at the time of submission of the plat.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval

(1) If any part of the proposed construction is considered unsatisfactory and below the standard required under the circumstances, construction operations start on the affected portion until alterations are made to conform to the standards required by the City of Laredo.

(2) The applicant shall schedule a preconstruction meeting prior to notify the City Engineer and the Director of the Utilities Department before beginning construction so that they may inspect that work during construction.

(j) Recordkeeping. After the improvements are completed, the applicant shall furnish a final set of plans in detail to the City Engineer and the Utilities Department Director. A Registered Professional Engineer shall prepare the plans and certify them as complete and correct "as built" improvements plans.

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24.5.22 Replats

(a) Applicability. Pursuant to Texas Local Government Code § 212.014, 212.0145, and 212.015, a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if either:

(1) The replat:

a. Is signed and acknowledged by only the owners of the property being replatted;

b. Is approved by the Planning and Zoning Commission; and

c. Does not attempt to amend or remove any covenants or restrictions, or

(2) The replat:

a. is signed and acknowledged by only the owners of the property being replatted; and

b. involves only property:

1. of less than one acre that fronts an existing street; and

2. that is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention.

(3) Either:

a. During the preceding 5 years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

b. any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

(b) Initiation. Unless subsection (a)(2) applies, the applicant shall file a replat application, along with the materials required in Article 12, with the Planning Director.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. The following notice is required if subsection (a)(3) applies:

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Table 5.22-1 Notice-Replat

Notice	When	Where / To Whom / Additional Requirements
Mail	*If the replat requires a variance or exception:* ≥ 10 days **before** the Planning and Zoning Commission hearing	• Owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. • A copy of subsection (e)(2) must be attached to the notice. • The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
	If the replat does not require a variance or exception: ≤ 10 days **after** the Planning and Zoning Commission hearing	• Each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This does not apply to a proposed replat if the Planning and Zoning Commission holds a public hearing and gives notice of the hearing in the manner above.

(e) Decision

(1) The City Engineer or the Planning Director may, for any reason, elect to present the replat for approval to the Planning and Zoning Commission.

(2) The City Engineer or the Planning Director shall not disapprove the replat, and shall refer any replat which they refuse to approve to the Planning and Zoning Commission within the time period specified in Texas Local Government Code § 212.009.

(3) If subsection (a)(3) applies and requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (¾) of the members present of the Planning and Zoning Commission. For a legal protest, written instruments signed by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing.

a. In computing the percentage of land area under this subsection, the area of streets and alleys are included.

b. This subsection does not apply if if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

DRAFT

(f) Approval Criteria. No person shall replat any tract of land except in conformity with this Chapter. The Planning and Zoning Commission shall approve a replat only if it conforms to:

(1) The comprehensive plan and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

(2) The transportation plan and major thoroughfare plan for the extension of major thoroughfares, streets, and public highways within Laredo and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

(3) The rules and regulations of Article 4 of this Chapter.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval

(1) The replat may be recorded and is controlling over the preceding plat without vacation of that plat.

(2) Replats are valid for 30 months from the initial date of approval. The Commission may, upon written request of the owner or applicant and in conformity with the submittal requirements of this chapter, extend this term for only 1 additional 6 month period.

(j) Recordkeeping. A minor plat is recorded in the same manner as a final plat (see Section 24.5.19(j).

24.5.23 Vacating Plats

(a) Applicability. Pursuant to Texas Local Government Code § 212.013:

(1) the proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold, or

(2) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(b) Initiation. See Section 24.5.19(b)

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision. See Section 24.5.19(e)

(f) Approval Criteria. See Section 24.5.19(f)

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval. Vacating plats are valid for 30 months from the initial date of approval. The Commission may, upon written request of the owner or applicant and

DRAFT

in conformity with the submittal requirements of this chapter, extend this term for only 1 additional 6 month period.

(j) Recordkeeping. See Section 24.5.19(j).

24.5.24 Amending Plats

(a) Applicability. This section applies to amending plats described by Texas Local Government Code § 212.016.

(b) Initiation. The applicant shall file an amending plat application, along with the materials required in Article 12, with the Planning Director.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat. [*Reference: Texas Local Government Code § 212.016(b).*]

(e) Decision

(1) The City Engineer and the Planning Director will jointly approve the amending plat.

(2) The City Engineer or the Planning Director may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission.

(3) The City Engineer or the Planning Director shall not disapprove the plat, and shall refer any plat which they refuse to approve to the Planning and Zoning Commission within the time period specified in Texas Local Government Code § 212.009.

(f) Approval Criteria. See Section 24.5.19(f)

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval. Amending plats are valid for 30 months from the initial date of approval. The Commission may, upon written request of the owner or applicant and in conformity with the submittal requirements of this chapter, extend this term for only 1 additional 6 month period.

(j) Recordkeeping. See Section 24.5.19(j).

24.5.25 Certificate of Compliance

(a) Applicability. This section applies to any request for certification as to compliance with the subdivision regulations of this Chapter for a previously approved and recorded plat.

(b) Initiation. The applicant shall file an application for a certificate of compliance, along with the materials required in Article 12, with the Planning Director.

DRAFT

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) The Planning and Zoning Commission shall issue a certificate of compliance upon the written request of an owner, public utility, political subdivision, or Municipal Corporation within 20 days after the request is filed.

(2) If the Planning Director determines that a subdivision plat or replat is not required, a written certification of that determination shall be issued within 10 days after the application for the plat or determination is made.

(f) Approval Criteria. The certificate of compliance shall issue if:

(1) the tract of land is specifically identified in the request; and

(2) the Commission has determined that a subdivision plat or replat is required under the provisions of this chapter; and

(3) the plat or replat has been reviewed and approved by the Commission pursuant to the requirements of this chapter.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval. A certificate of compliance has no formal effect on the permitting processes of this Chapter.

(j) Recordkeeping. The applicant and Planning Director shall maintain copies of any approved certificate of compliance.

