



## City of La Porte Planning and Zoning Commission Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Planning and Zoning Commission to be held on **Thursday, March 17, 2016 at 6:00 p.m.** at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

1. Call to order.
2. Roll call of members.
3. Consider approval of meeting minutes: February 18, 2016, Meeting.
4. Consider a request by Liberty Property Trust for approval of a waiver to the city's Design Guidelines (Exterior Façade Materials) as outlined in Section 106-928 of the Code of Ordinance for the proposed warehouse distribution facility at 1801 S. 16<sup>th</sup> Street (southeast corner of S. 16<sup>th</sup> Street and Export Drive).
5. Continue a public hearing from and opened during the February 18, 2016 Regular Meeting of the Planning and Zoning Commission to receive input on proposed modifications to Ordinance No. 1444, more commonly known as the City of La Porte Development Ordinance, regulating review process for subdivisions, site plans and other development-related requirements and codifying the regulations as part of Chapter 86 of the City of La Porte Code of Ordinances.
  - a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments (for, against, or questions)
  - d. Question and Answer
6. Close public hearing.
7. Consider a recommendation to the La Porte City Council on the proposed modifications to Ordinance No. 1444 and the codification of those regulations as part of Chapter 86 of the City of La Porte Code of Ordinances.
8. Administrative reports.
9. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
10. Adjourn.

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

In compliance with the Americans with Disabilities Act, The City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281-470-5019.

**CERTIFICATION**

I certify that a copy of the Thursday, March 17, 2016, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_

Title: \_\_\_\_\_

**Planning and Zoning Commission  
Minutes of February 18, 2016**

**Commissioners Present:** Trey Kendrick, Wyatt Smith, Richard Warren, Nick Barrera, Mark Follis, Larry Stockham, and Hal Lawler

**Commissioners Absent:** Helen LaCour, Lou Ann Martin

**City Staff Present:** Director of Planning and Development Tim Tietjens, City Planner Eric Ensey, Assistant City Attorney Clark Askins, and Planning Technician Ryan Cramer

**1. Call to order.**

Chairman Hal Lawler called the meeting to order at 6:02 p.m.

**2. Roll Call of Members.**

Commissioners Kendrick, Warren, Barrera, Follis, Smith, Stockham, and Chairman Lawler were present for roll call.

**3. Consider approval of meeting minutes: January 21, 2016 Meeting**

**Motion** by Commissioner Barrera to approve the meeting minutes of January 21, 2016.

**Second** by Commissioner Warren. **Motion carried.**

**Ayes: Kendrick, Warren, Barrera, Follis, Smith, Stockham, and Lawler**

**Nays:**

**4. Consider a request by Stripes LLC for approval of a waiver to the city's Design Guidelines (Exterior Façade Materials) as outlined in Section 106-928 of the Code of Ordinances for the proposed Stripes Gas Station and Convenience Store proposed at the southeast corner of W. Main Street (Spencer Highway) and Bay Area Boulevard (Sens Road).**

City Planner Eric Ensey presented the staff report on a request by Stripes LLC for a waiver to the city's Design Guidelines. The site falls under the City of La Porte's Tier 2 Design Guidelines and must be 50% stone or brick. The applicant had indicated that this is a new prototype building. Staff did not support the request because of a possible precedent that it would set.

Commissioner Smith asked if it was a material similar to a previous case. City Planner Ensey said that this material is more of a hardy plank as compared to ephus in the previous case.

Commissioner Stockham questioned whether or not the ordinance applied to only the front of the building. City Planner Ensey said it applies to all sides visible from a right-of-way, which in this case would be all four sides. The Commissioner then asked for clarification as to if each side had to be 50% or if it was just the total. City Planner Ensey said in his opinion the ordinance is about spreading it out on all sides, but it does not have to be exactly even.

Commissioner Follis asked whether or not the other La Porte Stripes locations had to meet this requirement. Staff responded that those sites were built under the City's previous masonry requirement.

Applicants James Butcher, 3525 Air Street, Corpus Christi, Texas, and Billy Green, 1915 Woodland Hills, Missouri City, Texas gave a presentation about how this location will be the very first of their new prototype. The material proposed for the building is a fiber cement product. The applicant indicated they would be willing to add masonry to the canopy pillars.

The Commission confirmed that the façade was going to be 100% of the fiber cement.

Commissioner Stockham asked if they would be willing to use a brick printing on their material instead of wood. Mr. Butcher said that they could look into it but it would probably be a significant cost.

Chairman Lawler pointed out that while Stripes is trying to keep a prototype, the City is trying to preserve the integrity of the City's design guidelines.

The applicant stated that changing the materials will add days to an already aggressive timeline.

When asked to compare La Porte to Missouri City, Mr. Butcher said they are encountering similar obstacles and in some places Missouri City requires 100% brick or stone.

Commissioner Warren said the façade requirements are new and the City doesn't want to deviate from them.

**Motion** by Commissioner Follis to deny the waiver to the city's Design Guidelines (Exterior Façade Materials) as outlined in Section 106-928 of the Code of Ordinances for the proposed Stripes Gas Station and Convenience Store proposed at the southeast corner of W. Main Street (Spencer Highway) and Bay Area Boulevard (Sens Road).

**Second** by Commissioner Smith. **Motion carried.**

**Ayes:** Kendrick, Warren, Barrera, Follis, Smith, Stockham, and Lawler

**Nays:**

- 5. Consider a request by Liberty Property Trust for approval of a waiver to the city's Design Guidelines (Exterior Façade Materials) as outlined in Section 106-928 of the Code of Ordinances for the proposed warehouse distribution facility at 1801 S. 16th Street (southeast corner of S. 16<sup>th</sup> Street and Export Drive).**

City Planner Eric Ensey delivered the staff report on a waiver request by Liberty Property Trust for approval of a waiver to the city's Design Guidelines (Exterior Façade Materials) as outlined in Section 106-928 of the Code of Ordinances for the proposed warehouse distribution facility at 1801 S. 16th Street (southeast corner of S. 16th Street and Export Drive). This building would be under the Tier 3 requirements as it is in the TIRZ No. 1. Under this tier the code requires that the building be 20% brick

or stone. No other buildings in Port Crossing meet this standard. Staff did not support the request as proposed but was willing to compromise in certain areas.

Commissioner Follis asked for a clarification on whether or not the guidelines are required for buildings over 50,000 square feet. City Planner Ensey said that the rule only applies to Tier 1 buildings.

Commissioner Follis asked what the total cost of the project was. City Planner Ensey said that the applicant was in the audience and could answer that question.

The applicant, Ken Chang of Liberty Property Trust, 8827 N Sam Houston Parkway West, Houston, TX, made the point that none of the other buildings in Port Crossing have masonry. He noted that they are putting a lot of glass on their building, something that most companies do not do and is an extra cost to the builder. Mr. Chang brought in sketches showing the average walk in to their proposed walk in to make the point that Liberty Property builds nicer buildings.

Commissioner Follis asked whether or not they were still subject to Tier 3 guidelines being on Highway 146 but City Planner Ensey told him that in the Special Conditional Use Permit they were allowed under Tier 3.

Commissioner Follis then asked what the total cost would be. Mr. Chang said that a rough estimate, just for construction would be \$18-\$20 million dollars. Commissioner Follis said that a rough estimate of the cost to put brick veneer all around would come out to about \$200,000, or 1% of the project.

Mr. Chang argued that tying the brick and stone to their modern glass look would be difficult. Commissioner Follis was more concerned about the long uninterrupted side walls.

Commissioner Follis said that the majority of the 20% should be focused on the east and west walls due to visibility.

The board as a whole expressed a desire for the applicant to keep the glass at the corner entries while having the 20% brick or stone on the sides.

Mr. Chang offered to put windows along the wall in exchange for not having to meet the 20% brick or stone in an effort to keep the look continuous.

Commissioner Follis said the intent of the design guidelines was to make the building as a whole look better and putting it all one side would go against the initial intent.

In an attempt to summarize the Commission's position, Chairman Lawler said they understand that it does not make sense to put the brick or stone on the side with bay doors, and they like the window treatments. Amongst the remaining walls, the west wall is the one they would like to look the best so the majority of the stone should be on that wall.

Commissioner Smith pointed out that putting too much brick or stone on one wall compared to the others could look unattractive.

Assistant City Attorney Clark Askins clarified if the Commission was going to deny the waiver they would still like to see the glass on the corner treatments.

Mr. Chang asked if the Commission would consider allowing use of a second story glass element on the corner entrances towards the masonry requirement. Commissioner Follis and Chairman Lawler concurred, but Commissioner Warren argued that if concessions are made then other applicants can look for concessions as well.

**Motion** by Commissioner Warren to deny a waiver to the city's Design Guidelines (Exterior Façade Materials) as outlined in Section 106-928 of the Code of Ordinance for the proposed warehouse distribution facility at 1801 S. 16th Street (southeast corner of S. 16th Street and Export Drive).

**Second** by Commissioner Follis. **Motion Carried.**

**Ayes:** Warren, Follis, Lawler, and Smith  
**Nays:** Kendrick, Barrera, Stockham

**6. Consider a request by Liberty Property Trust for approval of a major development site plan for a proposed warehouse distribution facility at 1801 S. 16th Street (southeast corner of S. 16th Street and Export Drive).**

City Planner Eric Ensey delivered the staff report for the 415,272 square foot warehouse distribution facility site plan. The site is zoned PUD and is part of the Port Crossing Business Park. The staff review team had determined that the plan met all applicable ordinance and Special Conditional Use Permit requirements. City Planner Ensey said the plan did meet the landscaping and parking requirements. For informational purposes he also noted that the Zoning Board of Adjustment allowed a variance for a 3<sup>rd</sup> drive along Export Drive and S. 16<sup>th</sup> Street to facilitate easier and safer ingress and egress. It was determined that the applicant would also build a sidewalk according to the City's Public Improvement Criteria Manual. Staff recommended approval of the major development site plan.

Commissioner Follis asked if the Commission was the final say on this request, City Planner Ensey said yes.

Commissioner Follis asked if they had the proper landscaping setbacks, City Planner Ensey said yes because in determining setbacks staff looked at what had been accepted for the other buildings in Port Crossing. Commissioner Follis then asked if that was written anywhere in the Special Conditional Use Permit (SCUP), City Planner Ensey said that it was not written anywhere.

City Planner Ensey also said that the uses were limited to anything that was allowed in a Business Industrial Zone in 2006, according to the approved SCUP.

Commissioner Smith asked if there were any tax breaks associated with building in this area, City Planner Ensey said that it was in the TIRZ.

Commissioner Follis asked about the size and location of planters in the parking lot. City Planner Ensey said the applicant complied with the code requirements.

**Motion** by Commissioner Kendrick for approval of a major development site plan for the proposed Port Crossing B4 Building at 1801 S. 16th Street (southeast corner of S. 16th Street and Export Drive) with the condition that the applicant meets the City's design guidelines.

**Second** by Commissioner Barrera. **Motion carried.**

**Ayes:** Kendrick, Warren, Barrera, Follis, Smith, Stockham, and Lawler

**Nays:**

Before moving to the next agenda item Chairman Lawler suspended the meeting for a break at 8:26 PM and reconvened the meeting at 8:34 PM.

- 7. Open a public hearing to receive input on proposed modifications to Ordinance No. 1444, more commonly known as the City of La Porte Development Ordinance, regulating review process for subdivisions, site plans and other development-related requirements and codifying the regulations as part of Chapter 86 of the City of La Porte's Code of Ordinances.**

Chairman Lawler opened the public hearing at 8:38 PM.

Before the start of staff's presentation, Commissioner Follis suggested this agenda item be continued to the March 17<sup>th</sup> meeting, in the interest of time.

Chairman Lawler asked staff's opinion of it and staff was okay with it.

**Motion** by Commissioner Follis to continue the public hearing to the March 17<sup>th</sup> meeting.

**Second** by Commissioner Warren.

**Ayes:** Kendrick, Warren, Barrera, Follis, Smith, Stockham, and Lawler

**Nays:**

- 8. Close Public Hearing**

The public hearing was not closed. See Agenda Item 7.

- 9. Consider recommendation on proposed modifications to Ordinance No. 1444, more commonly known as the City of La Porte Development Ordinance, regulating review process for subdivisions, site plans and other development-related requirements and codifying the regulations as part of Chapter 86 of the City of La Porte's Code of Ordinances.**

There was no recommendation on this item from the Commission. See Agenda Item 7.

- 10. Administrative Reports**

There were no administrative reports.

**11. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.**

Commissioner Warren said he was glad the Commission is still trying to adhere to the Design Guidelines.

Chairman Lawler thanked everyone for the discussion because a lot more of these type cases will be coming up and this makes for a good review experience.

Commissioner Smith reflected back to Commissioner Follis' point that warehouses do not bring the jobs that La Porte is really looking for and agreed with it.

Commissioner Kendrick apologized for stepping in and answering for the Planning and Development Director when Chairman Lawler asked him a question.

**12. Adjourn**

**Motion** by Commissioner Kendrick to adjourn.

**Second** by Commissioner Warren.

Chairman Lawler adjourned the meeting at 8:42 p.m.

Respectfully submitted,

\_\_\_\_\_  
Ryan Cramer  
Secretary, Planning and Zoning Commission

Passed and Approved on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Hal Lawler  
Chairman, Planning and Zoning Commission

**City of La Porte, Texas  
Planning and Zoning Commission**



**March 17, 2016**

## **AGENDA ITEM 4**

Consider a Waiver Request to the City's  
Design Guidelines (Exterior Façade Materials)  
for the Proposed Port Crossing B4 Warehouse Building  
at the Southeast Corner of S. 16<sup>th</sup> Street and Export Drive (1801 S. 16<sup>th</sup> Street).  
Applicant: Liberty Property Trust

*Eric J. Ensey, City Planner*  
*Planning and Development Department*  
*City of La Porte, Texas*

## Planning and Development Department Staff Report

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### ISSUE

Should the Planning and Zoning Commission approve a request by Liberty Property Trust for a waiver to the city's exterior façade materials design guidelines for construction of the proposed Port Crossing B4 Warehouse Building located at the southeast corner of S. 16<sup>th</sup> Street and Export Drive (1801 S. 16<sup>th</sup> Street)?

### DISCUSSION

The applicant presented a request to waive the city's architectural design guidelines concerning exterior façade materials. The Commission discussed the request and suggested that the applicant provide the required 20% stone or brick coverage for the entire building on the eastern and western façade of the building. Based on the discussion that took place, the applicant developed plans that complied with the Commission's recommendation.

The applicant included, as part of their revised submittal package for this meeting, a rendering that shows what the building would look like if it incorporated the required 20% stone façade requirement for the whole building on the eastern and western façade as discussed by the Commission. Because of the size of the building, the 20% requirement would fill the entire east and west façade with brick or stone. The applicant asserts that this would take away from the architectural style of the building they are trying to create. Staff acknowledges that although this option meets code, it does not provide a visually appealing design. In fact, the design is monolithic in nature and void of architectural details including variety of materials and horizontal and vertical articulation.

The applicant has provided an alternative option that includes some stone along with other architectural features on the building that provide visual relief to the façade of the building. Although this option does not include the required 20% stone requirement for the entire building, it does provide 20% coverage of stone on both the east and west façades. The proposed alternative design is an attempt by the applicant to come more into compliance with the city's design guidelines and providing an attractive and high quality development for the community. Staff finds that the architectural detailing provided along with the masonry proposed is consistent with the intent of the city's design guidelines in providing attractive, quality buildings in the community. Additionally, staff believes that the proposed building will be of a higher visual quality than the previous building constructed in the Port Crossing Business Park.

Code requirements:

The site is subject to the city's Design Guidelines as outlined in Article IX of Chapter 106 of the city's Code of Ordinances. Section 106-928 outlines various architectural design guidelines, including building form, building articulation, roof, architectural design elements, and exterior façade materials. Because this site is within the TIRZ No. 1, the code requires 20% of the building's façade be covered by stone or brick materials for a Tier 3 building and 80% for other materials such as stucco, architectural block, cementitious fiberboard, EIFS (above 14 feet), and painted, colored or stamped tilt-wall.

Section 106-927 of the city's Code of Ordinances states that the Planning and Zoning Commission may approve a waiver request subject to two findings. The following is a list of those findings:

1. The project as designed is consistent with the general spirit and intent of the City of La Porte's Comprehensive Plan.
2. The proposed building will result in an attractive contribution to the community.

