

**ORDINANCE NUMBER 2017-235.87**

**AN ORDINANCE OF THE CITY OF BROWNSVILLE  
REPEALING THE CURRENT SECTION 348-1043 “ENT  
(DOWNTOWN BROWNSVILLE ENTERTAINMENT  
OVERLAY DISTRICT)” OF CHAPTER 348, ARTICLE IV  
“OVERLAY DISTRICTS” AND REPLACING IT WITH THE  
NEW SECTION 348-1043 “DOWNTOWN OVERLAY  
DISTRICT.”**

**WHEREAS**, the City of Brownsville aims to create a Downtown Overlay District that encourages efficient and sustainable development as part of its ongoing downtown revitalization efforts; and

**WHEREAS**, the City of Brownsville aims to encourage a balance of uses for working, living, shopping, and entertainment to increase the quality of life of its residents; and

**WHEREAS**, the purpose of the Downtown Overlay District is to encourage economic development through infill development, redevelopment of underutilized property and adaptive reuse of existing buildings in Downtown Brownsville; and

**WHEREAS**, the creation of this overlay district will incentivize businesses that contribute to Downtown Brownsville’s vibrancy by waiving building and zoning fees and utilizing Chapter 380 Agreements; and

**WHEREAS**, in an effort to further the objectives of this section, the City may explore economic development plans such as Neighborhood Empowerment Zones found in V.T.C.A., Local Government Code Chapter 378.

**Sec. 348-1043. Downtown Overlay District.**

(a) *Applicability.*

- (1) A Downtown Overlay District (DOD) is hereby established in Downtown Brownsville within the following boundaries: E. Fronton Street, E. 6th Street, E. Jackson Street, and International Boulevard (See Exhibit A).
- (2) In an effort to safeguard the residential areas adjacent to the DOD, all entertainment uses shall be restricted to the Entertainment Use Area, whose boundaries are described as: (See Exhibit A).

(b) *Purpose.* The purpose of the Downtown Overlay District is to:

- (1) Encourage a balance of uses that will transform Downtown Brownsville into a hub for working, living, shopping, and entertainment;
- (2) Encourage infill development, adaptive reuse of older buildings and mixed-use and mixed-income development by incentivizing businesses to open and/or relocate to Downtown Brownsville;
- (3) Incentivize uses that encourage pedestrian activity, especially retail, arts, entertainment, and residential uses;
- (4) Expand business and job opportunities; and
- (5) Foster increased activity and public safety.

(c) *General requirements.*

- (1) Applicants shall comply with all applicable requirements established in Chapter 18 – Buildings and Building Regulations and Chapter 22 – Businesses of the City of Brownsville Code of Ordinances to obtain all necessary permits to open a business. Any applicable fees in Chapter 18 – Buildings and Building Regulations may be waived at the discretion of the Main Street Manager if the business complies with all applicable requirements established by this Chapter;
- (2) Applicants shall comply with the occupancy requirements of the applicable requirements of Chapter 18 – Buildings and Building Regulations and Chapter 50—Fire Protection and Prevention;
- (3) Applicants shall comply with all requirements stipulated in Chapter 348 –Zoning, except for the following requirements, when applicable:
  - a. Minimum parking requirements;
  - b. Conditional use permits;
  - c. Land use spacing requirements for ‘wet’ establishments; and
  - d. Zoning fees;
- (4) Establishments shall make necessary and reasonable efforts to discourage criminal activity and vandalism, both on the site and on adjacent properties. Such measures may include the provision of adequate and sufficient lighting, the elimination of dark areas, and the hiring of security personnel;
- (5) Establishments shall make necessary and reasonable provisions to properly maintain the façade by immediately repairing any damage, removing boards from windows and/or removing graffiti so that the property remains in good condition;
- (6) Exterior grounds shall be maintained in a safe, sanitary and clean condition; free of litter, garbage, waste or items considered a hazard to the public health and safety and the overall appearance and visibility of the area;
- (7) The City may regulate noise levels more strictly if it reasonably appears that noise conditions will adversely affect other businesses in the district. Noise levels shall be determined based on Chapter 46—Environment, Article III – Noise, and national standards; and
- (8) The operational hours of any bar located within 200 feet of a school, as measured between the nearest property lines, shall commence no earlier than two hours after school has been dismissed. This provision shall only apply when school is in session. This requirement does not pertain to ‘wet’ establishments.