DRAFT

Division 5 Stormwater Permitting

24.5.26 Administration and Permitting Process

(a) Designated Administrator. The City Engineer shall implement and enforce the provisions of this Division. Any powers granted to or duties imposed in this Code upon the City Engineer may be delegated to other qualified City personnel.

(b) Duties. The Administrator's duties are to:

(1) Review all storm water concept plan applications and storm water management permit applications to determine that the permit requirements of this Division are satisfied.

(2) Review all storm water concept plan applications and storm water management permit applications to determine that all necessary federal, state or local governmental agency approvals are secured and do not conflict with provisions of this Division.

(3) Review all storm water concept plans applications and storm water management permit applications with the Flood Administrator to determine if the proposed development/redevelopment and construction activity is located in a floodway and ensure that Section 24.2.20 (Flood Hazard District) is satisfied.

(4) Require an applicant for a storm water management permit to execute an affidavit on behalf of the applicant and its heirs, successors and assigns, agreeing that until the drainage improvements are accepted by the City, applicant shall save and hold harmless the City, its officers, employees and appointed officials for any damages arising from loss of property, personal injury or death, loss of access of property, or other consequential damages as a result of a development permit being granted pursuant to this Article. However, the City shall indemnify and hold applicant harmless from any and all actions or proceedings arising out of the sole negligence or willful act of City. The affidavits shall be filed with the City Secretary.

(5) Develop and implement an inspection program for storm water facilities within the City of Laredo and its jurisdictional areas.

24.5.27 Storm Water Management Permit

(a) Applicability

(1) A Storm Water Management Permit is required for all land disturbances of 1 acre or larger in accordance with current Environmental Protection Agency/ National Pollutant Discharge Elimination System requirements (EPA/NPDES) for storm water discharges. This includes permit requirements for land disturbances of some sites under 1-acre in environmentally sensitive areas.

(2) If any other provision or ordinance of the City of Laredo conflicts with this Division, that which provides more environmental protection applies unless specifically provided otherwise in this Division.

(3) The City Engineer is authorized to adopt written procedures for the purpose of carrying out the provisions of this Division. The Storm Water Management Guidance Manual is the repository of all current and effective procedures.

(b) Initiation

(1) *Responsibility of Licensed Professional Engineer.* All documents, calculations, plans, and related documents submitted to the City Engineer as part of the storm water management review process shall be signed and sealed by a licensed professional engineer unless stated otherwise in this Code. The engineer shall use the best available information and current acceptable level of practice in the design of storm water management systems taking into consideration their potential off-site impacts.

(2) *Scope of Development Plans*

DRAFT

a. In developing plans for subdivisions, individual lots in a subdivision development are not considered separate land disturbing activities and do not require individual permits. Instead, the subdivision development, as a whole, is considered a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

b. If individual lots or sections in a subdivision are developed by different property owners, all land disturbing activities related to the subdivision shall be covered by the approved storm water management plan permit for the subdivision. Individual lot owners or developers shall sign a certificate of compliance that all activities on that lot will be carried out in accordance with the approved storm water management plan permit for the subdivision.

c. Construction drawings for subdivisions which are submitted for approval prior to the effective date of these regulations are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision. The Administrator shall review and approve or deny the Stormwater Management Permit application.

(f) Approval Criteria. The Administrator shall approve the Stormwater Management Permit application only if it complies with all applicable provisions of Section 24.4.5 (Stormwater Management).

(g) Scope of Approval

(1) *Permit Conditions.* No storm water management permit shall be issued or modified without the following:

a. Right of entry by the City for emergency maintenance if necessary;

b. Right of entry by the City for inspections;

c. Any off-site easements needed; and

d. An approved storm water management plan.

(2) Storm Water Permit Suspension and Revocation

a. A Storm Water Management Permit shall be issued prior to commencement of construction activity

b. A storm water management permit may be suspended or revoked if one or more of the following violations are committed:

1. violation(s) of the conditions of the storm water management plan approval;

DRAFT

2. construction not in accordance with the intent of the approved plans;
3. noncompliance with correction notice(s) or stop work order(s); or
4. the existence of an immediate danger in a downstream area in the reasonable judgment of the City Engineer.

c. If one or more of these conditions is found, a written notice of violation shall be served upon the owner or authorized representative and an immediate stop-work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately or the owner shall be deemed in violation of this Code.

(h) Recordkeeping

(1) The approved storm water management plan shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to the storm water management plan or previously approved revisions.

(2) In addition to the plans and permits required from the City, applicants shall obtain all applicable state and federal permits required for the proposed development prior to issuance of a storm water management permit.

(3) A copy of the approved storm water management plan permit placard shall be posted in clear public view at the construction site from the date of commencement of construction through the date of final stabilization.

DRAFT

24.5.28 Simplified Storm Water Management Control Plan

(a) Applicability. For all land disturbing activities that do not require the issuance of a storm water management permit, the person responsible for the land disturbing activity shall submit a simplified storm water management control plan (see Article 12 section 24.12.10).

(b) Initiation. The applicant shall file an application for a simplified storm water management control plan with the City Engineer.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision. A simplified storm water management control plan does not require approval by the City Engineer and does not require preparation or certification by a licensed professional engineer.

(f) Approval Criteria. The simplified storm water management control plan shall comply with all applicable provisions of Section 24.4.5 (Stormwater Management).

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

(i) Scope of Approval.

(1) The storm water management control plan shall contain authorization by the person responsible for the land disturbing activity of the right of the City Engineer to conduct on-site inspections.

(2) The storm water management control plan shall contain certification by the persons responsible for the land disturbing activity that the land disturbing activity will be accomplished in accordance with the plan.

(j) Recordkeeping. The applicant shall maintain the materials described in subsection (i) above.

24.5.29 Storm Water Concept Plans

***Purpose**: the storm water concept plan allows the City to review the proposed development / redevelopment or construction activities prior to extensive design. This allows the City to ensure that all aspects of the storm water management standards are addressed early in the design process. Additionally, it allows the developer/engineer the opportunity to address all aspects of the design, with regard to this Division, with the City prior to extensive design and plan development.*

(a) Applicability. A storm water concept plan for each development / redevelopment and construction activity shall be submitted for review by the City Engineer prior to submission of the storm water management plan and construction plans for the entire development / redevelopment or construction activity, or any portion of the development / redevelopment.