**ATTACHMENTS**

- Exhibit A: Applicant Letter and Building Elevations  
Exhibit B: Area Map  
Exhibit C: Section 106-928, Architectural Design Guidelines  
Exhibit D: Exterior Façade Materials Policy



LIBERTY  
PROPERTY  
TRUST

EXHIBIT A

March 10, 2016

enseye@laportetx.gov

Mr. Eric J. Ensey, City Planner  
City of La Porte Planning & Development  
604 W. Fairmont Parkway  
La Porte, Texas 77571

RE: Port Crossing Building B4 Masonry Variance  
1801 16<sup>th</sup> Street  
La Porte, Texas 77571

Dear Eric:

As a follow up to direction given by the Planning & Zoning Commission on February 18, 2015, we have created an elevation sketch as well as a building rendering which reflect the 20% masonry requirement focused on the west wall. As you can see from the elevation sketch, in order to meet the 20% masonry requirement on all four walls, we would essentially have to clad the entire west wall and the east wall with stone. The rendering is an example of how this would look. In both these exhibits, we kept the stone outside of the corner entries. Through this exercise, I believe we can both conclude that a full wall of stone on both the west and east side is not in line with the design intent of the development ordinance nor is it architecturally appealing. Please note that we are not able to construct the building as depicted in these sketches.

We are asking the Planning & Zoning Commission to reconsider our request for a masonry variance based on the following reasons:

- As a long term real estate holder, we will be building a high quality building with a priority on architectural design.
- As is evident from our current entry designs, we are going well above and beyond what would serve as a functional entry with three, two story entries which wrap around both corners of the entries. The additional glass is a significant expense and is complimented with two levels of canopies, one functional and the other purely architectural.
- As is currently designed, we would be incorporating exterior LED lighting around the entire building.
- According to the City of La Porte's future land use map, property within Port Crossing Commerce Center would be classified as Commercial, Business Industrial, Light Industrial and Heavy Industrial. Commercial is centered around the small "retail" tracts along 146. Business Industrial would be remainder property along 146 frontage. Light Industrial within the center portion of the Port Crossing development and Heavy Industrial on the west side of South 16<sup>th</sup> Street, the same roads fronting our proposed development.



- None of the three buildings which we acquired within Port Crossing Commerce Center has masonry on the buildings. The three buildings which we acquired front Export Drive and South 16<sup>th</sup> Street.
- The properties surrounding the Port Crossing Commerce Center consist of smaller metal warehouse buildings (coming southbound down South 16<sup>th</sup> Street from Fairmont Parkway) to what appears to be a chemical plant along McCabe Road. It is our belief that our buildings, as currently designed, would be a significant improvement to the surrounding area.
- Port Crossing Commerce Center is roughly enclosed by Fairmont Parkway, SH 146, South 16<sup>th</sup> Street and McCabe Road. The interior roads within Port Crossing Commerce Center would likely not be used as a thoroughfare due to McCabe Road. Instead vehicles within our development would likely be entering and exiting the light industrial and heavy industrial buildings.
- Having purchased over 200 acres of land in 2015, it was not until last month's Planning & Zoning Agenda that we were made aware of the internal City of La Porte memo which described the percentage masonry requirement. Based on our review of the original City of La Porte development ordinance along with the 2014 ordinance update there were no specific percentage masonry requirements that we would have been bound by. From our understanding the memo dated June 4, 2015 was considered an internal memo and was not formally made available to the public.

With the above being said, we would like to do our best to accommodate the design requests of the Planning & Zoning Commission, as we can appreciate their intent. Unaware of the masonry percentage requirement when we purchased the property we proceeded to design our Phase I buildings with two story entries and have incurred significant costs. While it is not too late to add stone to building we would like to be certain that the stone adds to the architectural design of the building and not be viewed as an afterthought. Our focus is to design a logical architectural appealing building which we believe to be the intent of the Planning and Zoning Commission evident from the design requirements within the development ordinance. We would like to discuss the attached proposed rendering which adds stone to the three two story entries around the building and adds additional stone to the west side of the building (which is the side most visible from South 16<sup>th</sup> Street). Below is a summary of the design elements added to the building:

- Vertical stone accent walls were added on both sides of each two story entry. Each vertical stone accent wall is approximately 800 SF, multiplied by six walls total approximately 4,800 SF.
- We created a "center entry" feature at the center of the face of the wall adjacent to South 16<sup>th</sup> Street.
- With this "center entry" we increased the height of the parapet wall, adding articulation to the west face of the building.
- We also added two walls of stone adjacent to the "center entry".
- We incorporated a band of stone wainscoting along the base of the entire wall.
- This results in over 15.5% stone coverage on the west wall and over 24% if you add in the SF of the vertical stone accent walls around the corner of each entry.
- We have approximately 7,453 SF of stone proposed.



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EXHIBIT A

Short of a full redesign with less glass, we believe this solution to be the most aggressive design (with stone) which maintains an attractive and consistent appearance with our current building design. We are hopeful that our variance is approved and we can continue down the road with the development of our building without any additional delays. Please feel free to call with any additional questions. Thank you.

Sincerely,

Ken Chang  
Director, Development

Hans Brindley  
Vice President, Leasing & Development

# BUILDING B4 - IMAGE

EXHIBIT A

STONE SCHEME 1

WEST FACADE TOTAL = 17,074 SF (NOT INCLUDING OPENINGS)  
AMOUNT OF STONE SHOWN = 14,429 SF



Rendering is representative of design intent only. It is not a photorealistic representation of actual materials proposed and as such should be considered preliminary at all stages.

PORT CROSSING  
a project for  
LIBERTY PROPERTY TRUST

HOUSTON

08 MARCH 2016

TEXAS

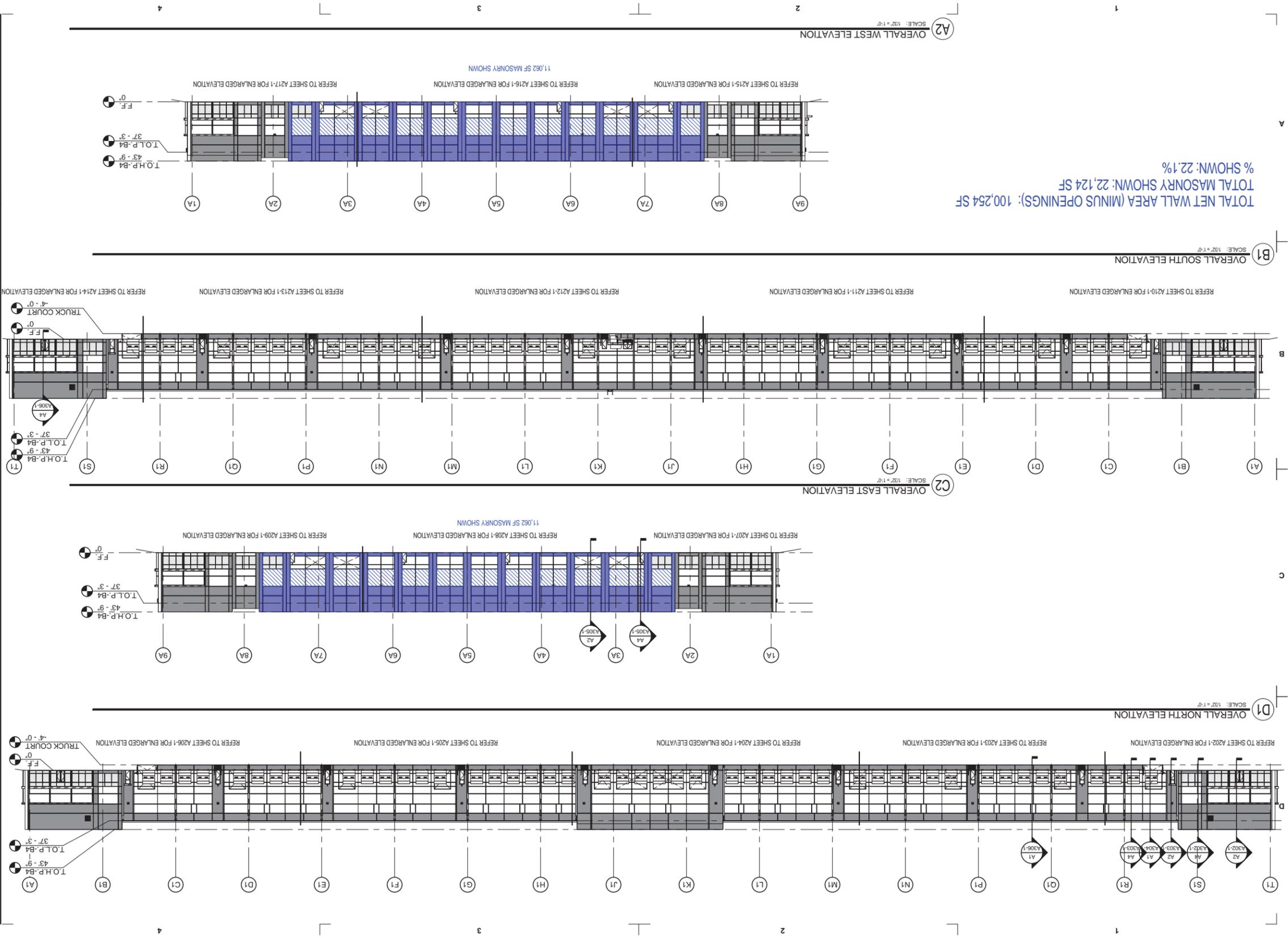
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TOTAL NET WALL AREA (MINUS OPENINGS): 100,254 SF  
 TOTAL MASONRY SHOWN: 22,124 SF  
 % SHOWN: 22.1%

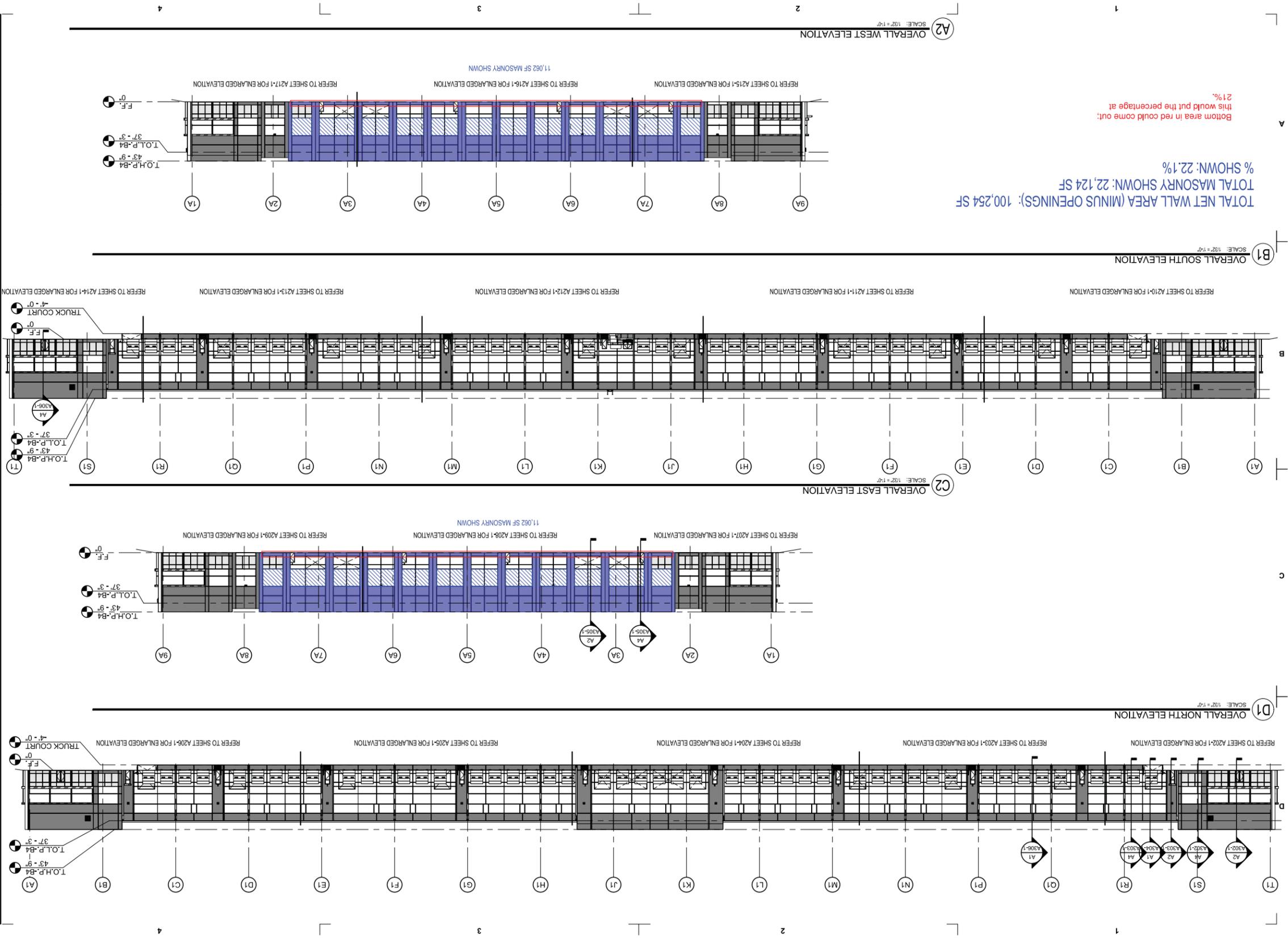


POWER & BROWN ARCHITECTURE 1314 TEXAS AVE., 2ND FLOOR HOUSTON, TEXAS 77002 713.224.0426 713.224.0457 FAX WWW.POWERANDBROWN.COM							
<b>PROJECT TITLE</b> Liberty Port Crossing - Phase 1 A PROJECT FOR Liberty Property Trust 1801 S. 16th St. La Porte, TX 77571							
<b>GENERAL NOTES</b> EXTERIOR MATERIALS CONCRETE TILTWALL, FIELD PAINT CONCRETE TILTWALL, ACCENT PAINT PREFINISHED METAL CANOPY CLEAR ANODIZED FINISH 1" INSULATED VISION GLAZING SOLARGRAY WITH SOLARBAN 60 COATING 1" INSULATED SPANDREL GLAZING SOLARGRAY WITH SOLARBAN 60 COATING PER CITY OF LA PORTE DESIGN GUIDELINES, SECTION 106-926, PROPOSED BUILDING IS CLASSIFIED AS TIER 3. PROPOSED BUILDING COMPLETES WITH SECTION 106-928 d (1) WITH PROPOSED CANOPIES. PROPOSED BUILDING COMPLETES WITH SECTION 106-928 d (1) VIA PAINTED CONCRETE TILTWALL AND PREFINISHED METAL CANOPIES.							
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Bottom area in red could come out:  
21%.  
this would put the percentage at:

TOTAL NET WALL AREA (MINUS OPENINGS): 100,254 SF  
TOTAL MASONRY SHOWN: 22,124 SF  
% SHOWN: 22.1%



<p>1314 Texas Ave., 2nd Floor Houston, Texas 77002 713.224.0455 www.powersbrownarchitect.com</p>		<p><b>PROJECT TITLE</b> Liberty Port Crossing - Phase 1 Liberty Property Trust A PROJECT FOR La Porte, TX 77571</p>							
<p><b>GENERAL NOTES</b></p> <p>EXTERIOR MATERIALS</p> <ul style="list-style-type: none"> <li>CONCRETE TILTWALL, FIELD PAINT</li> <li>CONCRETE TILTWALL, ACCENT PAINT</li> <li>REFINISHED METAL CANOPY</li> <li>CLEAR ANODIZED FINISH</li> <li>INSULATED VISION GLAZING</li> <li>SOLARGRAY WITH SOLARGRAY 60 COATING</li> <li>INSULATED SPANDREL GLAZING</li> <li>SOLARGRAY WITH SOLARGRAY 60 COATING</li> </ul> <p>A PER CITY OF LA PORTE DESIGN GUIDELINES, SECTION 106-926, PROPOSED BUILDING COMPLEX WITH SECTION 106-928 d.(1) WITH PROPOSED CANOPIES, PROPOSED BUILDING COMPLEX WITH SECTION 106-928 d.(1) VIA</p> <p>BUILDING COMPLEX WITH SECTION 106-928 a. (1) VIA PAINTED CONCRETE TILTWALL AND PREFINISHED METAL CANOPIES.</p>		<p><b>REVISION</b></p> <table border="1"> <tr> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td>2016-01-29</td> <td>OWNER REVIEW</td> </tr> <tr> <td>2016-01-29</td> <td>Site Submission</td> </tr> </table>		DATE	REVISION	2016-01-29	OWNER REVIEW	2016-01-29	Site Submission
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# BUILDING B4 - IMAGE

EXHIBIT A

STONE SCHEME 4F

WEST FACADE TOTAL = 17,074 SF (NOT INCLUDING OPENINGS)  
AMOUNT OF STONE SHOWN = 2,653 SF



Rendering is representative of design intent only. It is not a photorealistic representation of actual materials proposed and as such should be considered preliminary at all stages.

