

ORDINANCE NO. 2010-1521

An Ordinance of the City Commission of the City of Brownsville amending Chapter 348 Zoning of the City of Brownsville Zoning Code by amending Article I In General, Sections 348-2; 348-189; 348-217; 348-254; 348-284; 348-314; and 348-343 providing definitions and location requirements for car title loan, check cashing, and payday advance and lending businesses.

WHEREAS, there exist within the City of Brownsville businesses known as car title loan, check cashing, and payday advance or loan businesses; and

WHEREAS, car title loan, check cashing, and payday advance or lending business practices may be detrimental to numerous individuals including the elderly, the economically disadvantaged, and military service members and other citizens of Brownsville who use these practices as a way of overcoming immediate needs for cash; and

WHEREAS, the City of Brownsville Code of Ordinance currently requires no registration and provides no regulation of payday lending or advance, car title loan, and check cashing businesses within the City; and

WHEREAS, payday lending or advance, car title loan, and check cashing businesses have in the past been permitted to cluster in low- and middle-income areas as opposed to areas zoned for more traditional financial lenders, and

WHEREAS, the City of Brownsville's Comprehensive Plan which was developed out of "*Imagine Brownsville*," noted the potential danger to public welfare posed by the unregulated proliferation and clustering of payday loan businesses around low- to middle-income residential areas, and

WHEREAS, the proliferation and clustering of these businesses also creates an unwarranted negative impression regarding the economic vitality of Brownsville's commercial districts and the community at large and may lower property values, and

WHEREAS, it is in the City's best interest to license and regulate these businesses in order to better protect the general health and welfare of the City of Brownsville against the potential detrimental effects of these businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BROWNSVILLE:

Section 1: That Chapter 348, Section 348-2 of the City of Brownsville Zoning Code is amended by adding the following definitions:

Definitions:

Car Title Loan Business means a business as defined in Sec. 22-623 of the Brownsville Business Code.

Check cashing business means a business as defined in Sec. 22-623 of the Brownsville Business Code.

Financial institution means an establishment as defined in Sec. 22-623 of the Brownsville Business Code.

Payday advance or loan business means a business as defined in Sec. 22-623 of the Brownsville Business Code.

Section 2: That Chapter 348, Section 348-189 of "Division 3. Dwelling/Retail Use District (DR)" of the City of Brownsville Zoning Code is modified as follows:

Sec. 348-189. Prohibited uses.

In a Dwelling/retail use district, prohibited uses are car title loan businesses, check cashing businesses, delivery services, and payday advance or loan businesses.

Section 3: That Chapter 348, "Division 4. Apartment Use (A)" of the City of Brownsville Zoning Code is modified to add the following new section 348-217:

Sec. 348-217. Prohibited Uses.

Prohibited uses in an Apartment Use District are car title loan businesses, check cashing businesses, and payday advance or loan businesses.

Section 4: That Chapter 348, Sec. 348-254 of "Division 5. Professional Office Use District (1C)" of the City of Brownsville Zoning Code is modified to add subsection (6) as follows:

Sec. 348-254. Prohibited uses.

In the Professional Office use district, prohibited uses are as follows:

- (1) Hospital; clinic operated by more than two professionals; veterinary office.
- (2) "Group quarters."
- (3) Financial institutions.
- (4) "Delivery service."
- (5) On-premises sale, rental, or manufacture of goods, except as permitted by section 348-253(3).
- (6) Car title loan businesses, check cashing businesses, and payday advance or loan businesses.

Section 5: That Chapter 348, Sec. 348-284 of "Division 6. Light Retail Use District (2C)" of the City of Brownsville Zoning Code is modified to add subsection (11) as follows:

Sec. 348-284. Prohibited uses.

In the Light Retail use district, prohibited uses are as follows:

- (1) Hospital; clinic operated by more than four professionals; veterinary office.
- (2) Group quarters.
- (3) "Money exchange business."
- (4) Fast-food, quick-print, quick-photo, or similar business.
- (5) For-profit sale of any used or secondhand item.
- (6) For-profit sale, repair, painting, washing, parking, or other servicing of vehicles, trailers, tires, parts, oil, fuel, or similar items.
- (7) Delivery service, drive-up window, curbside service, or heliport.
- (8) Sale of firewood, major appliances, or building materials.
- (9) Amusement arcade, appliance repair, gym, laundromat, dry cleaner, "miniwarehouse," mortuary, or "sexually oriented business."
- (10) On-premises rental, lease, or manufacture of goods, except as permitted by section 348-283(14).
- (11) Car title loan businesses, check cashing businesses, and payday advance or loan businesses.