(b) Initiation.

(1) The developer and its engineer is responsible for the accuracy of the information furnished in the design of the storm drainage facilities, pertaining to both the development / redevelopment or construction site in question (on-site) and affected (off-site) properties.

(2) If any storm water management plan involves any storm water management facilities or land to be dedicated to public use, the same information shall also be submitted for review and approval to the department having jurisdiction over the land or other appropriate departments or agencies identified by the City Engineer for review and approval.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) The storm water concept plan may be reviewed, if needed, with the designer, after City Engineer review, where it will either be approved, approved with changes, or rejected. If rejected, then changes, additional analysis, or other

DRAFT

information necessary to approve the next submittal of the concept plan shall be identified.

(2) The City Engineer's review of the storm water concept plan will be completed within 10 working days from receipt of the plan.

(3) Within 10 working days from receipt of the storm water concept plan, the City Engineer shall issue a decision either approving, rejecting or conditionally approving the plan with modification.

(f) Approval Criteria

(1) The storm water concept plan shall comply with all applicable provisions of Section 24.4.5 (Stormwater Management).

(2) All drainage easements, both on-site and off-site, shall be dedicated to the City of Laredo, with the easement called-out and appropriately identified as an easement to be dedicated to the City of Laredo for drainage purposes. Appropriate drainage easements on designated floodways (HUD-FEMA Maps) shall be properly described.

(3) Compliance with Federal Emergency Management Agency (FEMA) regulations is mandatory. All subdivisions shall conform to the "Federal Disaster Protection Act of 1973, Public Law 93-234, passed by the 93rd Congress, H.R. 8449, December 31, 1973 (the latest revision thereof).

(g) Subsequent Applications. Not applicable.

(h) Appeals. See Section 24.5.32.

(i) Scope of Approval

(1) All preliminary plats of the development / redevelopment or construction activity shall be consistent with the storm water concept plan.

(2) Upon approval of the concept plan, the applicant shall submit a final storm water management plan (as part of the construction plans) to the City Engineer for review and approval. The City Engineer may accept and submit into the review process a storm water concept plan if it identifies the location and type of facilities to be constructed in sufficient detail to accurately assess proposed impacts and the City Engineer determines that a storm water management plan is not needed. If accepted under this provision, the storm water concept plan then becomes the storm water management plan for this development.

(3) Upon approval by all departments and agencies listed in subsection (b), this storm water management plan serves as the basis for all subsequent construction.

(4) Permit approval, by the City of Laredo, of the design plans and specifications does not relieve any responsibility of the developer/engineer referred to in this Division.

DRAFT

(j) Recordkeeping. The applicant and City Engineer shall maintain a copy of the approved storm water concept plan.

24.5.30 Storm Water Management Plan

(a) Applicability. The storm water management plan is a report containing calculations, plans, narrative and supplemental information showing the proposed development's / re- development's compliance with this Division and all state and federal laws that affect the development.

(b) Initiation. The storm water management plan is submitted to the City after review of the storm water concept plan. All deficiencies indicated by the City review of the concept plan shall be rectified in the storm water management plan.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) The City Engineer will review and approve, approve with changes, or reject the storm water management plan.

(2) If rejected, then the City Engineer shall identify changes, additional analysis, or other information necessary to approve the next submittal of the storm water management plan.

(3) Within 10 working days from receipt of the storm water management plan, the City Engineer shall:

a. complete the storm water management plan review, and

b. issue a decision approving, rejecting or conditionally approving the plan with modification.

(4) The storm water management plan is not considered approved without the inclusion of an approval stamp with a signature and date on the plans by the City Engineering Department. The stamp of approval on the plans is solely an acknowledgment of satisfactory compliance with the requirements of these regulations. Approval of construction plans by the City of Laredo Engineering Department does not relieve the owner/developer, consultant engineer, and/or contractor from compliance with the subdivision and storm water management requirements of this Chapter and other City ordinance, state and federal regulations, and any liabilities or responsibilities with respect to the design, construction, or operation of the project.

(f) Approval Criteria. The storm water management plan shall comply with all applicable provisions of Section 24.4.5 (Stormwater Management).

(g) Subsequent Applications. Not applicable.

(h) Appeals. See Section 24.5.32.

(i) Scope of Approval

DRAFT

(1) Upon review and approval of the storm water management plan by the City of Laredo, the City will issue a storm water management permit indicating the development's compliance with this Code and allowing the commencement of construction.

(2) Approved storm water management plans remain valid for five (5) years from the date of approval. Extensions or renewals of the plan approvals will be granted by the City Engineer upon written request by the person responsible for the land disturbing activity.

(j) Recordkeeping. The applicant and City Engineer shall maintain a copy of the approved storm water management plan.

24.5.31 Storm Water Variances

(a) Applicability

(1) This section applies to variances from the provisions of Section 24.4.5 (Stormwater Management).

(2) There will be no variances from the requirements imposed upon the City of Laredo as part of its MS4 obligations.

(b) Initiation

(1) A written request for a variance is required and shall state the specific variance sought and the reasons, with supporting data, for granting the variance.

(2) The request shall include descriptions, drawings, calculations and any other information necessary to evaluate the proposed variance.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) Any substantial variance from the storm water management plan or concept plan shall be referred to all agencies which reviewed the original plan.

(2) The City Engineer will conduct a review of the request for a variance within 10 working days. Failure of the City Engineer to act by the end of the tenth working day results in automatic approval of the variance.

(f) Approval Criteria

(1) The City Engineer may grant a variance from the requirements of Section 24.4.5 if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of that Section will result in unnecessary hardship and not fulfill its intent.

(2) Storm water variances shall comply with all provisions of Section 24.4.5 (Stormwater Management) to the extent possible.

DRAFT

(g) Subsequent Applications. Not applicable.