PORT CROSSING  
a project for  
LIBERTY PROPERTY TRUST

HOUSTON

09 MARCH 2016

TEXAS

151257

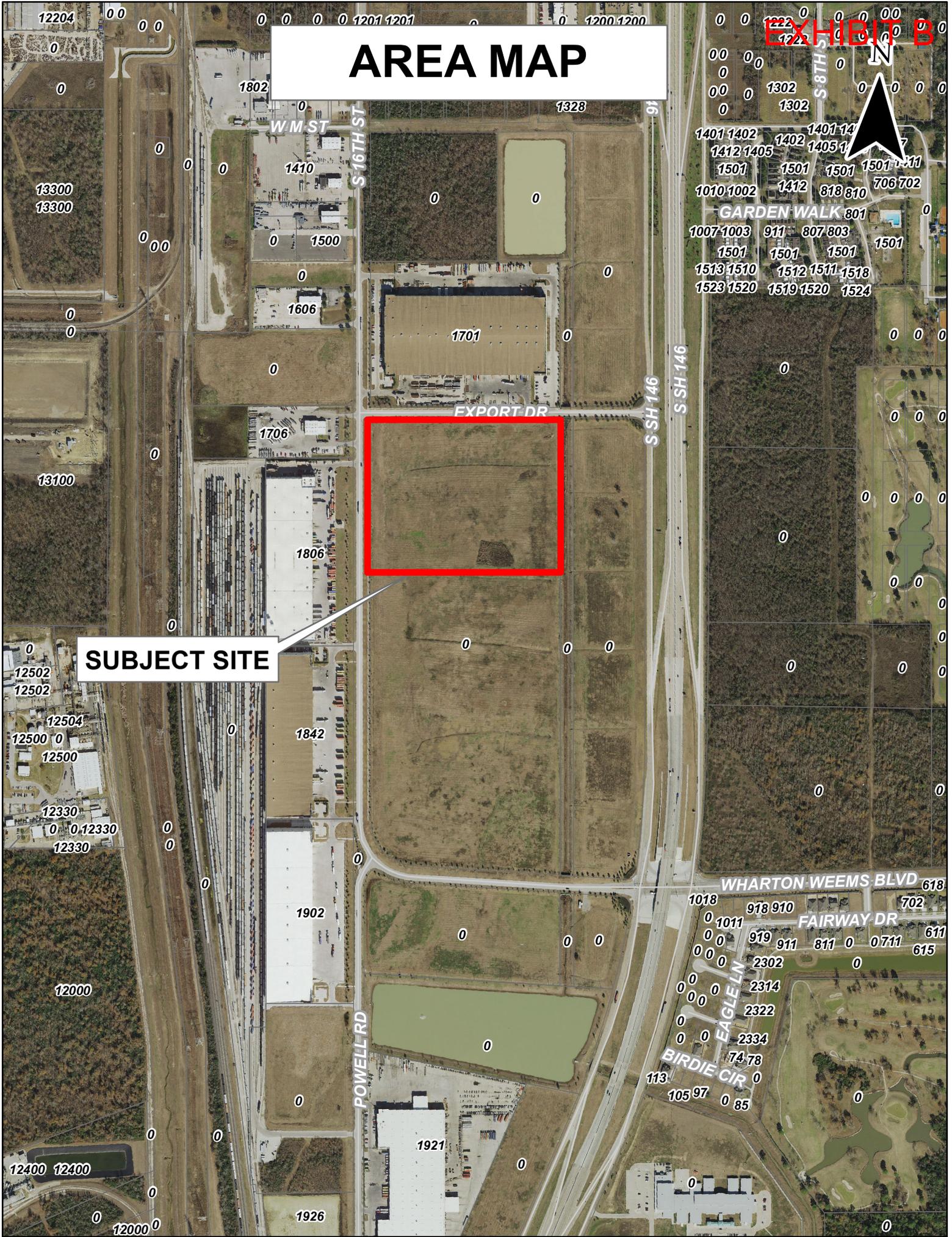
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# AREA MAP

EXHIBIT B



SUBJECT SITE



## Sec. 106-928. Architectural design guidelines.

### (a) Building Form (Applicable to Tier 1 and 2)

- (1) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.

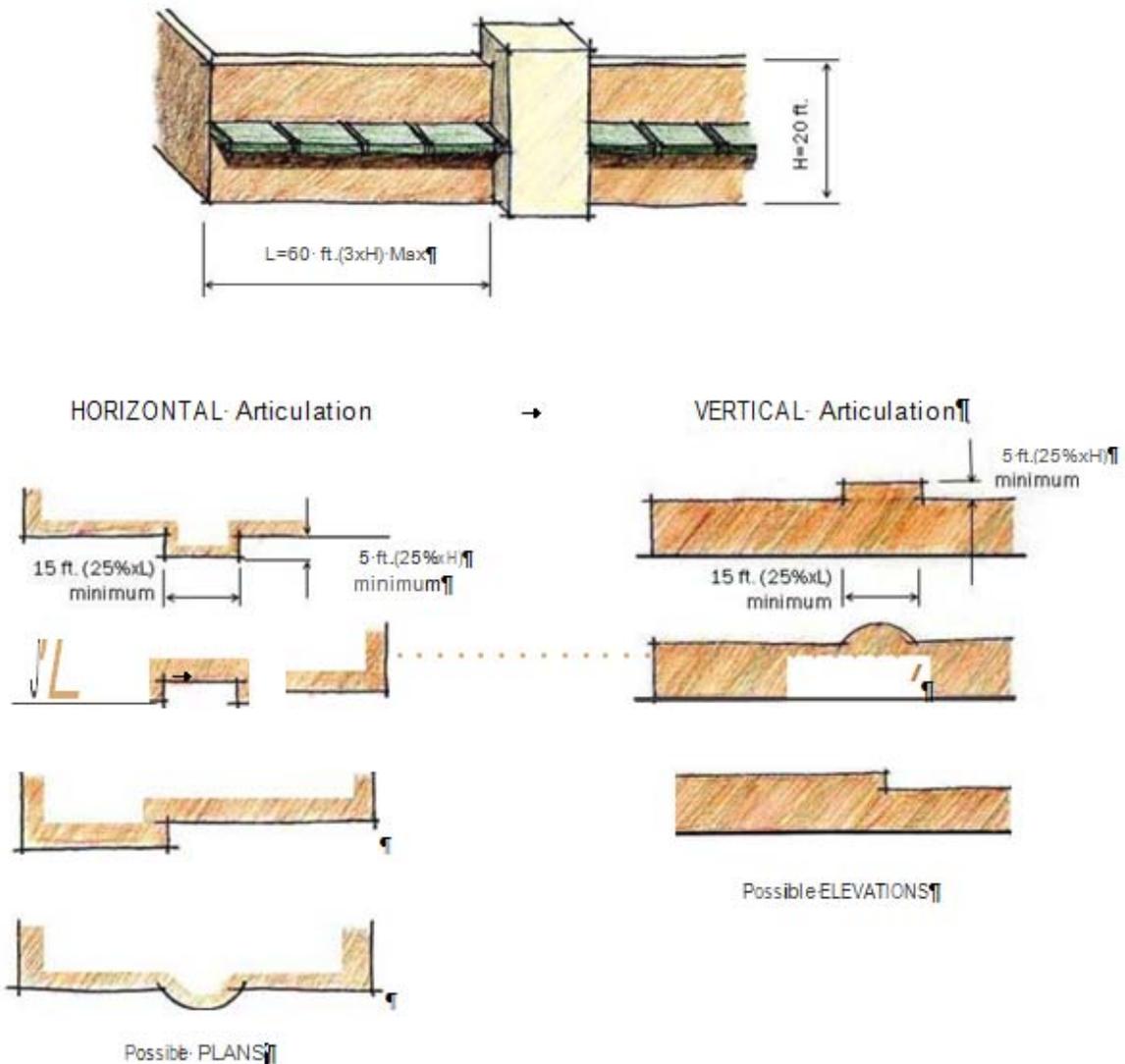


*Examples of Single Story Tri-Partite*

### (b) Building Articulation (Applicable to Tier 1 and 2)

- (1) Primary facades clearly visible from a public street or along an active storefront shall meet the following minimum standards for articulation:
- Horizontal Articulation.** No building wall shall extend for a distance equal to 3 times the wall's height without having an off- set equal to 25% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.
  - Vertical Articulation.** No horizontal wall shall extend for a distance greater than 3 times the height of the wall without changing height by a minimum of 25% of the wall's height.

## BUILDING ARTICULATION EXAMPLES



(c) Roofs (Applicable to Tier 1)

(1) Where clearly visible from a public street or along active storefronts, any hip, gable or mansard roofs may only utilize the following materials: metal standing seam, slate, clay or concrete tile (barrel or Roman shape). Minimum 3 on 12 roof pitch required.

(d) Architectural Design Elements

(1) The following is a list of acceptable architectural design elements that must be included into the design of buildings as required in this section.

- a. Canopies, awnings, porticos with colonnade, or arcades
- b. Raised pilaster cornices (end columns at corner), or quoin corners
- c. Vertical elements (tower, cupola, lighthouse, turret, arches, etc)
- d. Windows and doors framed with smooth cobble, cast stone, limestone, or other decorative masonry headers and sills; or dormer windows
- e. Outdoor patios and/or courtyards (landscaped and furnished)
- f. Decorative ornamentation integrated into the building façade, such as corbels,

medallions (non-signage), functioning clocks, niches, wrought iron, balconettes, gargoyles, or horizontal and rhythm patterned brickwork; or other architectural features approved by the Director of Planning and Development or designee

g. Any other architectural design element approved by the Director of Planning and Development or designee

(2) Applicable to Tier 1, all structures shall be designed to incorporate no less than four of the architectural elements above. Buildings over 50,000 square feet must include a minimum of five of the referenced architectural elements in subsection d.1 above.

(3) Applicable to Tier 2, all structures shall be designed to incorporate no less than two of the architectural elements above. Buildings over 50,000 square feet must include a minimum of three of the referenced architectural elements in subsection d.1 above.

(4) Applicable to Tier 3, all structures shall be designed to incorporate no less than one of the architectural elements from the list in subsection d.1 above.

(e) Exterior Façade Materials

(1) Allowed exterior materials are categorized into the following three groups, of which at least two materials from different groups shall be used in all exterior facades in Tier 1, Tier 2, and Tier 3:

a. Group A: Brick and stone

b. Group B: Stucco, architectural concrete block with integrated color (split face CMU), factory primed cementitious fiberboard in the form of lap siding or board and batten, EIFS (above 14 feet from grade only), and painted, colored or stamped tilt-wall

c. Group C: Metal, tile, wood

(2) Prohibited exterior materials include cinder block, vinyl, plastic, aggregate pea-gravel finished surfaces, and pre-engineered metal building siding.

(3) Primary façade treatments are applicable to Tier 1 buildings. The following shall apply to all exterior walls of buildings which are clearly visible from a public street or along an active storefront:

a. Primary Facades, excluding windows, doors, and other openings, shall be constructed of at least 80% Group A materials and up to 20% Group B materials. However, accent materials from Group C may be allowed in limited application for architectural features as approved by the Director of Planning and Development or designee.

b. Buildings over 50,000 square feet may use Split-Face CMU (architectural block) for up to 20% of the primary façade, in addition to the 20% of Group B materials.

(4) Building color requirements are applicable to buildings in all tiers. The dominant color of all buildings shall be muted shades of color. Black and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than 1.0% of the building face, except that florescent colors are prohibited.



Planning and Development Department Policy  
Effective: June 4, 2015  
#P2015-001

### Exterior Façade Materials for Tier 2 and Tier 3 Buildings Policy

Purpose:

To clarify minimum requirements for exterior façade materials for buildings categorized as Tier 2 and Tier 3.

Timing:

Effective immediately.

Policy:

The City Council approved Ordinance O-2015-3551 in November 2014 adopting a comprehensive update of the city's zoning regulations. One of those modifications was the implementation of design guidelines for development. In reviewing Section 106-928 of those regulations, it became apparent that minimum requirements for exterior façade materials for Tier 2 and Tier 3 buildings were not clearly denoted. The following is a revised Section 106-928(d) that shall guide development of Tier 2 and Tier 3 buildings until such time as the section is amended.

#### Sec. 106-928. Architectural design guidelines.

(d) Exterior Façade Materials

- (1) Allowed exterior materials are categorized into the following three groups, of which at least two materials from different groups shall be used in all exterior facades in Tier 1, Tier 2, and Tier 3:
  - a. Group A: Brick and stone
  - b. Group B: Stucco, architectural concrete block with integrated color (split face CMU), factory primed cementitious fiberboard in the form of lap siding or board and batten, EIFS (above 14 feet from grade only), and painted, colored or stamped tilt-wall
  - c. Group C: Metal, tile, wood
- (2) Prohibited exterior materials include cinder block, vinyl, plastic, aggregate pea-gravel finished surfaces, and pre-engineered metal building siding.
- (3) Primary façade treatments are applicable to Tier 1 buildings. The following shall apply to all exterior walls of buildings which are clearly visible from a public street or along an active storefront:
  - a. Primary Facades, excluding windows, doors, and other openings, shall be constructed of at least 80% Group A materials and up to 20% Group B materials. However, accent materials from Group C may be allowed in limited application for architectural features as approved by the Director of Planning and Development or designee.
  - b. Buildings over 50,000 square feet may use Split-Face CMU (architectural block)

**Exterior Façade Materials for Tier 2 and Tier 3 Buildings Policy**

June 4, 2015

Page 2

for up to 20% of the primary façade, in addition to the 20% of Group B materials.

(4) Primary façade treatments are applicable to Tier 2 buildings. The following shall apply to all exterior walls of buildings which are clearly visible from a public street or along an active storefront:

a. Primary Facades, excluding windows, doors, and other openings, shall be constructed of at least 50% Group A materials and up to 50% Group B materials. However, accent materials from Group C may be allowed in limited application for architectural features as approved by the Director of Planning and Development or designee.

(5) Primary façade treatments are applicable to Tier 3 buildings. The following shall apply to all exterior walls of buildings which are clearly visible from a public street or along an active storefront:

a. Primary Facades, excluding windows, doors, and other openings, shall be constructed of at least 20% Group A materials and up to 80% Group B materials. However, accent materials from Group C may be allowed in limited application for architectural features as approved by the Director of Planning and Development or designee.

(56) Building color requirements are applicable to buildings in all tiers. The dominant color of all buildings shall be muted shades of color. Black and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than 1.0% of the building face, except that florescent colors are prohibited.



\_\_\_\_\_  
Tim Tietjens  
Director of Planning and Development



\_\_\_\_\_  
Date

**City of La Porte, Texas  
Planning and Zoning Commission**



**March 17, 2016**

## **AGENDA ITEMS 5-7**

Consider a recommendation to the City Council  
on proposed modifications to Ordinance 1444 (Development Ordinance)

*Eric J. Ensey, City Planner  
Planning and Development Department  
City of La Porte, Texas*

## **Planning and Development Department Staff Report**

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### **ISSUE**

Following the public hearing, should the Planning and Zoning Commission consider recommending approval to the City Council, the proposed modifications to Ordinance No. 1444, more commonly known as the City of La Porte Development Ordinance, as presented in the attached Exhibit A?

### **RECOMMENDATION**

Staff recommends the Planning and Zoning Commission recommend approval to the City Council of the proposed modifications to Ordinance No. 1444 (Development Ordinance) as presented in the attached Exhibit A.

### **DISCUSSION**

This item was scheduled for the February 18, 2016, Planning and Zoning Commission Regular Meeting. The Commission opened the public hearing and continued it to the March 17, 2016, meeting. Attached to this staff report is the staff report from the February meeting, which contains a description of the proposed modifications as presented in the ordinance. Additionally, staff has included the proposed ordinance for your consideration and the Certificates and Signature Blocks.

### **ATTACHMENTS**

- Exhibit A: Staff Report from the February 18, 2016, Planning and Zoning Commission Meeting
- Exhibit B: Proposed Ordinance Amending Ordinance 1444 (Development Ordinance)
- Exhibit C: Certificates and Signature Blocks

**City of La Porte, Texas  
Planning and Zoning Commission**



**February 18, 2016**

## **AGENDA ITEMS 7-9**

Consider a recommendation to the City Council  
on proposed modification to Ordinance 1444 (Development Ordinance)

*Eric J. Ensey, City Planner  
Planning and Development Department  
City of La Porte, Texas*

## **Planning and Development Department Staff Report**

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### **ISSUE**

Following the public hearing, should the Planning and Zoning Commission consider recommending approval to the City Council, the proposed modifications to Ordinance No. 1444, more commonly known as the City of La Porte Development Ordinance, as presented in the attached Exhibit A?