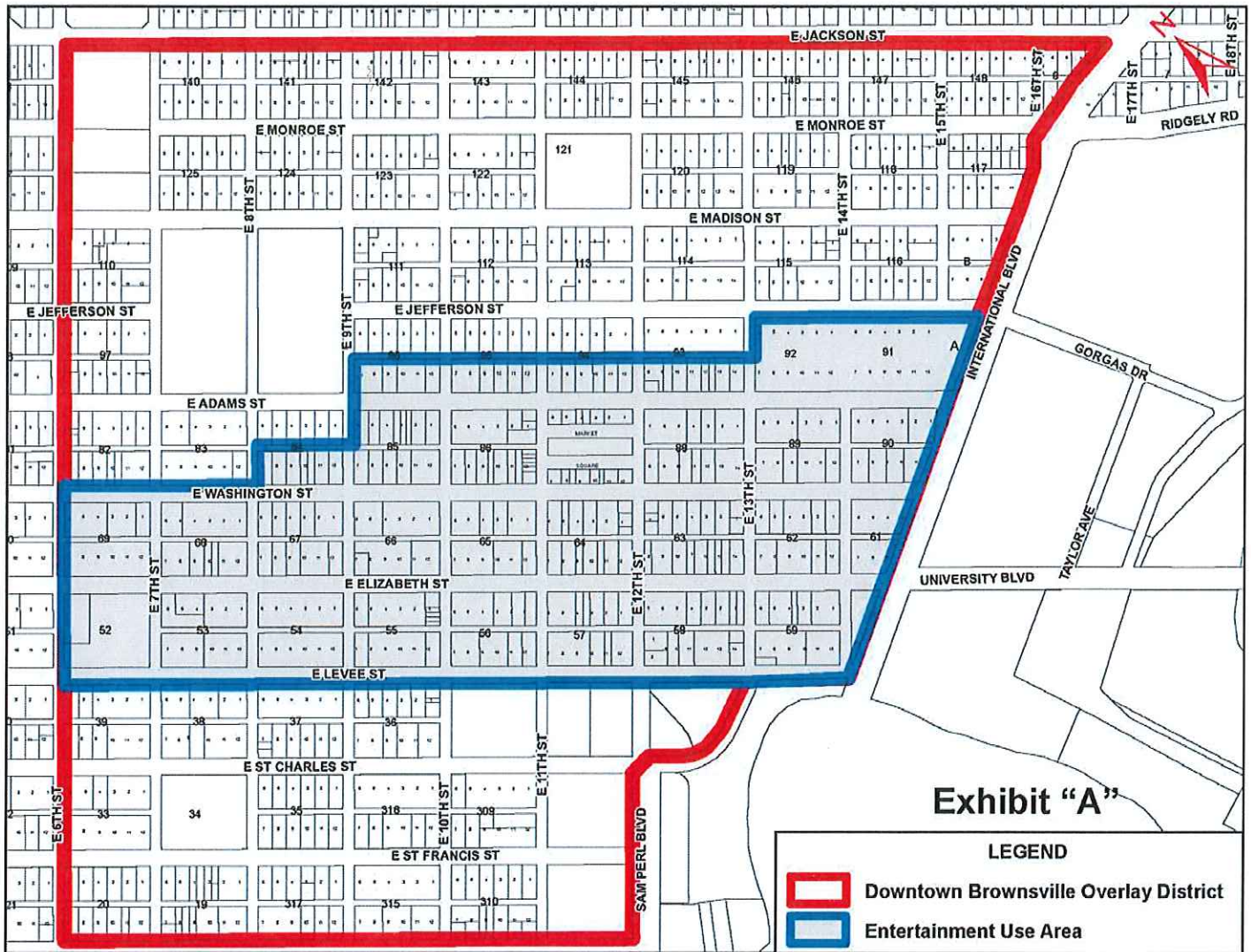
(d) *Historic Preservation.*

- (1) Establishments shall comply with all requirements stipulated in Chapter 348—Zoning, Article IX – Historic Preservation and Urban Design, including all requirements needed to secure a Certificate of Appropriateness; and
- (2) In addition to the aforementioned requirements, a release letter from the Main Street Manager will be required to issue a Certificate of Appropriateness.

(e) *Permitted uses.*

- (1) Retail and service uses such as an antique store, barber shop or drug store;
- (2) Art and arts-related uses such as a dance school, photographic studio or theatre; and
- (3) Entertainment uses such as a ‘wet’ restaurant, coffee house or bar.

**EXHIBIT A**  
Downtown Overlay District Boundaries



(f) *Prohibited uses.* The following uses are also prohibited within the DOD:

- (1) Blood or plasma centers;
- (2) Gambling arcades;
- (3) Payday lenders, car title lenders, or check cashing establishments;
- (4) New privately-owned parking facilities; and
- (5) Sale of building materials.

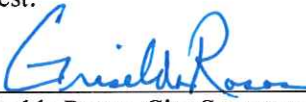
**Secs. 348-1044-348-1050. Reserved.**

INTRODUCED at a public hearing on July 11th 2017. Passed at First Reading on July 11th 2017. Passed at Second and Final Reading, and ADOPTED, APPROVED, and ENACTED on August 1st, 2017.



Tony Martinez, Mayor  
City of Brownsville, Texas

Attest:

  
Griselda Rosas, City Secretary



Approved as to form and legality:

  
Mark Sossi, City Attorney