(h) Appeals. See Section 24.5.32.

(i) Scope of Approval. After the variance is approved, the applicant may seek approval of a storm water management permit, storm water concept plan or storm water management plan as applicable.

(j) Recordkeeping. The applicant and City Engineer shall maintain a copy of the approved variance.

24.5.32 Storm Water Appeals

(a) Applicability. This section applies to any person aggrieved by a decision of the City Engineer (including any decision with reference to the granting or denial of a variance as provided in Section 24.5.31).

(b) Initiation. The aggrieved person may appeal the decision by filing a written notice of appeal with the City Engineer within 30 calendar days of issuance of the City Engineer's decision. A notice of appeal shall state the specific reasons why the decision of the City Engineer is alleged to be in error.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) *City Engineer*. The City Engineer may:

a. reverse the decision, or

b. send the notice of appeal to the v with comments. The City Engineer shall prepare and send to the Board of Adjustment and Appellant, within 15 days of receipt of the notice of appeal, a written response to the notice of appeal.

(2) *Board of Adjustment*

a. All appeals shall be heard by the Board of Adjustment, which has authority to hear and determine appeals in a quasi-judicial capacity.

b. The Board of Adjustment shall hear the appeal at its next regularly scheduled meeting date, not to exceed 30 days after receipt of the notice of appeal by the Board of Adjustment or at another time mutually agreed upon in writing by the Appellant and the Chairperson of the Appeals Board.

c. Each party to the appeal is entitled to a hearing before the Board of Adjustment under judicial forms of procedure. At the hearing, each party has the right to present evidence and sworn testimony of witnesses, to cross- examine witnesses, and to cause a transcription of the proceedings to be prepared.

DRAFT

d. The Board of Adjustment will render a decision within 15 days after the appeal is heard.

(f) Approval Criteria. The City Engineer or Board of Adjustment may reverse the City Engineer's decision if the appealing party demonstrates that the decision is in error, is not authorized, or violates the appealing party's state or federal constitutional rights.

(g) Subsequent Applications. Not applicable.

(h) Appeals. A party dissatisfied with the decision of the Board of Adjustment may appeal the decision to the Superior Court by writ of certiorari.

(i) Scope of Approval. If the appealing party is the applicant and prevails, the appealing party may continue with any application for a storm water management permit, storm water concept plan or storm water management plan (as applicable) consistent with the final order of the City Engineer or Board of Adjustment.

(j) Recordkeeping. The applicant and City Engineer shall maintain a copy of the order on appeal.

24.5.33 Storm Water Inspection

(a) Applicability. This section provides for the inspection of storm water management systems constructed pursuant to this Division.

(b) Initiation

(1) *Inspection Schedule and Reports*. Prior to the issuance of a storm water management permit, the developer will submit to the City Engineer a proposed inspection and construction control schedule. The City of Laredo or its authorized representative shall conduct inspections and file reports for periodic inspections necessary during construction of storm water management systems to ensure compliance with the approved plans.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) Inspection Requirements During Construction

a. After commencing initial site operations, regular inspections shall be made at the following specified stage of construction:

1. Infiltration systems at the commencement, during, and upon completion of construction.

2. Flow attenuation devices, such as open vegetated swales, upon the completion of construction.

3. Retention and detention structures at the following stages:

DRAFT

a. Upon completion of excavation to sub-foundation and where required, installation of structural supports or reinforcement for structures, including but not limited to:

1. Core trenches for structural embankments;
2. Inlet-outlet structures and anti-seep structures, watertight connectors on pipes; and
3. Trenches for enclosed storm drainage facilities.

b. during placement of structural fill, concrete, and the installation of catch basins;

c. during backfill of foundations and trenches;

d. during embankment construction; and

e. upon completion of final grading and the establishment of permanent stabilization.

(2) Final Inspection Reports

a. The City Engineer shall conduct a final inspection upon completion of the storm water management facility to determine if the completed work is constructed in accordance with the approved plan and this Chapter.

b. "As-built" certification by a licensed professional engineer licensed in the State of Texas is also required to certify that the facility is constructed as shown on the "As-built" plans and substantially compliant with plans and specifications.

c. The developer will receive written notification of the results of the final inspection.

(3) Inspection for Prevention Maintenance

a. Preventive maintenance shall be ensured through inspection of all infiltration systems, retention, or detention structures by the City Engineer. The inspection shall occur during the first year of operation and at least once every 3 years thereafter.

b. The City Engineer shall maintain inspection reports for all storm water management facilities.

c. Inspection reports for retention and detention facilities shall include:

1. The date of inspection;

2. Name of inspector;

3. The condition of the following:

a. Vegetation;

b. Fences;

c. Spillways;

d. Embankments;

e. Reservoir area;

DRAFT

f. Outlet channels;

g. Underground drainage;

h. Sediment load; or

i. Any other item that could affect the proper function of the storm water management system; and

4. Description of needed maintenance.

d. If the City Engineer's inspection reveal that the storm water management facility is in a condition that presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the City Engineer shall take any action necessary to protect the public and make the facility safe.

(f) Approval Criteria. The storm water system shall comply with all applicable provisions of Section 24.4.5 (Stormwater Management) and any conditions of approval of a storm water management permit, storm water concept plan or storm water management plan as applicable.

(g) Subsequent Applications. Not applicable.

(h) Appeals. See Section 24.5.32.

(i) Scope of Approval

(1) No work shall proceed until the City Engineer inspects and approves the work previously completed and furnishes the developer with the results of the inspection reports as soon as possible after completion of each required inspection.

(2) Any portion of the work which does not comply must be promptly corrected by the developer, after written notice from the City Engineer. The notice shall set forth the nature of corrections required and the time within which corrections will be made.

(3) The developer shall notify the City Engineer before commencing any work in conjunction with the storm water management plan and upon completion of the project when a final inspection will be conducted.

(j) Recordkeeping. The City Engineer shall maintain a permanent file of inspection reports.