### **RECOMMENDATION**

Staff recommends the Planning and Zoning Commission recommend approval to the City Council of the proposed modifications to Ordinance No. 1444 (Development Ordinance) as presented in the attached Exhibit A.

### **DISCUSSION**

Ordinance No. 1444 is the city's Development Ordinance and includes the procedures and regulations regarding development of property in the City of La Porte. These regulations range from subdivision platting to site development plans to general engineering standards and requirements. The Development Ordinance was adopted by City Council in 1985 with minor modifications through the years.

An audit of the Planning and Development Department was commissioned and conducted by the City Council in 2012. In 2013, Planning and Development Department staff began implementing the various recommendations of the audit. One of the recommendations of the audit was for the city to update and codify the Development Ordinance.

As a result, the Planning and Zoning Commission established a subcommittee at the February 19, 2015 meeting to review Ordinance No. 1444 (Development Ordinance) and recommend modifications to the ordinance. The subcommittee included Commissioners Mark Follis (Chair), Richard Warren, Nick Barrera, and Lou Ann Martin. Planning and Development Department staff support was provided to the group.

The attached Exhibit A is the draft ordinance that includes the proposed modifications to Ordinance 1444 as recommended by the subcommittee. The Subcommittee is presenting this document to the Commission as a public hearing item for discussion

purposes and to present the modifications being proposed. Notice of this public hearing was published in the Bay Area Observer and posted at City Hall and on the city's website.

The following includes a description of the modifications being proposed. Those areas in the attached Exhibit A highlighted in yellow indicate new language as part of the proposed modification. The ~~strike-throughs~~ indicate where language is proposed to be removed. It's important to note that the proposed changes to the document are not substantial in nature. The majority of the changes proposed were to arrange the document in a manner that it could be codified. There were some processes that have changed over the years, so those have been included in this document. All the proposed modifications are consistent with state law and have been reviewed by the City Attorney.

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General Modifications:

1. The Development Ordinance is being proposed to be codified as Chapter 86 of the City of La Porte Code of Ordinances.
2. References to old versions of state law have been modified with references to Texas Local Government Code.
3. Any reference to the Planning Department was replaced with "Planning and Development" as it relates to the department name or title of the director.
4. The certificates and signature blocks previously included as part of the ordinance have been removed. It is recommended or necessary that these be adopted in the codified version of the code. Instead, the Subcommittee is recommending that they be a departmental policy of the Planning and Development Department. These certificates have been included as part of Exhibit B for reference purposes.

Purpose (Section 86-1):

5. A new purpose clause was added to outline a general purpose for the chapter.

Statutory authority and jurisdiction (Section 86-2):

6. This section was modified to outline the city's authority to regulate and approve various development projects in the community.

Conformance requirements (Section 86-3):

7. This section was modified to simplify and more clearly provide various conformance requirements for development, including conformance with the Comprehensive Plan, Public Improvement Criteria Manual (PICM), etc.

Definitions (Section 86-4):

8. Most of the modifications to this section are minor in nature and function as a means of clarification of terms.

However there were some new definitions added that were not included in the original

Development Ordinance: “City”, “City Building Regulations”, “City Council”, and “Plat, Administrative”.

*[The various development applications have been proposed to be broken out in different sections for codification purposes. Those sections include: Pre-development Applicant Consultation, General Plan, Development Site Plans, and Subdivision Platting.]*

Pre-development Applicant Consultation (Section 86-5):

9. The Pre-development Applicant Consultation (or PAC) process replaces the Sketch Plan procedures. The intent of the PAC process is to provide applicants/developers with an opportunity to discuss the city’s review process and requirements for a proposed development project.

General Plans (Section 86-6):

10. This was already a procedure in the previous version of the Development Ordinance, however modifications have been made to codify these requirements. Additional requirements to General Plan submittals have been included (including drainage plans and traffic analysis).

Development Site Plans (Section 86-7):

11. Both Major and Minor Site Plans are included in this section. Both have the same submittal requirements, but different review paths (which has not been modified).
12. Additional submittal requirements have been added (including parking and landscaping tables, drainage calculations, exterior building elevations if subject to the city’s Design Guideline regulations, a traffic impact analysis if required by the Director.
13. A new provision was added for amendments to Site Plans. The intent of this section is to allow the Director to approve modifications that do not change the character of the development (especially if said site plan was approved by the Planning and Zoning Commission).

Subdivision Plats (Section 86-8):

14. All the various plat processes have been moved to this section. The platting procedures are generally governed by state statutes, and as a result, there are fewer modifications proposed to this section.
15. The requirements for group care facilities previously approved by City Council and not codified were included as subsections (j) and (k).

General Standards for Subdivisions and Developments (Section 86-15):

16. There are not many substantive modifications proposed to this section. Most of the modifications are for clarification purposes.
17. The only substantive modification is to the fees associate with the various development applications. The Subcommittee analyzed the fees charged by other municipalities for similar development applications. The fee modifications proposed are intended to bring the fees charged by the City of La Porte more in-line with our surrounding municipalities. These fees are intended to help off-set the administrative costs of processing development applications.

Waivers (Section 86-26):

18. This section was previously called “Variances”. The Subcommittee is recommending the name be changed to “Waivers” as the term variance is generally and legally tied to review of modifications to Chapter 106 (Zoning) by the Zoning Board of Adjustment. Because these waivers are reviewed by the Planning and Zoning Commission, it is easier to differentiate and explain the procedure as a “Waiver”.

**ATTACHMENTS**

- Exhibit A: Proposed Ordinance Amending Ordinance 1444 (Development Ordinance)
- Exhibit B: Certificates and Signature Blocks
- Exhibit C: Original Ordinance 1444 (Development Ordinance)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 86 “DEVELOPMENT REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY ADOPTING COMPREHENSIVE GUIDELINES, RULES AND REGULATIONS FOR SUBDIVISION AND DEVELOPMENT OF LAND IN THE CITY OF LA PORTE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

**Section 1:** That Chapter 86, “Development Regulations”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended in its entirety and shall hereinafter read as follows:

**“Article I. In General.**

**Sec. 86-1. Purpose.**

(a) It is the intent of this chapter for the City to outline the requirements for subdividers, developers, applicants, engineers, surveyors, realtors and other persons interested and involved in the subdivision and development of land.

(b) It is also the intent, purpose and scope of this chapter to promote the vision, goals and policies of the City’s Comprehensive Plan and all of its components and to protect the health, safety and general welfare of the public.

**Sec. 86-2. Statutory authority and jurisdiction.**

(a) Pursuant to the authority granted to cities and counties under the constitution and laws of the state, including the provisions of Texas Local Government Code § 212.003, as amended Chapter 212, and as amended, the City Council does hereby adopt the rules and regulations established in this chapter governing the subdivision and development of land within the city limits and extraterritorial jurisdiction of the city. provided, however, that the City of La Porte excludes from the terms, conditions and effects of this chapter and all amendments hereto, unsubdivided development in the extraterritorial jurisdiction of the City, and land included within the boundaries of any Industrial District or Districts that may be hereafter created by the City of La Porte under the terms of Article

~~970a and amendments thereto of the Revised Civil Statutes the Texas Local Government Code of the State of Texas.~~

(b) The Approving Authority shall review all plans, plats, and all accompanying documentation required in this chapter, and require developer and subdivider compliance with the applicable state law, this chapter, the Zoning Ordinance of the City of La Porte, other applicable ordinances of the City of La Porte, **the City of La Porte Comprehensive Plan**, and approved written policies and procedures of the City of La Porte.

**(c) If any section of this chapter is in conflict with other provisions of this chapter or any other ordinance, the more restrictive rule or regulation shall apply.**

~~Under the authority of Article 974a of the Revised Civil Statutes [the Texas Local Government Code] of the State of Texas, which article is hereby made part of these regulations [this ordinance], the City Council of the City of La Porte does hereby adopt the following regulations to hereafter control the development of land within the corporate limits of the City of La Porte and in the unincorporated areas lying within the extraterritorial jurisdiction of the City of La Porte in order to provide for the orderly development of the areas and to secure adequate provision for the orderly development of the areas and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities; provided, however, that the City of La Porte excludes from the terms, conditions and effects of this Ordinance [chapter] and all amendments hereto, unsubdivided development in the extraterritorial jurisdiction of the City, and land included within the boundaries of any Industrial District or Districts that may be hereafter created by the City of La Porte under the terms of Article 970a and amendments thereto of the Revised Civil Statutes [the Texas Local Government Code] of the State of Texas.~~

**Sec. 86-3. Conformance requirements.**

(a) **In so implementing this chapter, the City may, as needed, utilize policies in the City's Comprehensive Plan, including but not limited to the future land use plan and corresponding provisions, as well as complementary general design and construction standards approved by ordinance by City Council.**

(b) **All development must also be in compliance with the City's Public Improvement Criteria Manual (PICM), where applicable.**

(c) It shall be unlawful for any owner or agent of any owner of land to layout, subdivide, resubdivide, plat, or replat any land within the City of La Porte or its extraterritorial jurisdiction without an approved City Development Authorization. In addition, it shall be unlawful for any owner or agent of any owner of land to cause the development of any land within the corporate limits of the City of La Porte, without an approved City Development Authorization. It shall be unlawful for any such owner or agent to offer for sale or sell property therein or thereby, which has not been laid out, subdivided, re-subdivided, platted, replatted or developed without the approvals required in this ~~Ordinance~~ **Chapter**, subsequent to the passage of this ~~Ordinance~~ **Chapter**.

(d) The City shall withhold all City improvements of whatsoever nature, including the maintenance of streets and the furnishing of utilities from all subdivisions or developments not in conformance with the provisions of this Chapter.

(e) No Building Permit shall be issued for the erection or improvements of any building in the City's jurisdiction not located within an approved and recorded subdivision plat or within an approved Development Site Plan as defined herein.

CONFORMANCE WITH THE COMPREHENSIVE PLAN (3.03)

~~The City shall, under the provisions of Article 11, XI, Section 5 of the Texas Constitution and the provisions of Article 970a and 974a, [the Texas Local Government Code of the State of Texas], require that all plans or plats conform to the:~~

~~a. Comprehensive Plan of the City, its streets, alleys and public utility facilities which have been laid out; and,~~

~~b. The Comprehensive Plan for the extension of the City, its roads, streets, public highways, water and sewer mains and other instrumentalities of public utilities within the City and its extraterritorial jurisdiction.~~

GENERAL (1.00)

~~This ordinance shall govern every person, firm, association or corporation owning any tract of land within the City limits of the City of La Porte and within its extraterritorial jurisdiction who may hereafter subdivide or engage in development as hereinafter defined any tract of land or any addition to said City provided, however, that the City of La Porte hereby excludes from the terms, conditions and effects of this ordinance and all amendments hereto, land included within the boundaries of any Industrial District or Districts within the Extraterritorial Jurisdiction of the City of La Porte that currently exists or may be hereafter created by the City of La Porte under the terms of Chapter 212, Municipal Regulation of Subdivisions and Property Development, of the Texas Local Government Code,~~

**Sec. 86-4. Definitions.**

For the purpose of this ordinance the following various terms, phrases and words, will have the meaning ascribed to them herein. When not inconsistent with the context, words used in present tense include the future; words used in singular include the plural; words used in plural include the singular; "shall" is mandatory; and "may" is permissive. Any office referred to herein by title will include the person employed or appointed for that position or its duly authorized deputy or representative. Terms, phrases or words not expressly defined herein are to be considered in accordance with customary usage.

AGRICULTURAL USE: Any activity related to the cultivation of the soil, the producing of crops to human food, animal feed or planting seed or for the production of fibers; floriculture, viticulture or horticulture raising or keeping of livestock; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or recognized, normal crop or livestock rotation procedure.

A residential unit and related ~~out-buildings~~ **accessory buildings** located solely for one or more of the purposes described in the preceding sentence shall be deemed an agricultural use.

**ALLEY:** A public right-of-way ~~which~~ **that** is used for utility installation or for secondary access to individual properties ~~which~~ **that** have their primary access from an adjacent public street or an approved common or compensating open space or court yard ~~which~~ **that** has direct access to a public street.

**APPROVING AUTHORITY:** ~~commission~~ **The Planning and Zoning Commission** or the City official having authority to sign plats or plans signifying City approval of said plats or plans. For Minor Developments **and Administrative Plats**, the Approving Authority is the Director of Planning and Development. For all other developments or subdivisions, the Approving Authority is the Planning and Zoning Commission.

**ARTICLE 974a:** ~~A general law of the State of Texas found at Acts 1927 General Laws, Ch. 231, as it may be from time to time amended.~~

**BUILDING SETBACK LINE:** A line that is the required minimum distance from the street right-of-way line or easement line or any other lot line that establishes the area ~~within which~~ **where** any structure must be erected or placed.

**BLOCK:** An identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features ~~which~~ **that** may be further subdivided into individual lots or reserves.

**BUILDING PERMIT:** A permit for improvements granted by the Chief Building Official under the provisions of the City Building ~~Codes~~ **Regulations** currently in force and effect; ~~save and except improvements of less than \$1,000.00 valuation.~~ As used herein, **the term "improvement"** shall include the construction, enlargement, alteration, repair, removal, or conversion of a building or structure.

**CHIEF BUILDING OFFICIAL:** The City officer or other designated authority charged with the administration and enforcement of the City Building ~~Codes~~ **Regulations**, or his/her authorized representative.

**CITY:** **The City of La Porte, Texas.**

**CITY BUILDNG REGULATIONS:** **All building regulations referred to in and incorporated by Chapter 82 of the City's Code of Ordinances.**

**CITY COUNCIL:** **The City Council of the City of La Porte, Texas.**

**CITY SECRETARY:** ~~That~~ **The** person holding the office of City Secretary under the terms of the La Porte Charter, or her/his designated representative.

**COMMISSION:** The Planning and Zoning Commission of the City.

**COMPENSATION OPEN SPACE:** Those areas designated on a plat or plan ~~which~~ **that** are restricted from development, except for landscaping and recreational uses and which all owners of residential properties within the plat have a common legal interest or which are retained in private ownership and

restricted from development, except for landscaping and recreational uses, for the exclusive use of all owners of residential property within the plat, and such designation shall remain in effect until the plat is vacated or the tract is replatted. The terms “compensating open space”, “common open space”, “common property” and “common area” may be used interchangeably and may be considered as similar.

COMPREHENSIVE PLAN: A long- range plan adopted by the City Council in accordance with Texas Local Government Code Chapter 213 and as such plan is periodically amended or updated, which is intended to guide the development of the City and that includes analysis, recommendations and proposals for the community’s population, economy, housing, transportation, community facilities and infrastructure.

COUNTY: Harris County, Texas

DEPARTMENT: The Planning and Development Department of the City of La Porte.

DEVELOPER: The legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option or contract to purchase, or other persons having property interests in such land.

DEVELOPMENT: The process of converting land within the City’s jurisdiction from its natural state, or altering the elevation of property or converting its existing usage to residential, commercial or industrial uses. This definition encompasses any and all physical changes to the land not regulated through the City Building Code inherent in such conversions. The term development includes subdivisions as defined herein.

DEVELOPMENT AUTHORIZION: A document issued by the Department for the development of land within the City’s jurisdiction. A Development Authorization is issued after final approval of a Subdivision Plat or Development Site Plan by the City Approving Authority, and authorizes the construction of improvements not regulated by the City Building Code.

DEVELOPMENT, MAJOR: Any development not qualifying as a Minor Development, as the term “Minor Development” is defined herein.

DEVELOPMENT, MINOR: Any project or development that involves no more than ten (10) acres of land and where the total square footage of all buildings on the site does not exceed 150,000 square feet and ~~requires no change to the City’s Infrastructure Plan~~ presents no conflict with the City’s Comprehensive Plan.

DIRECTOR: The City Director of the Planning and Development Department or designated representative.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT: A right given by the owner or a parcel of land to another person, public agent or private corporation for specific and limited use of that parcel.

EXTRATERRITORIAL JURISDICTION: The unincorporated territory ~~beyond the~~ outside of and contiguous to the City limits of the City established by the authority of Texas Local Government Code Chapter 42 Article 970a and 974a ~~[or area outside the municipal limits but within five miles of those limits]~~.

FILING DATE: The date when a Development Site Plan, General Plan, or a Subdivision Plat is formally presented to the Approving Authority for its approval and is registered as a part of the Approving Authority's official records.