Section 6: That Chapter 348, Sec. 348-314 of "Division 7. Medium Retail Use District (3C)" of the City of Brownsville Zoning Code is modified to add subsection (10) as follows:

Sec. 348-314. Prohibited uses.

In a Medium Retail use district, prohibited uses are as follows:

- (1) Hospital; veterinary offices.
- (2) Group quarters.
- (3) Money exchange business.
- (4) For-profit sale of any used or secondhand item, other than antique store.
- (5) For-profit sale, repair, painting, washing, or parking of: vehicles, trailers, tires, or parts.
- (6) Heliport.
- (7) Sale of building materials.
- (8) Amusement arcade, appliance repair, mini-warehouse, mortuary, or sexually oriented business.
- (9) On-premises rental, lease, or manufacture of goods, except as permitted by section 348-313(14).

- (10) Car title loan businesses, check cashing businesses, and payday advance or loan businesses.

Section 7: That Chapter 348, Sec. 348-314 of "Division 8. General Retail Use District (4C)" of the City of Brownsville Zoning Code is modified to add new subsection (11) and renumber former subsection (11) to current subsection (12) as follows:

Sec. 348-343. Conditional uses.

In a General Retail use district, conditional uses are as follows:

- (1) Pressing, dry cleaning, or dyeing establishment, subject to the condition that no more than ten people shall be employed on the premises.
- (2) Gasoline filling station; tire repair or battery shop; "public garage;" all subject to the condition that the use's property line shall be no closer than 300 feet to each property line of any college, school, church, hospital, public park, or public playground.
- (3) Veterinary clinic, subject to the following conditions:
 - a. The use shall be entirely contained within soundproofed buildings equipped with complete odor-control and sanitation facilities; and
 - b. Services shall be provided only for small animals such as dogs and cats.
- (4) Wet store, subject to the following conditions:
 - a. The premises shall front on an existing arterial or collector; and
 - b. The premises shall nowhere be within a radius of 200 feet from public-school property.
- (5) Wet restaurant, subject to the following conditions:
 - a. The premises shall nowhere be within a radius of 200 feet from public-school property; and
 - b. The premises shall be inside downtown or shall be an "existing heritage site" or front on any of the following "thoroughfares":
 1. East 14th ST.
 2. Expressway 77/83.
 3. FM 511 (from SH 48 to Charmaine RD).
 4. Mexico ST.
 5. Central BLVD (from Jefferson ST to FM 802).
 6. FM 802 (from Weslaco RD to Dana AVE).
 7. International BLVD (from Southmost RD to Jackson ST).
 8. Paredes Line RD (from Price RD to Boca Chica BLVD).
 9. East Elizabeth ST (from International BLVD to Ringgold RD).
 10. Billy Mitchell BLVD (from Iowa AVE to eastern end).
 11. Old Port Isabel RD (eastern side from Robin Hood DR to East Price RD).

12. Old Port Isabel RD (western side from Columbus DR to Price RD).
13. East 7th ST (from Expressway 77/83 to Jackson ST).
14. East 6th ST (from Ringgold ST to Jackson ST).
15. Southmost RD (from International BLVD to Esperanza RD).
16. West Price RD (from Central BLVD to Barnard RD).
17. Price RD (from Paredes Line RD to Old Alice RD).
18. Sam Perl BLVD.
19. Palm BLVD (from Calle Retama to railroad north of Belvedere).
20. Boca Chica BLVD (south side from Reina Esther to Expressway 77/83).
21. Boca Chica BLVD (north side from Reina Esther to east line of lot 11 of block B of Ebony Acres Addition).
22. Paredes Line RD (from Old Coffee Port RD to Avenida Gregory).
23. Old U.S. 77 (from Morrison RD to Expressway 77/83).
24. Pablo Kisel BLVD (from Expressway 77/83 to Morrison RD).
25. Hudson BLVD (from FM 802 to Resaca Calmada).
26. Dockberry RD (from Indiana AVE to Illinois AVE).