24.5.34 Storm Water Pollution Prevention Plan (SWPPP)

(a) Applicability. This section applies to:

(1) All operators of sites of construction activity, including clearing, grading, excavation, and land filling activities, that result in the disturbance of at least 1 acre of total land area, or

DRAFT

(2) All sites of construction activity, including clearing, grading, excavation, and land filling activities, that:

a. are part of a common plan of development or sale within which at least 1 acre of total land area is disturbed, or

b. who are required to obtain an NPDES permit for storm water discharges associated with construction activity.

(b) Initiation

(1) The SWPPP shall be prepared and submitted to the City Engineer at least 15 calendar days prior to the commencement of construction activities. If the construction activity is already underway upon the effective date of this Code, the SWPPP shall be submitted within 30 calendar days.

(2) The SWPPP shall be prepared and submitted to the City Engineer in conjunction with the Storm Water Management Permit and Building Permit application.

(3) Any operator who intends to obtain coverage for storm water discharges from a construction site under the NPDES General Permit for Storm Water Discharges from Construction Sites ("the Construction General Permit") shall submit a signed copy of the Notice of Intent (NOI) to the City Engineer, at least 15 calendar days prior to the commencement of construction activities.

(4) A SWPPP shall be prepared and implemented prior to the beginning of construction activities in accordance with the requirements of the Construction General Permit or any individual NPDES permit issued for storm water discharges from the construction site, and with any additional requirement imposed by or under this Chapter and any other City Code.

(5) The SWPPP shall be prepared, dated, signed, and sealed by a licensed professional engineer. The signature and seal of the licensed professional engineer is their attestation that the SWPPP fully complies with the requirements of the Construction General Permit, or with any applicable individual NPDES permit issued for storm water discharges from the construction site, and with any additional requirement imposed by or under section 24.4.5. The SWPPP shall contain the name, title, and business address of the licensed professional engineer signing it.

(6) If the construction activity is already underway upon the effective date of this Chapter, the NOI shall be submitted within 30 calendar days.

(7) For storm water discharges from construction sites where the operator changes, a revised NOI shall be submitted at least 2 calendar days prior to when the new operator commences work at the site.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

DRAFT

(e) Decision. The City Engineer shall review and approve, approve with conditions, or deny the SWPPP.

(f) Approval Criteria. The SWPPP shall comply at a minimum with with the requirements of the Section 24.4.5 of this Chapter, the Construction General Permit, any individual EPA/NPDES permit issued for storm water discharge from the construction site, and any additional requirement imposed by or under this Chapter.

(g) Subsequent Applications. Not applicable.

(h) Appeals. See Section 24.5.32.

(i) Scope of Approval

(1) *Generally.* A copy of any SWPPP that is required by this Section shall be submitted to the City in conjunction with any application for a building permit, and Storm Water Management Permit, and any other City approval necessary to commence or continue construction at the site.

(2) Updates and Modifications

a. The SWPPP shall be updated and modified as appropriate and as required by the Construction General Permit and section 24.4.5. Any update or modification to the SWPPP shall be prepared, signed, and sealed by a licensed professional engineer.

b. The operator shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in storm water discharges associated with construction activity. In addition, the SWPPP shall be modified to identify any new contractor and/or subcontractor that will implement a measure in the SWPPP. All modifications to the SWPPP shall be submitted to the City Engineer within 7 calendar days of a change, determination of ineffectiveness (self or City inspection), or effective date of changes in contractor and/or subcontractor.

(3) Inspection

a. Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of the construction site are not finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every 7 calendar days and within 24 hours of the end of any storm that is 0.5 inches or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering

DRAFT

the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

b. Based on the results of the inspections required by subsection a. above, the site description and/or the pollution prevention measures identified in the SWPPP shall be modified as appropriate, but in no case later than 7 calendar days following the inspection. Those modifications shall provide for timely implementation of any changes to the SWPPP within 7 calendar days following the inspection. All modifications to the SWPPP shall be submitted to the City Engineer within 7 calendar days of the date of inspection.

(4) Enforcement

a. If, upon the City Engineer's review of the SWPPP (or any modification to the SWPPP) and any site inspection that the City Engineer may conduct, the City Engineer determines that the SWPPP does not comply with the requirements of the Construction General Permit, any individual NPDES permit issued for storm water discharge from the construction site, or any additional requirement imposed by or under section 24.4.5, the City Engineer may issue an order prohibiting the commencement, or the continuation, of any construction activity at the site.

b. If at any time the City Engineer determines that the SWPPP is not being fully implemented, the City Engineer may issue an order prohibiting the continuation of any construction activity at the site. Any order issued by the City Engineer under the authority of this paragraph may be in the form of a Compliance Order (24.8.9(e), an Emergency Cease and Desist Order (24.8.9(e)), or a Stop Work Order (24.8.9(h)) of this Code.

c. Upon review of the SWPPP and any site inspection that is conducted, the City may deny approval of any building permit, Storm Water Management Permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the Construction General Permit, any individual or group NPDES permit issued for storm water discharge from the construction site, or any additional requirement imposed by or under section 24.4.5. Also, if at any time the City determines that the SWPPP is not fully implemented, the City may deny approval of any building permit, storm water management plan permit,

DRAFT

or any other City approval necessary to commence or continue construction, or to assume occupancy, at the site.

d. The City Engineer may notify the operator at any time that the SWPPP does not meet the requirements of the Construction General Permit, any applicable individual NPDES permit issued for storm water discharges from the construction site, or any additional requirement imposed by or under this Code. That notification shall identify those provisions of the permit or code which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet those requirements. Within 7 calendar days of that notification from the City Engineer, the operator shall make the required changes to the SWPPP and shall submit to the City Engineer a written certification that the requested modifications are made.