FLOOD HAZARD AREA: Those areas of the City designated as having a greater chance of flooding from natural disasters such as rainstorms or hurricanes. Such areas are shown on the official flood insurance rate maps (FIRM) established by FEMA and adopted by City Council.

FLOOD HAZARD PREVENTION ORDINANCE: The ~~City Ordinance~~ ordinance adopted by the City Council and codified in Chapter 94 "Floods" of the La Porte, Texas Code of Ordinances which that defines the special flood hazard areas of the City and regulates land development more restrictively within such areas, ~~by means of requirement for issuance of a special Flood Plain Development Permit.~~

GENERAL PLAN: A map or ~~plat~~ plan illustrating designated to illustrate the general design features and street layout of a proposed development which is proposed to be platted and developed in phases. This plan, when approved by the Commission, constitutes a guide which the Commission should refer to in the subsequent review of Subdivision Plats or Development Site Plans that cover portions of the land contained within the General Plan, and as well as adjacent property.

HARRIS COUNTY ROAD LAW: A special law of the State of Texas found in Acts 1913, Special Laws, Chapter 17, as may be from time to time amended.

INDUSTRIAL DISTRICTS: That land within the extraterritorial jurisdiction of the City of La Porte, and either:

- (a) Being designated as the "Battleground Industrial District of La Porte, Texas" in Ordinance 729, passed by the City Council of the City of La Porte; or
- (b) Being designated as the "Bay Port Industrial District of La Porte, Texas" in Ordinance 842, passed by the City Council of the City of La Porte; or
- (c) Being designated as the "South La Porte Industrial District or La Porte, Texas" in Ordinance 98-2258, passed by the City Council of the City of La Porte.

LOT: An undivided tract or parcel of land contained within a block or designated on a Subdivision Plat by numerical identification.

MOBILE HOME PARK: An unsubdivided development divided into mobile home sites for rent and for the installation of mobile home thereon.

MOBILE HOME SUBDIVISION: A subdivision divided into mobile home lots for sale.

MONUMENT: A fixed reference point or object located convenient to proposed developments in La Porte for which ~~that~~ the City or another governmental agency has determined the elevation above mean sea level and the geographic location within the Texas Plane Coordinate System.

MONUMENT SYSTEM: A monument system established by the City to provide horizontal and vertical survey control for land development in La Porte within a common frame of reference. A document describing the City Monument System is published separately.

ONE-FOOT RESERVE: A strip of land one foot wide and within public street right of ways and adjacent to subdivision reserves or adjacent acreage to prevent access to said public street until the reserve or adjacent acreage has been platted in accordance with this Ordinance [these regulations].

PLAN, DEVELOPMENT SITE: A site plan for unsubdivided developments certified by the land owner and by a Professional Engineer or Registered Public Surveyor, executed by the City Approving Authority and prepared as specified in ~~Section 4.08~~ **Section 86-7** of ~~these regulations~~ **this Chapter**.

PLANNED UNIT DEVELOPMENT: A land area characterized by a unified site design which: (1) has individual building sites and provides common open spaces; and (2) is designed to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of the common property may be either public or private. A Planned Unit Development may include subdivisions. It may be a single Planned Unit Development as initially designed; or as expanded by annexation of additional land area; or a group of contiguous Planned Unit Developments, as separate entities or merged into a single consolidated entity.

PLANNING CONSULTANT: A certified land planner, Texas registered professional engineer, Texas registered land surveyor, Texas registered architect, or other qualified consultant, who performs land planning services to subdividers or developers for a fee.

~~PLAN, SKETCH: A rough sketch map of a proposed subdivision or other development of sufficient accuracy to be used for the purpose of discussion and preliminary decision making, prepared in conformance with Section 4.00 et. seq. of this Ordinance [of these regulations].~~

**PLAT, ADMINISTRATIVE: A replat or subdivision of ~~10 (ten)~~ land totaling ten (10) acres or less, and involving four (4) or fewer lots fronting on an existing streets and not requiring the creation of any new street or the extension of municipal facilities or the aggregation of multiple lots into one lot.**

PLAT, AMENDING: A plat, previously approved by the Commission and duly recorded, which is resubmitted to the Commission for re-approval and recording which contains dimensional or notational corrections or erroneous information contained on the originally approved and recorded plat. An amending plat is not to be considered as a replat or resubdivision and may not contain any changes or additions to the physical characteristics of the original subdivision, but is intended only to correct errors or mis-calculations as allowed under the provisions of ~~Art. 974a, Section 5(d)~~ **Chapter 212 of the Texas Local Government Code**.

PLAT, FINAL: A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the appropriate County records and prepared in conformance with **Sec. 86-8(c)**~~Section 4.04 et seq.~~ of this Ordinance.

PLAT, PRELIMINARY: A map or drawing of a proposed subdivision illustrating its development features for review, prepared as specified in ~~Section 4.04~~, et seq. of this ordinance.

PLAT, STREET DEDICATION: A map or drawing suitable for recording in the appropriate county records illustrating the location of ~~as a public street~~ within a specific tract of land.

PUBLIC IMPORVEMENTS CRITERIA MANUAL (PICM): The set of standards set forth by the Director of Planning ~~and Development~~ Department and approved by the City Council to determine the specific technical requirements for construction of public improvements. The manual may be acquired from the Planning ~~and Development~~ Department, and is on file in the City Secretary's Office.

RESERVE: A parcel of land within a Subdivision Plat or Development Site Plan reserved from current development. A reserve may be restricted to a special use such as drainage, recreation or common area. Reserves within the subdivisions not restricted in use may be shown as "unrestricted".

RESUBDIVISION OR REPLAT: The relocation or removal of existing streets or lots by re-platting as allowed under the provisions of ~~Art. 974a VTCS Section 5 as amended~~ ~~Chapter 212, Texas Local Government Code, and as amended.~~

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, prescription or condemnation and used or intended to be used as a road, utility installation, crosswalk, railroad, electric transmission lines, or other similar use.

SPECIAL USE SITES: A location shown on the Comprehensive Plan where a proposed school, park, public building or other public facility is to be located.

STREETS, COLLECTOR: A street designed to serve equally the functions of access and movement. Collector streets serve as links between local streets and arterials.

STREET, CUL- DE- SAC: A local street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

STREET, LOCAL: A neighborhood or minor street whose primary purpose is to provide access to abutting properties.

STREET, PRIMARY ARTERIAL: An expressway, freeway, or primary thoroughfare whose primary function is the movement of traffic.

STREET, PRIVATE: A vehicular access way, under private ownership and maintenance, providing access to buildings containing residential dwelling units without direct access to an approved public street right- of- way. Parking lots and private driveways within shopping centers, commercial areas and industrial developments shall not be considered as private streets.

STREET, PUBLIC: A publically ~~owned or maintained~~ right- of- way, however designated, dedicated or acquired, which provides vehicular access to adjacent properties.

STREET, SECONDARY ARTERIAL: A primary thoroughfare whose predominant function is the movement of traffic but which provides more access than normally associated with a primary arterial.

STREET, STUB: A public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage and intended to be extended at such time as the adjacent undeveloped property or acreage is subdivided or developed.

STREET, THOROUGHFARE: A public street designed for heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the City Thoroughfare Plan as contained in the City's Comprehensive Plan.

SUBDIVIDER: Any owner or authorized agent thereof, proposing to divide, or dividing, land so as to constitute a subdivision according to the terms and provisions of this Ordinance Chapter. A subdivider is further defined to be a developer.

SUBDIVISION: A division of any tract of land into two (2) or more parts for the purpose of laying out any subdivision or any tract of land or any addition to the City, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of the purchasers or owners of lots fronting thereon or adjacent thereto. A subdivision includes re-subdivision (replat) but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new streets, alleys or easements of access. A subdivision is further defined to be a development.

SUBDIVISION, MAJOR: Any subdivision not qualifying as a minor subdivision, as the term "minor subdivision" is defined herein.

SUBDIVISION, MINOR: A subdivision involving less than ten (10) acres of land, which has no common area or reserves, has no adjacent stub street right of ways, and requires no change to the City's Comprehensive Plan.

SUBMITTAL DATE: The date and time specified in this chapter when plans, plats, related materials and fees must be received by the City prior to the next regular meeting of the commission in order to be considered at such meeting. The "submittal date" is not to be considered as the "filing date" as herein defined.

TITLE CERTIFICATE (ABTRACTOR'S CERTIFICATE, PLANNING LETTER): A certificate prepared and executed by a title company authorized to do business in the State of Texas or an attorney licensed in the State of Texas describing all encumbrances of record which affect the property together with all deeds recorded from and after the effective date of this Ordinance Chapter which shall include any part of the property included in a subdivision plat or development site plan.

VARIANCE: **WAIVER:** Permission granted in writing by the Commission to depart from the literal requirements of this ordinance Chapter.

ZONING ORDINANCE: The Zoning Ordinance of the City of La Porte, Texas, codified as Chapter 106 in the La Porte Texas Code of Ordinances, together with any amendments thereto.

## Sec. 86-5. Pre-development Applicant Consultation.

(a) The developer or owner of land may choose to schedule a Pre-development Applicant Consultation (PAC) meeting with the Director. The PAC meeting is intended to provide information on the City's review process, procedures and requirements and allow for dialogue between the City and developer or owner of land prior to submittal of any development application outlined in this chapter.

### SKETCH PLANS

The developer or owner of the land may choose to submit a Sketch Plan to the Director of Community Development for his formal review. The applicant should discuss with the Director the procedure for submittal and approval of Subdivision Plats or of Development Site Plans and the requirements as to the general layout of streets, reservation of land, street improvements, drainage, sewage, fire protection, and similar matters as well as the availability of existing services. The Director shall also advise the applicant, where appropriate, to discuss the proposed development or subdivision with those officials who must eventually approve these aspects of the Subdivision Plat or Development Site Plan coming within their jurisdiction.

#### A. SKETCH PLANS: REQUIREMENTS AND CONTENTS (SEE APPENDIX B)

For Major Subdivisions or Developments, the developer may prepare several different schematic land plans for the same property during the Sketch Plan stage. Complete instructions for preparing Sketch Plans for all Developments or subdivisions are contained in Appendix B.

#### B. SKETCH PLANS: SUBMISSIONS

The City encourages the subdivider or developer to submit one (1) copy of each Sketch Plan and one (1) copy of the completed development checklist (available at the Department) to the Director at least two (2) weeks prior to the date he intends to submit his first formal plan or plat.

#### C. SKETCH PLANS, EFFECT OF SKETCH PLAN REVIEW

Sketch Plan review is optional and informational in nature and no city approval or disapproval results from its review. The developer may file a formal plan or plat, regardless of the outcome of Sketch Plan review.

## Sec. 86-6. General Plans.

(a) General Plans are required for all phased projects involving Major Subdivisions or Major Developments. The General Plan is to be designed to illustrate the general design features of a subdivision or development which is proposed to be developed or platted in phases or sections. This plan, when approved by the Commission, constitutes a guide which the Commission will refer to in the subsequent review of plans or plats that cover portions of the land contained within the general overall plan and adjacent properties. Should the developer's future plans change, such changes are to be disclosed to the Department by filing a new General Plan.

(b) Application shall be submitted to the Department at least three (3) weeks before the date which Commission review is requested, unless otherwise approved by the Director.

(c) Application shall consist of all required documentation **submitted** either electronically or one (1) paper copy in a 24"x36" format.

~~Five (5) copies of the General Plan, certified by the developer and planning consultants, and one (1) copy of all required documentation shall be submitted to the Department for review at least two (2) weeks before the date at which Commission review is requested. Complete instruction for preparing General Plans are contained in Appendix C.~~

~~(d) The following information must be submitted as part of a General Plan submission: This appendix to the La Porte Development Ordinance prescribes criteria for the preparation of General Plans and the information which must be submitted therewith.~~

**(1) Application and applicable fee.**

**(2) Development checklist.**

**(3) Project description letter.**

**(4) Any additional information required by the Director.**

**(5) The General Plan shall graphically contain the following:**

a. Name of the development. ~~(Cannot be duplicates of any other names used within the City's jurisdiction)~~

b. Legal description of the site. ~~land within proposed developments: "\_\_\_\_. \_\_\_\_ acres out of the \_\_\_\_\_ Survey, Abstract Number \_\_\_\_\_, Harris, County, Texas". Identify owners of each tract, if separate ownership.~~

c. Existing and proposed zoning.

d. Name **and contact information** of the developer.

e. Name **and contact information** of the project design team.

**f. Developer/Owner signature block.**

**g. City approval signature block.**

h. Scale of plan in engineering format. ~~Scale of 1" = 100' unless another scale is approved by the Department): Exact~~

i. North arrow. ~~(Pointing toward top of sheet if practicable)~~

j. **Vicinity** key map ~~to showing~~ **ing** relation of development to surrounding streets, railroads and watercourses.

- k. Perimeter **boundary of the property**. ~~boundaries: Draw perimeter boundary of property.~~
- l. Identification of each phase of development and proposed land use/s for each phase.  
~~Phases: Total number of Subdivisions and number of each type (unsubdivided) Development planned~~
- m. Label adjacent subdivisions, streets, easements, water courses, acreage tracts, and other natural and manmade features.
- n. Show land contours at one foot intervals ~~as taken from City topographic maps or from a ground survey.~~
- o. Identify required building lines adjacent to all existing or proposed public and private streets and alleys.
- p. If building locations are known, include the footprint of each building, indicating the building type, building height, number of stories, floor area, and density of residential development.
- q. Show rights-of-way for all streets and alleys either existing or proposed within or adjacent to the general plan boundaries. Indicate right-of-way width of all streets as identified in the PICM. **Identify whether streets are intended to be public or private.**
- r. Indicate **approximate** location, widths, and types for all easements whether existing or proposed within or adjacent to the general plan boundaries.
- s. Identify the location of all existing public utilities within or adjacent to the general plan boundaries and how each phase of development will connect with those utilities.
- t. Show approximate boundary of flood hazard area as taken from **the official FEMA Flood Insurance Rate Maps adopted by the city** ~~City topographic maps~~ or other sources approved by the Director.
- u. Stormwater drainage plan showing general drainage basins and possible location for on-site detention if required.**
- v. Traffic study or written documentation from the Director that the development does not necessitate a traffic study.**
- w. Other information required by the Director.**

~~Draw boundaries of and designate location, approximate area (in square feet and acres) and proposed usage of any sites intended for restricted or unrestricted reserved (within subdivisions) or for developments other than subdivisions. Indicate existing and proposed zoning of each site.~~

~~Unsubdivided developments (See Appendix E): If known, draw site plans for unsubdivided developments and identify each building planned and its size, number of stories and proposed usage.~~

~~Street Names: Provide names of all existing streets located within the plat boundaries and immediately adjacent thereto.~~

~~Existing public utilities: Indicate the location and size of adjacent City water and sanitary sewer mains and storm drainage outfalls. Indicate depth of adjacent sanitary sewer manholes and storm drainage outfalls, if known.~~

(e) Unless stipulation for additional time is agreed to by the applicant, the failure of the Commission to act within thirty (30) days from the date of the filing of the application by the developer, will cause the General Plan to be deemed approved.

(f) General applications shall comply with all applicable city ordinances and statutes prior to approval by the Commission. The Commission shall review the General Plan and take one of the following actions:

(1) Approve the General Plan as filed. Commission approval of the General Plan authorizes the developer to file a Preliminary Plat or a Development Site Plan.

(2) Conditionally Approve the General Plan as filed, provided, the reasons for such conditional approval are stated in writing and a copy of the statement is signed by the Chairman of ~~the~~ Planning Commission. Commission conditional approval requires submission of an amended General Plan and additional documentation as specified by the Planning Commission for final Commission approval, which may be filed concurrently with the next Preliminary Plat or Development Site Plan, as the case may be.

(3) Disapprove the General Plan as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Chairman of the Commission. Commission disapproval of a General Plan requires submission of a new General Plan.

~~Commission action shall be noted on three (3) copies of the General Plan, which shall be distributed to the developer, Department, and official files of the Commission. Unless stipulated for additional time is agreed to by the developer, the failure of the Planning Commission to act within thirty (30) days from the date of the filing of the plan by the developer will cause the plan to be deemed approved.~~

(g) The original approved mylar of the General Plan shall be retained by the Department in the official files of the Commission. No subsequent plan or plat will be approved until the original mylar has been delivered to the department.

(h) In the event the developer or subdivider fails to file a Preliminary Plat or Development Site Plan within one year of Commission approval of the General Plan, approval of said General Plan shall terminate upon written notice to the subdivider, developer, or owner.

(i) The developer, subdivider, or owner may request in writing a one year extension specifying the reason why the document has not been filed.