(6) Bar, subject to the following conditions:

- a. The premises shall nowhere be within a radius of 400 feet from public-school property or "charity" property; and
- b. The premises shall front on an arterial where both sides of the arterial are zoned to General Retail "H" or less restrictive classification, with such arterial being limited to any of the following:
 1. East 14th ST (from Lincoln ST to FM 802).
 2. Expressway 77/83 (from Boca Chica BLVD to McAllen RD [Morrison RD]).
 3. Boca Chica BLVD (from Expressway 77/83 to Reina Esther).
 4. Mexico ST (from Palm BLVD to eastern end).
 5. Central BLVD (from Los Ebanos BLVD to FM 802).
 6. FM 802 (from Central BLVD to Dana AVE).
 7. International BLVD (from Southmost RD to Harrison ST).
 8. Paredes Line RD (from Boca Chica BLVD to Los Ebanos BLVD).
 9. East Elizabeth ST (from International BLVD to Ringgold RD).
 10. Billy Mitchell BLVD (from Iowa AVE to eastern end).
 11. Paredes Line RD (from Old Coffee Port RD to Avenida Gregory).
 12. Hudson BLVD (from FM 802 to Resaca Calmada).

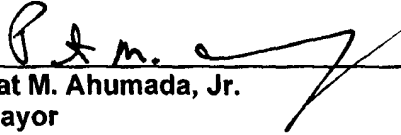
- (7) Money exchange business, subject to the condition that the premises shall be inside downtown or front on the thoroughfare of International BLVD (from Ringgold ST to Madison ST).
- (8) Retail sale/rental of goods or services, except as otherwise specified; subject to the condition that no such goods shall be located outdoors in public view.
- (9) Amusement arcade with more than five gaming devices per building, subject to all the following conditions: If the building portion of the premises is within a radius of 200 feet from a Dwelling, Apartment, or Dwelling/retail use district or if the premises abuts any such use district, then a prerequisite for the arcade shall be the issuance of a class L permit limited to landscaping, screening, lighting, parking, noise, or similar matters (exclusive of hours of operation).
- (10) Off-premises sign, subject to the following conditions:
 - a. If facing a freeway, such sign shall have a state outdoor advertising sign permit;
 - b. If facing any other "state-maintained arterial," such sign shall comply with the same standards as used by the state for freeways inside a city, except that a large sign (greater than 75 square feet) shall not be erected closer than 1,000 feet from another off-premises large sign on the same side of the street and except that a small sign (equal to or less than 75 square feet) shall not be erected closer than 500 feet from another off-premises sign on the same side of the street; or
 - c. If facing any other street, such sign shall be no larger than 75 square feet, shall not be erected closer than 500 feet from another off-premises sign on the same side of the street, shall have no part of the sign higher than 16 feet above the centerline grade of the street, and shall have no artificial illumination.
- (11) Car title loan businesses, check cashing businesses, and payday advance or loan businesses, subject to the following conditions:
 - a. Such businesses are registered with the City of Brownsville as required by Sec. 22-625 of the City of Brownsville Business code; and
 - b. Such businesses shall be located at least 1,000 feet from any lot zoned or used for residential purposes when measured from the nearest property lines.
- (12) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard or nuisance to the community.

Section 8: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

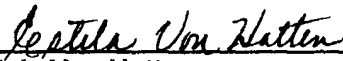
INTRODUCED and PASSED on the **First Reading** on this, the 2nd day of February, 2010.

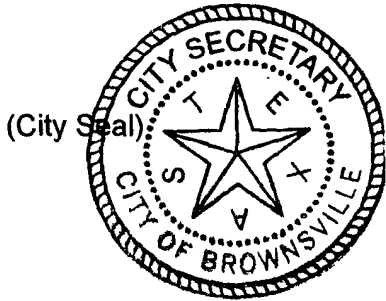
PASSED on the **Second and Final Reading** and Approved on this, the 16th day of February, 2010.

CITY OF BROWNSVILLE, TEXAS


Pat M. Ahumada, Jr.
Mayor

ATTEST:


Estela Von Hatten
City Secretary



Approved as to form and legality on this
26th day of January, 2010.


Mark Sossi, City Attorney