(5) Notice of Termination (NOT)

a. Where a site is finally stabilized and all storm water discharges from construction activities that are authorized by section 24.4.5 and by the NPDES permit for those construction activities are eliminated, or where the operator of all stormwater discharges at a facility changes, the operator of the construction site shall submit to the City Engineer, a Notice of Termination (NOT).

b. Upon final stabilization of the construction site, the owner (or the duly authorized representative thereof) shall submit to the City Engineer written certification by a licensed professional engineer that the site is finally stabilized. The City may withhold occupancy or use of permits for any premises constructed on the site until the certification of final stabilization is filed and the City Engineer determines, following any appropriate inspection, that final stabilization has occurred and that any required permanent structural controls are completed.

(j) Recordkeeping.

(1) Generally

a. The SWPPP, with the licensed professional engineer's signature, seal, and date affixed, and the certifications of contractors and subcontractors required by this Section, and with any modifications attached, shall be retained at the construction site from the date of commencement of construction through the date of final stabilization.

b. The operator shall retain copies of any SWPPP and all reports required by this Division or by the NPDES permit for the site, and records of all data used to complete the NOI, for at least 3 years from the date that the site is finally stabilized.

DRAFT

c. The operator shall make a copy of the SWPPP and any modification available to the City Engineer and any other authorized City inspector at the construction site upon request (as well as to EPA and State inspectors).

(2) *Certification Statement*. All contractors and subcontractors identified in a SWPPP shall sign a copy of the following certification statement before conducting any professional service identified in the SWPPP:

"I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(3) *Inspection Report Logs*. A report log summarizing the scope of any inspection required by subsection (i)(3)b. above, and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken shall be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized. The report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP, the facility's NPDES permit, and section 24.4.5 of this Code. The report shall be certified and signed by the person responsible for making it.

DRAFT

Division 6 Administrative Permits

24.5.35 Site Plan Review

(a) Applicability

(1) *Generally*. Site plan approval is required for all non-residential or multifamily development, single-family detached or two-family (duplex) dwellings, agriculture, and special events that meets the following thresholds:

a. New construction or expansion of an existing building or structure that increases the existing floor area by 30% or that adds 2,000 sf of floor area.

b. New construction or expansion of non-residential parking lots that increase the existing impervious area by 30% or that add 2,000 sf of impervious coverage.

(2) *Optional Site Plans*. A property owner may file an application for site plan approval for:

a. Existing or previously legal-nonconforming structures; or

b. A non-conforming use which has been in existence for at least 10 years.

(3) Deviations Prohibited

a. A site plan shall not authorize deviation from any applicable development standards normally required by the existing underlying zoning, including, but not limited to signs, landscaping, parking, paving or dimensional requirements or any applicable notes from the recorded plat.

b. The Board of Adjustment has no authority to grant any variance to any aspect of any approved site plan.

(b) Initiation. The property owner shall file a site plan application with the Planning Director. In addition to the information required by Article 12, the Director may require the following additional information if needed to address the proposed development's impacts:

(1) elevations of the proposed new or remodeled structures,

(2) analysis of the traffic impacts of the proposed use, or

(3) evaluation of the environmental impacts of the proposed use.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision

(1) Planning Director Review

a. The Planning Director shall review the site plan and shall:

1. Approve the site plan, or

2. Deny the site plan, or

3. Approve the site plan with conditions, or

4. Refer the site plan to the Planning and Zoning Commission for its review and final action as provided in subsection (h) below.

b. The applicant or an aggrieved party may appeal the Planning Director's decision to the Planning and Zoning Commission pursuant to subsection (h) below

(2) Authorization to Impose Conditions

a. *Generally*. The Planning and Zoning Director or Planning and Zoning Commission may impose conditions necessary to maintain the integrity of the City's zoning districts, to ensure the proposed use is consistent with

DRAFT

the City's Comprehensive Plan, conforms with this Chapter, is appropriate to its location and compatible with neighboring uses, and does not cause undue traffic congestion or significant deterioration of the environment.

b. *Conditions Supplementary*. All requirements imposed by a Site plan are in addition to and supplement this Chapter's requirements.

c. *Authorized Conditions*. Authorized conditions include, but are not limited to:

1. *Site Plan Features*. Limitations or requirements regarding the area, setbacks, open space, landscaping, buffering, lighting, fencing, signage, off-street parking, and similar site plan features of the proposal.

2. *Operations*. Limitations or requirements regarding the proposed use's operating characteristics, duration or any similar feature of the proposed use.

3. *Duration*. If the event Director or Planning and Zoning Commission limits the duration of a site plan, a six month grace period, starting from the final approval date, is afforded the applicant in addition to the time period stipulate the site plan conditions.

(f) Approval Criteria. An application for a site plan shall comply with the following standards:

(1) *Generally*. The site of the proposed use or any associated improvements are not in violation of any local, state, or federal law (other than a zoning violation).

a. The use and site plan for the proposed conditional use conforms, at a minimum, with all applicable provisions of this Chapter for the existing underlying zoning designation, including but not limited to:

b. Site Development Standards. All parking, landscaping, signage, improvement and dimensional standards

c. Zoning Districts Standards. The purpose of the zoning district in which the proposed conditional use is to be located and any standards applicable to the particular proposed use.

d. Site plans are only authorized for the proposed use.

(2) *Suitability*. The characteristics of the proposed site are suitable for the proposed use considering the size, shape, location, topography and location of improvements and natural features.

(3) *Timeliness*. The proposed use and/or development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the proposed use.

DRAFT

(4) *Compatibility to Surrounding Area*. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable by the underlying zoning district.

(5) *Comprehensive Plan*. The proposed use satisfies any applicable goals and policies of the Comprehensive Plan, which apply to the proposed use.

(6) *Overlay Status*. The site is not in an overlay district.

(7) *Use Appropriate and Compatible.* The use is appropriate to its proposed location and compatible with the character of neighboring uses, or enhances the mixture of complementary uses and activities in the immediate vicinity.

(8) *Traffic*. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measure shall be proposed by the applicant.

(9) *Nuisance*. The operating characteristics of the use do not create a nuisance and the impacts of the use on surrounding properties are minimized with respect to noise, odors, vibrations, glare, and any other similar conditions.

(10) *Environment*. The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

(g) Subsequent Applications. Not applicable.