**Sec. 86-7. Development Site Plans.**

(a) General

(1) The following sections of this ~~Chapter ordinance~~ outline procedures for preparing and obtaining approval for developments not defined herein as subdivisions. Except as noted ~~in this section in subparagraph (2) below in Section 4.08(A) below~~, it shall be a violation of this ~~Ordinance Chapter~~ for any person to develop property within the City of La Porte without first:

- a. Filing a Development Site Plan and required documentation for approval;
- b. Having said Development Site Plan approved according to the procedures set forth herein; and
- c. Obtaining a Development Authorization.

(2) No Development Site Plan shall be required as provided for herein in the case of development that is solely and strictly a Subdivision (as that term is defined herein) and the requirements of ~~Section 4.04 Section 86-8(c)~~ of this ~~Ordinance Chapter~~ have been satisfied for each subdivision.

(3) For both Major and Minor Developments, the Development Site Plan ~~is~~ shall be drawn accurately to scale with exact dimensions. When accompanied by all other required documentation, Development Site Plans shall contain sufficient detail for evaluation of the proposed development. ~~Complete instructions for preparing Development Site Plans are contained in Appendix E.~~

(4) ~~The following information must be submitted~~ provided as part of a Development Site Plan submission:

- a. Application and applicable fee.
- b. Development checklist.
- c. Project description letter.
- d. ~~Drainage Plan and/or calculations as required by the Director.~~
- e. ~~Exterior building elevations for sites subject to the city's Design Guidelines (Chapter 106, Article IX).~~
- f. ~~Traffic Impact Assessment, if required by the Director.~~
- g. Any additional information required by the Director.
- h. Development Site Plan showing the location of all improvements on the site, whether existing or proposed. Proposed improvements shall be in compliance with all applicable local, state and federal requirements. The Development Site Plan shall contain the following graphical information:

1. Name of development (~~Cannot be a duplicate of any other name used within the City's jurisdiction~~)
2. Type of development (~~See La Porte Development Checklist~~)
3. Description of land within proposed development: “\_\_\_\_\_ . \_\_\_\_\_ acres out of the \_\_\_\_\_ Survey, Abstract Number \_\_\_\_\_, Harris County, Texas.”
4. Legal description of development, **including blocks and lots or reserves or a metes and bounds description of the property boundary.** ~~Subdivision recording information and section, block and lot number or reserve designation or metes and bounds description of property boundary.~~
5. Name of owner **or authorized representative.** (~~If a company or corporation, list name and title of authorized representative.~~)
6. Name of developer. (~~if a company or corporation, list name and title of authorized representative.~~)
7. Name of planning consultant.
8. Filing date **of application.** (~~date of City Planning and Zoning Commission Review~~)
9. **Engineering Scale of Plat**
10. North arrow (~~Pointing to top of sheet~~)
11. **Key Vicinity** map that shows (~~to show~~) relation of development to surrounding streets, railroads, and water courses.
12. ~~Boundaries:~~ Draw Perimeter boundaries of development including dimensions.
13. ~~Building lines:~~ Indicate **all** building lines on the **site.** ~~adjacent to all street right of ways. Building Footprints:~~ Draw the footprint of each building site and show overall dimensions and building type for each building. Show shortest distances from each building to nearest building and property line.
14. ~~Adjacent property:~~ Indicate name, location and recording information for adjacent **properties** ~~developments~~, streets, easements, water courses, acreage tracts, and other natural or manmade features.
15. **Parking table that labels existing and proposed parking in comparison to the required parking for the development.**
16. **Landscape table that labels existing and proposed trees and shrubs, including name of plant species, quantity and size.**
17. **Identify topography and label contours in one-foot intervals.** Include cut and fill changes to the site.

18. Define high banks and flow lines of water courses. Define post-development limits of other natural or manmade physical development obstacles.

19. For mobile home parks, show proposed layout of mobile home sites and reserves. Number sites and blocks consecutively. Draw boundaries of sites the same way as for subdivision lots (~~See Appendix D~~). Indicate size of each site in square feet. Designate usage of each reserve, such as recreation, laundry drying, and dead storage. ~~Detail site plan as described below.~~

~~Reserves: Draw boundaries for and designate area (in square feet and acres) for reserves dedicated or restricted usages, such as those for drainage, recreation, parkland, or other uses (indicate usage). Unrestricted reserves are not permitted within the boundaries of Development Site Plans.~~

20. ~~Other site improvements:~~ Draw perimeter of, dimension, and identify type and usage of each **existing or proposed** ~~additional~~ structure or site improvement, including parking lots, security lighting, driveways, curb cuts, culverts, water lines, fire hydrants, sanitary sewers, storm drains, natural gas lines, electrical lines, telephone lines, walkways, landscaping and other site improvements.

21. ~~Streets:~~ Show rights-of-way of all streets and alleys, either existing or proposed, within the plat boundaries and immediately adjacent thereto. Show right of way width at points of curvature or tangency, at one point within tangent segments, and at changes in width.

22. ~~Street names:~~ Provide names of all existing and proposed streets located within the plat boundaries and immediately adjacent thereto. **Any proposed street name** ~~(Cannot be duplicates of any street name in current use, unless continuations of existing streets.)~~

23. ~~Utility Easements:~~ Indicate location, widths and types of for all existing and proposed utilities and easements on the site, including, but not limited to, water line, sanitary sewer, drainage, power. Label ~~Indicate~~ recording information for existing easements. ~~(See PICM for easement criteria.)~~

24. ~~Flood Hazard Area:~~ Show boundary of flood hazard area and shade areas within lat boundaries inside flood hazard area. ~~(See La Porte Flood Hazard Prevention Ordinance.)~~ Show finished floor elevation of buildings inside flood hazard area.

~~Survey monument tie in:~~ For Major Developments, show nearest City approved survey monument (as the point of Commencement) bearing and distance to a defined corner on the perimeter boundary of the property.

~~Survey Control Monuments:~~ For Major Developments, show location of all proposed survey control monuments to be installed by the developer pursuant to Sections 6.02 of the Ordinance.

25. All required dedication statements and certificates must be included.

## (b) Minor Development Site Plan

(1) ~~Five (5) copies of the Minor Development Site Plan, certified by the owner and engineer or surveyor, and one (1) copy of all required documentation shall be submitted to the Department for review at least two (2) weeks before the date at which Director review is requested.~~ Application shall be submitted to the Department at least two (2) weeks before the date which Director review is requested. Application shall consist of all required documentation submitted either electronically or one (1) paper copy.

(2) The Director is the Approving Authority for all Minor Developments Site Plans. Following review of the Minor Development Site Plans, the Director shall, within two (2) weeks of the filing date, take one of the following actions:

a. Approve the Minor Development Site Plan as filed. Approval of a Minor Development Site Plan and all accompanying documentation by the Director, together with approval of Public Improvement Construction Documents by the Director, results in issuance of a Development Authorization by the Department.

b. Conditionally approve the Minor Development Site Plan as filed, provided, the reasons for such conditional approval are stated in writing and a copy of the statement is signed by the Director. Conditional approval of a minor development Site Plan requires that the developer satisfy the conditions established by the Department. Once the stated conditions have been satisfied, the Minor Development Site Plan and accompanying documentation may be resubmitted for Department approval.

c. Disapprove the Minor Development Site Plan as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Director. Disapproval of a Minor Development Site Plan requires filing of a new Minor Development Site Plan.

(3) Department action shall be noted on three (3) copies of the Minor Development Site Plan, which shall be distributed to the developer, Department and the City Code Enforcement Division.

(4) Unless stipulation for additional time is agreed to by the Developer, the failure of the Director to act within ~~two~~ **four** (24) weeks from **the date of submittal of the Minor Development Site Plan** by the Developer will cause the Plan to be deemed approved.

(5) Director disapproval of a Minor Development Site Plan may be appealed to the Commission within twenty (20) days of the mailing of a written notice of disapproval. Once the appeal has been filed, the Minor Development Site Plan will be presented to the Commission for its ruling as specified for Major Development Site Plans in ~~Section (B) above~~ **subparagraph (c) below**. The following materials must be filed with the City Secretary **for an appeal**:

- a. A copy of the Director's disapproval letter.
- b. A letter stating the basis of appeal.
- c. A copy of the **Minor** Development Site Plan.

## (c) Major Development Site Plan

(1) ~~Five (5) copies of the Major Development Site Plan, certified by the developer and engineer or surveyor, and one (1) copy of all required documentation shall be submitted to the Department for review at least two (2) weeks before the date at which Commission review is requested.~~

Application shall be submitted to the Department at least three (3) weeks before the date which Commission review is requested. Application shall consist of all required documentation submitted either electronically or one (1) paper copy.

(2) The Commission is the Approving Authority for all Major Development Plans. Following review of the Major Development Site Plan, the Commission shall, ~~within thirty (30) days of the filing date,~~ take one of the following actions:

a. Approve the Major Development Site Plan as filed. Approval of a Major Development Site Plan and all accompanying documentation by the Commission, together with approval of ~~Public Improvements~~ construction documents for any proposed public improvements by the Director results in issuance of a Development Authorization by the Department.

b. Conditionally approve the Major Development Site Plan as filed, provided, the reasons for such conditional approval are stated in writing and a copy of the statement is signed by the Chairman of the ~~Planning~~ Commission. Conditional approval of a Major Development Site Plan requires that the Developer satisfy the conditions established by the Commission. Once the stated conditions have been satisfied, the Major Development Site Plan and accompanying documentation may be refiled for Commission approval.

c. Disapprove the Major Development Site Plan as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Chairman of the ~~Planning~~ Commission. Disapproval of a Major Development Site Plan requires filing of a new Major Development Site Plan.

(3) Commission action shall be noted on four (4) copies of the Major Development Site Plan, which shall be distributed to the developer, Department, City Code Enforcement Division, and official Commission files.

(4) Unless stipulation for additional time is agreed to by the developer, the failure of the ~~Planning~~ Commission to act within thirty (30) days from the date of the filing of the plan by the developer will cause the plan to be deemed approved.

## (d) Amendments to Minor and Major Development Site Plans

(1) Amendments to minor and major development site plans are those that provide for rearrangement or reconfiguration of floor plans or building elevations, modifications to parking areas, landscape areas, drainage facilities, utilities or other site improvements. An amendment may only occur to a site plan that has an active building permit on file.

(2) Said modifications shall:

- a. Comply with all requirements of Chapter 106 of the City's Code of Ordinances and other applicable city regulations.
  - b. Not conflict with the Comprehensive Plan.
  - c. Not change the character of the development or the intent of the original plat approval.
- (3) The Director is the Approving Authority for all Amendments to Site Plans. Following review of the amendment, the Director shall, within two (2) weeks of the filing date, take one of the following actions:
- a. Approve the amendment as filed. Approval of an Amendment shall be clearly noted on the originally approved site plan, along with any conditions required by the Director.
  - b. Disapprove the amendment as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Director.
- (4) Director disapproval of an amendment may be appealed to the Commission within twenty (20) days of the written notice of disapproval. Once the appeal has been filed, the amendment will be presented to the Commission for its ruling as specified for Major Development Site Plans in subparagraph (c) above.

**Sec. 86-8. Subdivision plats.**

(a) The following sections outline procedures for preparing and obtaining approval of Subdivision Plats for residential, commercial, or industrial properties. All Final Subdivision Plats must be recorded in the County map records.

(b) Preliminary Plat

(1) Preliminary Plats are required for all Major Subdivisions and shall be consistent with the approved General Plan, if applicable.

(2) Application shall be submitted to the Department at least two (2) weeks before the date which Commission review is requested. Application shall consist of all required documentation submitted either electronically or one (1) paper copy.

~~Five (5) copies of the Preliminary Plat, certified by the developer and planning consultant, and one (1) copy of all required documentation shall be submitted to the Department for review at least two (2) weeks before the date which Commission review is requested. Preliminary Plats shall be drawn accurately to scale with exact dimensions for street centerlines and approximate dimensions for other lines. Complete instructions for preparing Preliminary Plats and required accompanying documentation are contained in Appendix D.~~

(3) The following information must be ~~submitted~~ **provided** as part of a Preliminary Plat submission:

a. Application and applicable fee.

b. Development checklist.

c. Project description letter.

d. Any additional information required by the Director.

e. The Preliminary Plat shall graphically contain the following (ensure compliance with PICM standards, where applicable):

1. Name of subdivision, which cannot be similar to that of an existing subdivision.
2. Type of development.
3. Description of land on which subdivision lies: “\_\_\_\_\_ acres out of the \_\_\_\_\_ Survey, Abstract Number \_\_\_\_, Harris County, State of Texas.”
4. Date.
5. Scale **in engineering format**.
6. North arrow.
7. Name of developer and property owner.
8. Name of surveyor and/or engineer preparing the plat.
9. Total number of lots, blocks and reserves.
10. Indicate size of each lot and reserve.
11. **Vicinity** ~~Key~~-map in relation to surrounding streets, railroads and water courses.
12. Label adjacent properties including ownership information and HCAD parcel identifications, where applicable.
13. Show all physical features of the site including high banks of water courses and any other natural or man-made physical development obstacles.
14. Draw perimeter boundaries of the subdivision.
15. Show proposed layout of blocks and lots or reserves within blocks.
16. For reserves: Draw boundaries for and designate area (in square feet and acres) for unrestricted reserves and those dedicated for restricted usages, such as those for drainage, recreation, parkland, or other uses (indicate intended usage and existing zoning).
17. Label contours at one-foot intervals.

18. Show and label all rights-of-way of all streets and alleys, either existing or proposed, within the plat boundaries and immediately adjacent thereto. Indicate right-of-way width between points, curvature, tangency and at changes in width.

19. Provide names of all existing and proposed streets located within the plat boundaries and immediately adjacent thereto. Street names cannot be duplicates of any street names in current use, unless continuations of existing streets or as part of a historical grid pattern.

20. Label location, widths and types of all easements, either existing or proposed, within the platted area or immediately adjacent thereto. Include any recording information on any existing easements.

21. Show nearest city approved survey monument and exact bearing (nearest second) and distance (nearest hundredth of a foot) to a defined point on the perimeter boundary of the property.

22. Show location of all proposed survey control monuments to be installed by the developer pursuant to **Section 86-9 of this Chapter.**

23. Show boundary of flood hazard area/s as adopted by the city.

**24. Show location of all existing and proposed storm drainage, sanitary sewer system, and water lines.**

25. For condominium developments: Draw the footprint of each building site and show overall dimensions and building type for each building. Show shortest distances from each building to nearest building and property line. For each building type, draw to larger scale the plan of each building type, showing all perimeter wall dimensions and the dimensions and location of walls between units. Designate each unit type and floor area in square feet.

~~**Building lines:** Indicate building lines adjacent to all existing or proposed street right of ways, easements, side or rear lot lines, or other locations required by City Ordinances.~~

(4) Preliminary Plat applications shall comply with all applicable city ordinances and statutes prior to approval by the Commission. The Commission shall review the plat and take one of the following actions:

a. Approve the Preliminary Plat as filed.

b. Disapprove the Preliminary Plat as filed, provided, the reason for such disapproval is stated in writing and a copy of the statement is signed by the Chairman of the Commission. **Disapproval may also include conditions for resubmittal of Preliminary Plat.**

~~**Conditional Approval:** Commission conditional approval requires submission of an amended Preliminary Plat and additional documentation as specified by the Planning Commission for final commission approval.~~

(5) Unless stipulation for additional time is agreed to by the subdivider, the failure of the Commission to act within thirty (30) days from the date of the filing of the plat by the developer, will cause the plat to be deemed approved.

(6) **The original approved mylar of the Preliminary Plat shall be retained by the Department in the official files of the Commission.** ~~Commission action shall be noted on three (3) copies of the Preliminary Plat, which shall be distributed to the developer, Department, and official files of the Commission.~~

(7) In the event the subdivider fails to file a Final Plat within one year of Approving Authority approval of the Preliminary Plat, approval of said Preliminary Plat shall terminate upon written notice to the subdivider or owner. The subdivider or owner may request in writing a one year extension specifying the reason why a Final Plat has not been filed.

## (c) Final Plat

(1) Final plats are required for all subdivision, and shall be consistent with the Preliminary Plat if applicable. Final Plats of subdivisions are drawn accurately to scale with exact dimensions. Complete instructions for preparing Final Plats are contained in Appendix D.

(2) In conjunction with the filing of the Final Plat, the subdivider or developer shall file a proposed set of covenants, restrictions, conditions, and reservations, affecting the property enclosed within the Final Plat. The covenants and restrictions shall include provisions creating an association of lot owners charged with the responsibility of promoting the recreation, health, safety, and welfare of the members of the association, and for the improvement and maintenance of any common areas, compensating open space, private streets, alleys, or parking areas included within the Final Plat. The association shall be empowered to levy assessments to be used exclusively in the enforcement of the covenants, restrictions, conditions, and reservations affecting the property enclosed in the Final Plat, and for the furtherance of its responsibility of improving and maintaining any common areas, compensating open space, private streets, alleys, parking areas or other private improvements included within the Final Plat. The assessments levied shall be a charge on the land and shall be a continuing lien on the property against which each such assessment is made.

(3) The proposed set of covenants, restrictions, conditions and reservations filed shall be submitted to the City Attorney of the City of La Porte, who shall review the documents and insure that the form of the documents complies with this chapter.

(4) **Application shall be submitted to the Department at least two (2) weeks before the date which Commission review is requested. Application shall consist of all required documentation either electronically or one (1) paper copy.** ~~Five (5) copies of the Final Plat certified by the owners, lienholders, and engineers or surveyor, and one (1) copy of all required documentation and one (1) copy of the proposed deed restrictions outlined above, shall be submitted to the Department for review at least two (2) weeks before the date at which the Final Plat is filed with the Commission.~~

(5) The following information must be submitted as part of a Final Plat submission:

- a. Application and applicable fee.
- b. Development checklist.
- c. Title certificate, abstract, or planning letter.
- d. Complete public street construction drawings for approval by the Director.
- e. Complete public utility construction drawings for approval by the Director.
- f. List of coordinates for each point to be marked in the final field survey. Each point on the list is to be assigned a unique number code. A copy of the Final Plat, marked with the locations of each number code, is to be submitted as well.
- g. Letters from the servicing utility companies approving of the easements shown on the plat.
- h. Copy of deeds for any private easements within the subdivision.
- i. Commitment of park dedication as required in **Section 86-11 of this Chapter**.
- j. A letter, statement or instrument from the holder of any privately owned easement or fee strip within the subdivision boundaries approving any crossings of said existing easement or fee strip by proposed streets, utilities, or easements shown on the plat. If adjustment of existing utilities is required, said letter shall specify the nature of the adjustments and the approval of the owner for such adjustments.
- k. Set of covenants, restrictions, conditions, and reservations, affecting the property enclosed within the Final Plat.
- l. **Title information as required in Section 86-9(n) of this Chapter**.
- m. Any additional information required by the Director.
- n. Final Plat to graphically contain the following (ensure compliance with PICM standards, where applicable):
  1. **The graphical requirements outlined for a Preliminary Plat in Section 86-8(b)(3)(e), Items 1-22.**
  2. Metes and bounds description in map for with appropriate bearings and distances.
  3. Owners' Acknowledgement Statement
  4. Lienholders' Subordination Agreement, where applicable
  5. Plat Accuracy Certificate
  6. Final Survey Certificate
  7. Approving Authority Certificate

8. Harris County Clerk Filing Statement

9. Permanent Access Easement must be labeled for any proposed private roads.

10. Any other special statements required by the Director

(6) Unless stipulation for additional time is agreed to by the subdivider, the failure of the Commission to act within thirty (30) days from the date of the filing of the plat by the developer, will cause the plat to be deemed approved. ~~All Final Plats require final approval from the Commission. Following review of the Final Plat, the Commission shall, within thirty (30) calendar days of the filing date, take one of the following actions:~~

(7) Final Plat applications shall comply with all applicable city ordinances and statutes prior to approval by the Commission. The Commission shall review the plat and take one of the following actions:

a. Approve the Final Plat as filed. Such approval of a Final Plat as filed and all accompanying documentation by the Commission, together with approval of Public Improvement Construction Documents by the Director shall result in issuance of a Development Authorization by the Department which permits the developer to begin construction of subdivision improvements.

b. Disapprove the Final Plat as filed, provided the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Chairman of the Planning Commission. Such disapproval requires filing of a new Final Plat.

**(8) Notice of the Commission's action shall be forwarded to the applicant.** ~~noted on three (3) copies of the Final Plat, which shall be distributed to the developer, Department, and official files of the Commission.~~

(9) A Final Plat shall not be recorded until executed by the Director and by the Commission. Before the Final Plat is executed, the developer shall follow the procedure provided for in Section, and construct the proposed improvements according to the approved plans and specifications. In the event the developer or owner fails to commence construction of such improvements within one year of Development Authorization, approval of the Final Plat shall terminate upon written notice from the Commission to the developer or owner. The developer or owner may request in writing one year extension specifying the reasons why construction has not commenced.

The Planning & Zoning Commission shall not sign and deliver a copy of the plat to be recorded, nor shall such Final Plat be recorded, if such proposed improvements are not completed within two years of commencement of construction, and approved by the Director of Community Development. In the event the developer or owner fails to complete construction of such improvements within two years of commencement of construction, approval of the Final Plat shall terminate upon written notice from the Commission to developer or owner. The developer or owner may request a one year extension in writing from the Director specifying the reasons why construction had not been completed.

The Final Plat shall not be recorded unless the deed restrictions called for herein are recorded simultaneously with the recordation of the Final Plat.

(10) After recordation with Harris County, the original recorded mylar film of the Final Plat shall be retained in the official files of the Commission.

(d) **Administrative** ~~Minor~~ Plat

(1) The same submittal requirements for a Final Plat approval apply to an Administrative Plat.

(2) Administrative Plat applications shall comply with all applicable city ordinances and statutes prior to approval by the Director. The Director shall review the plat and take one of the following actions:

- a. Approve the Preliminary Plat as filed.
  - b. Disapprove the Preliminary Plat as filed, provided, the reason for such disapproval is stated in writing. Disapproval may also include conditions for resubmittal. If said plat is disapproved, the applicant may elect to refer the plat to the Commission for consideration.
- (3) The Director may, for any reason, elect to present the plat to the ~~Planning and Zoning~~ Commission for approval of the plat.
- (4) Unless stipulation for additional time is agreed to by the subdivider, the failure of the Director to act within thirty (30) days from the date of the filing of the plat by the developer, will cause the plat to be deemed approved.

(e) Replat of recorded subdivision plats

(1) A replat or re-subdivision of a recorded Subdivision Plat, or a portion thereof, but without vacation of the immediate previous plat, is hereby expressly authorized to be recorded and shall deemed valid and controlling when:

- a. It has been signed and acknowledged by only the owners of the particular property which is being replatted or re-subdivided on the acknowledgement shown in Enclosure 1 to Appendix D;
- b. It does not attempt to alter, amend or remove any covenants and restrictions;
- c. There is compliance, when applicable, ~~with Subsection (e) and (d) of Section 5, Article 974a, VTCS;~~ 212.014 and 212.0145 of the Texas Local Government Code;
- d. It has been approved by the Commission after being prepared and filed as though it were an original plat as specified in ~~Section 404~~ subparagraph "c" of this section ~~Ordinance chapter~~; and
- e. All expenses incurred by the City or the subdivider in the Replat process shall be borne by the subdivider, including costs of notice at public hearing.

(f) Amending Plat (of recorded subdivision plats)

(1) An Amending Plat may be filed for record in the County map records to correct dimensional errors, notational errors or other erroneous information, to add to or delete monuments, or to relocate a lot line between adjacent lots, as allowed in Section 212.016 of the Texas Local Government Code, provided:

- a. The signed Amending Plat Certificate shown on Enclosure 4 to Appendix D is placed on the face of the Amending Plat;
- b. The Planning and Zoning Commission Certificate shown on Enclosure 4 to Appendix D is placed on the face of the Amending Plat and;
- c. Commission approval of said Amending Plat is reflected by Commission execution of said certificate.

(2) The Planning Director of the City of La Porte may approve Amending Plats and execute Certification of same as set forth above in lieu of the Planning Commission, as allowed in Section 212.0065 of the Texas Local Government Code. The Director of Planning may, for any reason, elect to present the Amending Plat to the Commission for approval. The Director of Planning shall not disapprove the Amending Plat and shall refer any plats which are refused to the Planning Commission within the time parameters as delineated in Section 212.009 of the Texas Local Government Code.

(g) Vacating Plat (of recorded subdivision plats)

(1) The vacation of Subdivision Plats, which is authorized and regulated by Section 212.013 of the Texas Local Government Code, shall be permitted, provided:

- a. All owners of all property contained within the previous plat sign the Vacation of Subdivision Declaration shown on Enclosure 5 to Appendix D;
- b. Approval of the Commission is obtained and reflected by Commission execution of the certificate shown on Enclosure 5 to Appendix D; and
- c. Said owners declaration and Commission approval certificate is recorded as a single instrument in the county records as required by Section 212.013 of the Texas Local Government Code Article 974a, VTCS Section 5(a).

**Sec. 86-15. General standards for subdivision and developments.**

(a) Streets and alleys.

(1) Street classification system. The street pattern of the city should provide adequate circulation ~~within the city~~ while discouraging through traffic within local neighborhoods. This may be accomplished by providing thoroughfares spaced at approximately one-mile intervals and

collector streets within neighborhoods spaced at about half-mile intervals to link local streets to the thoroughfare network.

(2) Street width. Public or private streets shall have a minimum pavement width of 28 feet. Public or private alleys shall have a minimum pavement width of 20 feet.

(3) Thoroughfare extension. Right of way widths for thoroughfare extensions shall be as indicated in the PICM along the entire frontage of the tract being developed. Where the existing dedicated right of way width fronting the adjacent property is less than shown in the PICM, a transition zone of 300 feet of frontage of the new development shall be provided between the existing and new right of ways.

(4) Continuation of adjoining streets. The arrangement of streets in new developments shall make provisions for the appropriate continuation of existing streets from adjoining properties.

(5) Future projections of streets. Where adjoining areas are not developed, but may be developed, the arrangement of streets in a new development shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new development at appropriate locations. All such streets shall be designed in accordance with the PICM.

(6) Provisional one-foot reserve. Required along the side or end of streets that abut acreage tracts. The note shown in Enclosure 8 to Appendix D is to appear **shall be notated on** the Final Plats and Street Dedication Plats, where appropriate

~~(7) Harris County road law. All subdivisions within the City's extraterritorial jurisdiction shall comply with the current Harris County Road Law. The statement to be found in Enclosure 1 to Appendix D is to appear in Final Plats.~~

(7) Street names. Street names shall be the same as existing street names, if they are continuations of existing streets. Otherwise, no street name shall be permitted that is a duplicate of an existing or proposed street name within the City. Proposed new names must be submitted to the Department for checking prior to the submittal of first plat or plan. The developer shall provide street name signs in accordance with the **PICM** approved ~~City Public Improvements Criteria Manual~~.

(8) Alleys. Alleys may be provided within any subdivision or development to provide secondary vehicular access to building sites which otherwise have their primary access from an adjacent public street. Alleys shall not be used or designed to provide principal access to any tract of land and shall not provide access to property outside the development boundaries in which the alleys are located. Dead end alleys are not permitted.

(9) Private streets and alleys. Streets and alleys in which the developer proposes to privately maintain in perpetuity through a community association or other approved means are to be designated as "private" on the plat. Design and construction of such streets and alleys will be identical to design and construction standards for public streets. Right of way lines may be coterminous with the edge of pavement.

(b) Engineering data. Please see the PICM.

(c) Lots. The following standards shall apply to all lots:

(1) The lot design of a Subdivision or Development should provide for lots of adequate width and depth to provide open area and to eliminate overcrowding.

(2) Lots should be rectangular so far as practicable and should have the side lot lines at right angles to streets on which the lot faces or radial to curved street lines.

(3) Lots with double frontage are prohibited except when backing on major thoroughfares and upon approval by the Planning Commission.

(4) All lots shown on the plat will be for residential purposes unless otherwise noted.

(5) Side lot lines should be perpendicular or radial to street frontage and the following note may be in lieu of bearings. "All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."

(6) Driveway access to thoroughfares shall be prohibited.

(7) Double front lots are prohibited except when backing on major thoroughfares **or on corner lots.**

(7) Lots shall be sized in accordance with the requirements of Chapter 106, Zoning.

(d) Drainage easements. The following standards shall apply to all drainage easements:

(1) The location and width of all easements shall be determined by the Director ~~of Planning and Development Department~~ for all plats or plans within the cities jurisdiction, and by the Director in conjunction with Harris County Flood Control District (HCFCFCD) for all easements that HCFCFCD may have an interest in.

(2) Easements for drainage adjacent to lots, tracts, or reserves shall be recited on the Final Plat, in accordance with ~~the language in Enclosure 1 to Appendix D.~~ **language approved by the Director.**

**(e) Utility easements. The developer shall coordinate all public and private utility easements with the applicable entity as required in this Chapter.** ~~All utility easements shall be worked out with the public and private utility companies pursuant to the requirements established herein, including but not limited to the requirements of subsection 4.04 above.~~

(f) Platting of public streets or easements across private easements or fee strips. The following shall apply when platting of public streets or easements across private easements or fee strips:

(1) A copy of the instrument establishing any private easement shall be submitted with the Development Site Plan or the Preliminary Plat as reflected by the Title Certificate submitted.

(2) Easement boundaries must be tied by dimensions to adjacent lot and tract corners. Where the private easement has no defined location or width, an effort shall be made to reach agreement on

a defined easement. Where no agreement can be reached, then existing facilities shall be accurately located and tied to lot lines, and building setback lines shall be established as specified in Section 5.04.

(3) Prior to approval of the Final Plat or Development Site Plan, the developer or dedicator of any Subdivision Plat or Development Site Plan, wherein public streets or easements are shown crossing private easements or fee strips, shall by letter to the ~~City Planning~~ Commission assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines, or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the Director prior to the filing of the plat or plan for record.

(4) Prior to filing of the Final Plat or Development Site Plan for record, the following requirements must be met:

a. The developer or dedicator of any plat or plan shall obtain from the holder of any private easement or fee strip within the plat or plan crossed by proposed streets or other public easements an instrument granting to the public the use of said public streets or easements over and across said private easements or fee strips for construction, operation, and maintenance of those public facilities normally using the type of public streets and easements indicated. This instrument shall be delivered to the ~~City Planning~~ Commission to be filed for record along with plat or plan.

b. The developer shall furnish the ~~Planning~~ Commission with a letter from the holder of the private easements or fee strips in questions stating that arrangements for any required adjustments in pipelines, electrical transmission lines, or other similar facilities have been made to the satisfaction of the holder of the easements.

(g) Monumentation requirements. The following are requirements for monumentation for subdivisions and developments:

(1) Subdivisions

a. Permanent control monuments, one for each five acres of property or fraction thereof, shall be placed along streets centerlines or at subdivision corners. The location of control monuments shall be approved by the Department at the Preliminary Plat stage and shown on the Final Plat. The construction of permanent control requirements shall be in accordance with the PICM.

b. At least one control monument shall be accurately tied, by angle and distance to an approved City of La Porte monument. Elevation shall be established for each control monument installed. Datum shall be supplied or approved by the Department.

c. Elevations and coordinate values for each control monument shall be submitted in accordance with ~~Appendix D (Subdivision Plats)~~ language approved by the Director and approval by the Department prior to execution of the Final Plat.

d. All corners of the subdivision, all angle points and points of curvature in the subdivision boundary, all block corners, all angle points and points of curvature in each street right of way shall be marked with iron rod not less than three fourths (3/4) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation.

e. All lot corners shall be marked with iron rods not less than five-eighths (5/8) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation.

f. All required monumentation shall be completed prior to final acceptance of the subdivision and execution of the Plat.

## (2) Major developments

a. Permanent control monuments, one for each five acres of property or fraction thereof, shall be placed along street centerlines or at corners of the development. The location of control monuments shall be approved by the Department and shown on the Development Site Plan. The construction of permanent control monuments shall be in accordance with the PICM.

b. At least one control monument shall be accurately tied, by angle and distance to an approved City of La Porte monument. Elevations shall be established for each control monument installed. Datum shall be supplied or approved by the Department.

c. Elevation and coordinate values for each control monument shall be submitted and approved by the Department prior to or concurrent with acceptance of all public improvements.

d. All lot corners within the Development shall be marked with iron rods not less than five-eighths (5/8) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation prior to commencement of any building construction.

## (3) Minor developments

a. All lot corners of Minor Developments shall be marked with iron rods not less than five-eighths (5/8) of an inch in diameter and thirty (30) inches in length, placed flush with the finished ground elevation. Lot corners shall be established and placed prior to commencement of any building construction.

## (h) Public improvements

(1) The developer shall pay all costs for providing the development with streets, water mains, sanitary sewers, and storm sewers in accordance with plane and specifications for such improvement approved by the Director of Planning Development and in the manner set out in the adopted Utility Extension Policy. The subdivider shall pay all costs associated with street lighting as set out in the PICM.