(h) Appeals. If a site plan is appealed to the Planning and Zoning Commission:

(1) The Planning and Zoning Commission shall consider the site plan at a public meeting, and

(2) After the consideration of the Planning Director's decision and any evidence provided by the applicant or an aggrieved party, the Planning and Zoning Commission shall:

a. Approve the site plan, or

b. Deny the site plan, or

c. Approve the site plan with conditions, or

d. Remand the site plan to the Planning Director for further consideration.

(i) Scope of Approval

(1) *Generally*. After the site plan is approved, the building official may issue a building permit or certificate of occupancy consistent with any conditions of site plan approval.

(2) *Changes to Site Plan*

a. *Generally*. Any change to an approved site plan, other than those changes that qualify as insubstantial pursuant to subsection b. below, require amendment of the existing site plan. Amendment of an approved site

DRAFT

plan may only be authorized by Planning Director pursuant to the procedures set forth in subsection (e) above, and subject to appeal or referral to the Planning and Zoning Commission as provided in subsection (h) above.

b. Insubstantial Changes to Approved Site Plan

1. The Planning Director may approve insubstantial changes to a previously approved site plan without notice or a public hearing. An insubstantial change is one that becomes necessary during the use's actual implementation, which could not be reasonably anticipated during it's review, and that does not significantly change the original approval granted.

2. An amendment to any of the following site plan requirements is not considered insubstantial:

a. *Use* - those activities allowed on site by the site plan.

b. *Operational Characteristics* - the gross limitations or requirements regarding the proposed use's operating characteristics.

c. *Site Plan Features* - the gross limitations or requirements regarding the area, setbacks, open spaces, landscaping, buffering, lighting, fencing, signage, or the off-street parking of the proposal.

d. *Duration* - Requirements governing the duration of the permit.

e. *Permit Holder* - Requirements regarding the person or entity to whom the permit is issued.

(3) *Revocation*

a. *Criteria.* An approved site plan is considered in violation of this Chapter and shall be revoked if a court of law finds the use in violation of any of the following conditions:

1. The use established on site does not conform, at any time, with any or all approved permit condition(s) and or any local, state or federal law.

2. The activity authorized by the site plan commences prior to the institution of all conditions imposed by the site plan.

3. Discontinuance of the approved use for at least 6 consecutive months.

4. The approved use does not commence within 6 months of the final approval date.

b. *Revocation Procedures.* If the Zoning Enforcement Official's inspection reveals noncompliance with this Chapter, site plan revocation procedures shall commence as follows:

1. The Zoning Officer shall, upon discovery of site plan noncompliance, issue a written warning, granting a grace period of at least 10 working

DRAFT

days. During this time, the use may be brought into compliance with the current approved site plan for that location.

2. If noncompliance persists after the conclusion of the warning grace period, a Zoning Enforcement Official shall issue written citation.
3. If the citation results in a guilty verdict, the site plan is considered revoked.
4. The Planning Director shall issue the permit holder written notification of the site plan's official revocation.
5. In the event of discontinuance or failure to commence as stipulated above, Zoning Enforcement Staff will issue written notification to the applicant. Ten (10) days after issuance of Zoning Enforcement notification of discontinuance or failure to commence, the Planning Director shall then issue the permit holder written notification of the Site plan's official revocation.

(4) *Transferability*. A site plan shall be transferable only with the approval of the City Council, and is subject to all conditions of the initial approval, and other conditions the City Council may require.

(j) Recordkeeping. The applicant and Planning Director shall maintain a copy of the approved site plan.

DRAFT

24.5.36 Building Permits and Certificates of Occupancy

(a) Applicability. The building official shall process building permits and certificates of occupancy as provided in the building code. [*Reference: Laredo Code, Chapter 7*.]

(b) Initiation. The applicant shall not file a building permit, and Building Official shall not issue a building permit, for any application requiring approval of the City Council, the Planning and Zoning Commission, the Zoning Board of Adjustment, the Historic District/Landmark Board, or that requires prior approval pursuant to Divisions 3 through 5 or Section 24.5.35 (site plan review) until all required permits or approvals are approved.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision. See building code.

(f) Approval Criteria. The building official may issue the building permit or certificate of occupancy only if the application complies with all applicable provisions of this Chapter and any approved rezoning condition, conditional use permit, subdivision plat approval, stormwater management permit, site plan, or historic district approval.

(g) Subsequent Applications. Not applicable.

(h) Appeals. If a building permit or certificate of occupancy is denied for noncompliance with a provision of this Chapter or an approval listed in subsection (f) above, the applicant may appeal that decision to the Board of Adjustment (see Section 24.5.38).

(i) Scope of Approval. See building code.

(j) Recordkeeping. The building official shall maintain an application for and an approved building permit in its files, and the applicant shall maintain an original signed copy of the approved building permit.

Division 7 Relief

24.5.37 Appeals

(a) Applicability

(1) *Board of Adjustment*

a. The Board of Adjustment may hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter. [*Reference: Texas Local Government Code § 211.009(a)(1)*]

b. Texas Local Government Code § 211.010 lists the parties eligible to file an appeal with the Board of Adjustment.

(2) *Riparian Buffer Standards*. The Planning and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ESD or Planning Director in the enforcement or administration of Section 24.3.10 (Riparian Buffers).

(b) Initiation. The appellant must file with the board and the official from whom the appeal is taken a notice of appeal, as provided in Texas Local Government Code § 211.010.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. The following notice is required for a zoning appeal hearing:

Table 5.37-1 Notice-Zoning Appeal

Notice	When	Where / To Whom / Additional Requirements
Mail	*Not required*	• Applicant, appellant, or other parties in interest. • May include regular mail or email
Publication	*Not required*	• not applicable
Posting	≥ 72 hours	• Post notice of the hearing in a visible location outside of Laredo City Hall
Website	Any time before the initial hearing	• not applicable

(e) Decision

(1) *Board of Adjustment*

DRAFT

a. The Board of Adjustment shall conduct a public hearing on the appeal and shall render its decision after the hearing is closed.

b. In exercising its authority under Subsection (a)(1), the board of adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

c. The concurring vote of 75% of the 9 members of the board is necessary to:

1. reverse an order, requirement, decision, or determination of an administrative official;

2. decide in favor of an applicant on a matter on which the board is required to pass under the zoning provisions of this Chapter.

d. The Board of Adjustment's decision on appeal is final unless judicial review pursuant to Texas Local Government Code section 211.001 is pursued.

(2) *Riparian Buffer Standards*

a. The Planning and Zoning Commission shall conduct a public hearing on the appeal and shall render its decision after the hearing is closed.

b. Any person whose petition for variance has not been granted and who remains adversely affected by the ESD's order, or who is subject to an order of the ESD issued following a Show Cause Hearing may challenge the final action of the Planning Director to the Planning and Zoning Commission.

c. The Planning and Zoning Commission's decision on an appeal involving Section 24.3.8 (Riparian Buffers) is final.

(f) Approval Criteria. The Board of Adjustment or Planning and Zoning Commission may reverse the decision on appeal if it is found erroneous, unauthorized, or in violation of a party's state or federal constitutional rights.

(g) Subsequent Applications. Not applicable.

(h) Appeals. A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

(i) Scope of Approval. After a final decision on appeal is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

(j) Recordkeeping. The Planning Director shall maintain a copy of any order of the Board of Adjustment or Planning and Zoning Commission pursuant to this Section.

DRAFT

24.5.38 Zoning Variances

(a) Applicability. The Board of Adjustment may authorize in specific cases a variance from the terms of a zoning. [*Reference: Texas Local Government Code § 211.009(a)(3)*] The Zoning Board of Adjustment may authorize a Zoning Variance from the requirements of the zoning provisions and sign regulations of this Unified Development Code if the Variance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in self-imposed unnecessary hardship, so the spirit of this Code is preserved, and substantial justice done.

(b) Initiation. An application for a zoning variance shall be filed with the Planning Director.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. The following notice is required for a zoning variance hearing:

Table 5.38-1 Notice-Subdivision Variance

Notice	When	Where / To Whom / Additional Requirements
Mail	≥ 10 days before Board of Adjustment hearing	• Applicant, appellant, or other parties in interest. • May include regular mail or email
Website	Any time before the initial hearing	• not applicable

(e) Decision.

(1) The Board of Adjustment shall conduct a public hearing on the variance and shall render its decision after the hearing is closed.

(2) The Board of Adjustment may, in whole or in part:

a. Approve the variance, or

b. Deny the variance, or

c. Approve the variance with conditions.

(3) The concurring vote of 75% of the 9 members of the board is necessary to authorize a variance.

(f) Approval Criteria. The Board of Adjustment shall not approve a variance unless it finds that:

(1) The variance is not contrary to the public interest, and

(2) An peculiar or unusual condition exists that preclude the reasonable use of land, and

(3) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and

(4) The spirit of the varied provision is observed and substantial justice is done.

(g) Subsequent Applications. Not applicable.

(h) Appeals. A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

DRAFT

(i) Scope of Approval. After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

(j) Recordkeeping. The Planning Director shall maintain a copy of any order of the Board of Adjustment pursuant to this Section.

24.5.39 Subdivision Variances

(a) Applicability. This section applies to variances from the subdivision regulations.

(b) Initiation. See Article 11 of this Chapter. The applicant shall:

(1) submit the variance request in writing,

(2) cite the specific rule, policy, or standard from which a variance is sought or the appeal made, and

(3) the reasons for the request.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision. The Planning and Zoning Commission may, by a 2/3 majority vote of those members present and voting, grant a variance from the provisions referenced in subsection (a) above.

(f) Approval Criteria. The Planning and Zoning Commission shall not grant a variance unless:

(1) The variance is warranted because:

a. strict compliance would create an undue hardship:

1. by depriving the owner or applicant of the reasonable use of the land; or

2. due to unusual physical characteristics of the land; or

b. unique design considerations warrant the variance; or

c. planning and land use considerations require the mitigation of excessive vehicular traffic, noise, dust, vibration or other intrusive adjacent uses, and

(2) the general purposes and goals of this chapter are maintained; and

(3) the variance:

a. is not detrimental to the public health, safety, welfare; and

b. does not physically injure adjoining property; and

c. the variance does not prevent the subdivision or development of other adjacent land.

(g) Subsequent Applications. Not applicable.

(h) Appeals. Not applicable.

DRAFT

(i) Scope of Approval

(1) Any variances granted under this section applies only to the specific property included the plat. The variance does not change any provision of this chapter, nor establish any policy, rule, or regulation contrary to the provisions of this chapter.

(2) Any variance granted on the effective date of this section and incorporated in a recorded subdivision plat, is recognized as valid.

(j) Recordkeeping. The variance is tracked and recorded with the plat application, and recorded with the final subdivision plat.

24.5.40 Interpretation

(a) Applicability. The Planning Director has authority to make written interpretations concerning the text of this Chapter and the official zoning map.

(b) Initiation. A request for interpretation shall be submitted to the Planning Director on a form established by the Planning Director and made available to the public.

(c) Completeness. See Section 24.5.3(b).

(d) Notice. Not applicable.

(e) Decision. The Planning Director may, in its discretion, take any of the following actions:

(1) Review and evaluate the request;

(2) Consult with other staff or the Planning Commission;

(3) Render an opinion; and

(4) Provide the interpretation to the applicant in writing by regular mail.

(f) Approval Criteria. The Planning Director shall consider this Chapter, the zoning map, the comprehensive plan, and any other relevant information.

(g) Subsequent Applications. Not applicable.

(h) Appeals. See Section 24.5.37.

(i) Scope of Approval. An interpretation does not authorize the development or use of property. After an interpretation is issued, the applicant or any other person may file an application to develop or use property pursuant to this Chapter, and the decision-maker shall take the interpretation into consideration.

(j) Recordkeeping. The Planning Director shall maintain an official record of interpretations that shall be available for public inspection during normal business hours.

DRAFT