(2) The subdivider or developer shall guarantee construction of all approved public improvements as provided in this section and in conformance with the adopted PICM.

(3) The installation of the approved improvements shall be under the inspection of the Director or his representative and the Director shall certify the installation as being in accordance with the approved plans and specifications before the Planning Commission will execute a Subdivision Plat for recordation, or before the City will accept said public improvements for maintenance.

(i) Reimbursement for oversizing

(1) All improvements required in a Subdivision or Development will be installed at the developer's cost, unless otherwise provided. The cost of utilities and streets which are required by the City to be larger than would be normally needed to serve the proposed addition will be partially reimbursed. The reimbursable amount will be the difference between the cost of the facilities that would be adequate to serve the addition and the cost of the facilities required by the City. A reimbursement contract will be negotiated between the City Council and the Developer.

(j) Record drawings

(1) The engineer representing the developer must present to the Director [project information electronically to the City], reproducible complete "record drawings" for all paving, drainage structures, water lines and sewer lines within thirty (30) days after completion of each contract. The Director will not certify approval of public improvements construction until record [all] drawings have been submitted.

(k) Fees. The following schedule of fees and charges shall be paid into the general fund of the City of La Porte when any map or plat is tendered to the Director, and each of the fees and charges provided herein shall be paid in advance, and the department shall take no action until the fee shall have been paid.

Development Type	Major/Minor	Fees
Site Plan	Major (Greater than 10 acres)	<del>\$300.00</del> <del>\$150.00</del> up to <del>for</del> 10 acres; each additional acre \$5.00
	Minor (Less than 10 acres)	<del>\$200.00</del> <del>\$100.00</del> up to 1 acre; each additional acre \$5.00
General Plan		<del>\$250.00</del> <del>\$100.00</del>
Preliminary Plat		Residential: \$200.00 for 0-50 lots; each additional lot \$5.00 Other: <del>\$350.00</del> <del>\$200.00</del> for up to 10 acres; each additional acre \$10.00
Final Plat	Major (Greater than 10 acres)	Residential: \$150.00 for 0-50 lots; each additional lot \$5.00 Other: <del>\$350.00</del> <del>\$200.00</del> for up to 10 acres; each additional acre \$10.00

	Minor (Less than 10 acres)	Residential: \$150.00 Other: \$250.00
Amending Plat		Residential: \$100.00 Other: \$250.00
Replat		Residential: \$150.00 plus \$5.00 per lot Other: \$250.00
Vacating Plat		<del>\$250.00</del> \$100.00
Variance (Development Regulation)		<del>\$250.00</del> \$150.00

(l) Plat/Plan Graphic Symbols. The following line symbols are established for all plans and plats:

- (1) Boundaries: Show perimeter boundaries, right of ways and boundary lines between development phases in bold solid lines ( **\_\_\_\_\_** ). Use solid lines ( \_\_\_\_\_ ) for block and lot boundaries.
- (2) Building lines: Indicate by long dashes separated by short dashes ( **\_\_ \_ \_\_ \_** ).
- (3) Easements: Indicate by short dashes ( **\_ \_ \_ \_** ).
- (4) Stream and depression high banks: indicate by long dashes separated by three short dashes ( **\_\_\_\_\_ - - - -** ).
- (5) Edge of flood hazard area: Indicate by long dashes separated by circles ( **\_\_\_\_\_ o \_\_\_\_\_ o \_\_\_\_\_ o \_\_\_\_\_** ).
- (6) Adjacent properties: Indicate lines outside boundaries of proposed development by long dashes ( **\_\_\_\_\_ - - - -** ).

(m) Plat/Plan Geometric Standards. The following table outlines geometric standards for plans and plats:

Item Description	General Plan	Preliminary Subdivision Plat	Final Subdivision Plat	Development Site Plan
<i>Dimensional Accuracy Standards</i>				
Exact: Angles to the nearest second, distances to the nearest hundredth of a foot.			X	X
Approximate: Angles to the nearest degree, distances to the nearest foot.	X	X		
<i>Line Definition: For all lines required to be defined on a line between two points is considered as "defined" if the following information is provided:</i>				
Bearing (in degree) for tangent (straight) lines	X	X	X	X
Distance (in feet) for tangent (straight	X	X	X	X

lines				
Radius of curve (R, in feet) for curvilinear lines	X	X	X	X
Central delta angle ( $\Delta$ , in degrees) for curvilinear lines			X	X
Arc length (L, in feet) for curvilinear lines	X	X	X	X
Cord length (C, in feet) for curvilinear lines			X	X
Chord bearing (CB, in degrees) for curvilinear lines			X	X
<i>Lines to be defined for street rights-of-way (centerline and both edges), perimeter boundaries, lots, blocks, reserves and easements, all lines between any combination of the following points:</i>				
Points of beginning or ending	X	X	X	X
Lots, block, or reserve corners	X	X	X	X
Angle points	X	X	X	X
Points of tangency or curvature	X	X	X	X
Points of inflection (reverse curvature)	X	X	X	X
Points of intersection with crossing lines for lots, blocks, reserves, rights-of-way, easements, stream or depression high banks, and flood hazard area boundaries			X	X
<i>Lines to be defined for high banks of stream or depression (no right-of-way or easement), lines between:</i>				
Points defining the limits of the high bank		X	X	X
Points of intersection with crossing lines for lots, reserves, easements and rights-of-way			X	X
<i>Lines to be defined for flood hazard area, lines between:</i>				
Points of defining the limits of the flood hazard area (Consult City Flood Zone Administrator for required elevations)		X	X	X
Points of intersection with crossing lines for lots, reserves, easements and rights-of-way			X	X

(n) Title certificate information. A planning letter, certificate, abstract, or other instrument from a title guaranty company or attorney authorized to render title opinions in the State of Texas, which certifies that a search of the appropriate records was performed within thirty (30) days of the filing date and which letter provides the following information:

- (1) The date of the examination of the records.
- (2) A legal description of the property proposed to be developed including a metes and bounds description of the boundaries of said land.
- (3) The name of the recorded owner of fee simple title as of the date of the examination of the records, together with the recording information or the instruments whereby such owner acquired fee simple title.

- (4) The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquire their interests.
- (5) A description of the type and boundaries of all easements and fee strips not owned by the developer of the property in question together with the recording information and date of the instruments whereby the owner of such easements or fee strips acquired their title.
- (6) A statement certifying that no delinquent city or county taxes are due on the property being platted.

**Sec. 86-16. Engineering and construction standards for subdivisions.**

(a) Streets and alleys.

- (1) All streets shall be reinforced concrete pavement on a compacted subgrade. Concrete pavement shall be provided with either an integral curb poured with the pavement or a separate curb constructed on top as required by the PICM and subject to the approval of the Director.
- (2) Pavement design shall conform to the PICM.
- (3) Curb and combination curb shall be constructed of reinforced concrete. Cross section and slopes shall conform to the PICM.
- (4) All concrete shall be designed and controlled by a competent laboratory as required by the PICM.

(b) Drainage and storm sewer.

- (1) Adequate drainage shall be provided within the limits of the subdivision **as to reduce the community's exposure to flood hazards with respect to adjacent, upstream and downstream developments. (See also Chapter 94 "Floods" of the Code of Ordinances of the City of La Porte for additional requirements.) Adequate drainage shall be provided within the limits of the subdivision and/or development.** The protection of adjoining property shall be accounted for in design of the system **in conformance with the PICM, and shall be subject to the approval of the Director.** The design and sizing of the system shall be in conformance with the PICM, and subject to the approval of the Harris County Flood Control District and the Director of ~~Community Development~~.
- (2) Any person or persons that alters or changes the elevation of property shall be responsible for applying for and obtaining, prior to said change or alteration of the elevation of the property, a development authorization from the ~~City Planning~~ Department. Any change or alteration in the elevation of property requires submission of a site plan prior to the change or alteration of property, which said site plan shall delineate the proposed change or elevation of property. Said certified site plan shall be subject to approval by the City Engineer.

(3) Fill dirt permit shall be required by the City. Exhibits show fill dirt regulations, grading standards, and swale standards; requiring sketch plans and approval prior to the introduction of fill material; and providing silt prevention and revegetation standards. Said fee shall be \$25.00 for the first 49 loads of permitted fill dirt, and \$2.00 for each additional load. Any person who places fill dirt on their property without first applying for and obtaining a fill dirt permit shall be guilty of a misdemeanor.

(4) A stormwater quality permit may be required in accordance with city, state and federal law.

(c) Water and sewer system.

(1) The design and construction of all water and sewer systems shall be in conformance with the PICM, and subject to approval by the Director of ~~Community Development~~. The developer or owner shall provide the necessary certificates from all other governmental agencies certifying compliance with their regulations.

(d) Street lighting.

(1) All ~~residential~~ public streets and non-residential parking lots where intended for use by the general public in the City must be served adequately by lights. Lighting must be located and installed in accordance with the specifications of the PICM.

## Sec. 86-25 Open space within subdivisions and developments.

(a) Purpose.

(1) ~~This ordinance is amended with the express purpose to~~ It is the policy of the City to provide recreational areas and amenities in the form of neighborhood and community parks as a function of residential development in the City ~~of~~ La Porte. This ~~ordinance amendment~~ Section is enacted in accordance with the home rule powers of the City of La Porte granted under the Texas Constitution and statutes of the State of Texas, including, without limitation, Texas Local Government Code, § 51.071 *et seq.* and § 212.001 *et seq.* It is hereby declared that by the City Council of the City of La Porte that recreational areas, in the form of neighborhood parks and related amenities and improvements, are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such requirement into the procedure for planning and development of property of a residential subdivision in the City of La Porte, whether such development consists of new construction on previously vacant land or rebuilding and redeveloping existing residential areas.

Neighborhood and community parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby, the standards for which are set forth in the La Porte Parks, Recreation and Open Space Master Plan, or neighborhood and community areas. The park zones established by the La Porte Parks and Recreation Department and shown on the official La Porte Parks, Recreation and Open Space Master Plan, or neighborhood area, shall be *prima facie* evidence that any park located therein is within such a convenient distance from the majority of residences to be served thereby. The cost of the neighborhood parks should be borne by the ultimate residential property

owners who by reason of the proximity of their property to such parks shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect such purposes.

In order to provide an equitable method of determination of the requirements for future development of residential areas of the City of La Porte, the following formula is hereby adopted: The population of the City based on the latest United States Census data, adjusted on an annual basis based on the predicted growth of the City as found in the Parks and Open Space Master Plan for the year in which the adjustment is made, is identified. The resultant number is divided by the number of acres of available neighborhood and community parkland inventory in the City of La Porte, resulting in the number of persons per neighborhood or community park acre in the City of La Porte. This result is then divided by the number of La Porte persons per dwelling unit as identified in the latest United States Census data, giving the number of dwelling units per acre of neighborhood or community parkland. This number is then divided into the total acquisition cost for land at the average appraisal value, and development cost per acre for development of the land into a typical park as identified in the Parks and Open Space Master Plan of the City.

This formula provides a baseline for determining the number of dwelling units per acre rate for future development within the City, the parkland dedication or in lieu acquisition costs for parkland, and the cost of future park development. This formula shall be applied and reviewed periodically to assure that the process for future development remains fair and equitable as established herein. In the event that the periodic review results in a determination of inequity, an amendment to the Ordinance to correct the inequity will be presented to Council for consideration.

(b) General requirement for dedication of land and payment of park development fee.

(1) Whenever a Final Plat is filed of record with the County Clerk of Harris County, Texas or a development site plan, or a property survey is submitted and filed with the approving authority of the City in accordance with the provisions of this ordinance and other planning and development ordinances that may be contained within the Code of Ordinances of the City of La Porte, for a development of a residential area within the City of La Porte that contains one or more residential dwelling units, such plat, or site plan, or property survey shall contain a clear fee simple dedication of one acre of land for each 93 proposed dwelling units. As used in this Ordinance Section, a “dwelling unit” means each individual residence, including individual residences in a multi-family structure, designed and/or intended for inhabitation by a single family. Residential structures that are moved from one area of the City to another area of the City are specifically excluded from the park development fee requirements of this ordinance.

Any proposed plat or site plan, or property survey submitted to the City of La Porte for approval shall show the area proposed to be dedicated under this section. The required land dedication of this section may be met by a payment in lieu of land where permitted by the City of La Porte or required by other provisions in this ordinance.

In the event a plat is not required and a development site plan or property survey is filed, the dedication of land or payment in lieu of land required under this section shall be met prior to the issuance of a building permit by the approving authority of the City.

(2) The City Council of the City of La Porte declares that development of an area less than one acre for neighborhood park purposes is impractical. Therefore, if fewer than 93 dwelling units are proposed by a plat filed for approval, the approving authority may require the developer to pay the applicable cash in lieu of land amount, as provided in ~~Section 12.02~~ subsection “c” below hereto.

(3) In addition to the required dedication of land, as set forth above, there shall also be a park development fee paid to the City of La Porte as a condition to subdivision plat approval or issuance of a building permit. Such park development fee shall be set from time to time by ordinance of the City Council of the City of La Porte sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. Unless and until changed by ordinance of the City Council of the City of La Porte, the park development fee shall be calculated on the basis of \$318 per dwelling unit.

(4) In lieu of payment of the required park development fee, a developer shall have the option to construct the neighborhood park amenities and improvements. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the approving authority. The developer shall financially guarantee the construction of the amenities and improvements, and the City of La Porte must approve same, prior to the filing of a plat in the case of platted subdivisions. Once the amenities and improvements are constructed, and after the approving authority has accepted such amenities and improvements, the developer shall deed and convey such amenities and improvements to the City of La Porte or to the applicable Homeowner’s Association.

(5) In instances where land is required to be dedicated, the approving authority shall have the right to accept or reject the dedication after consideration of the recommendation of the Parks and Recreation Director or the Planning and Zoning Commission, and to require a cash payment in lieu of land in the amount provided under ~~Section 12.02 hereto~~ subsection “c” below, if the approving authority determines that sufficient park area is already in the public domain for the area of the proposed development or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks.

(6) When two or more developments will be necessary to create a neighborhood park of sufficient size in the same area, the Parks and Recreation Department, at the time of preliminary plat approval, will work with the developer to define the optimum location of the required dedication within the respective plats. Once a park site has been determined, adjacent property owners who develop around the park site shall dedicate land and (or) cash to the existing site unless otherwise determined by the approving authority, as provided ~~in section 12.02~~ herein.

(c) Cash payment in lieu of land.

(1) A developer responsible for land dedication under this ~~Ordinance~~ **Section** shall be required, at the approving authority's option, to meet the dedication requirements in whole or in part by a cash payment in lieu of land, in the amount set forth below. Such payment in lieu of land shall be made prior to filing the final plat for record, or prior to the issuance of a building permit where a plat is not required.

(2) The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by ordinance of the City Council sufficient to acquire neighborhood parkland. Unless and until changed by the City Council, such fee shall be computed on the basis of \$490 per dwelling unit. A cash payment in lieu of land dedication, as set forth in this section, does not relieve the developer of its obligation to pay the park development fee of \$318 set forth in ~~section 12.01 above~~ **subsection (b)(3) above**. The cash payment in lieu of land dedication is in addition to the required park development fee.

(3) The general requirements for dedication of land and payment of park development fees and the cash payment in lieu of land are set forth graphically in Table 1, attached hereto.

(4) The City of La Porte may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a park zone, subsequent park land dedications for that zone shall be in cash only, the calculation of which is set forth **as provided herein** in ~~section 12.01 above~~. Such cash payments are in addition to the payment of the required park development fee.

(d) Special fund.

(1) All funds collected by this dedication process will be deposited in the City of La Porte's Park Development Fund and used for the purchase or leasing of park land and the development and maintenance of same. All expenditures from the said fund will be reviewed and approved by the ~~Assistant~~ **Office of the** City Manager for the City of La Porte.

(2) The City of La Porte shall account for all sums paid into the Parks Development Fund with reference to the individual plats involved.

(e) Prior dedication, absence of prior dedication.

(1) If a dedication requirement arose prior to the passage of this ~~Ordinance~~ **Chapter**, that dedication requirement shall be controlled by the ordinance in effect at the time such obligation arose, except that additional dedication shall be required if the actual number of dwelling units constructed upon property is greater than the former assumed or planned number of dwelling units. Additional dedication shall be required only for the increase in the number of dwelling units and shall be based upon the land dedication and park development fee requirements set forth herein above.

(2) At the discretion of the City, any former gift of land to the City may be credited on a per acre basis toward eventual land dedication requirements imposed on the donor of such lands. The approving authority shall consider the recommendations of the Parks and Recreation Department and the Planning and Zoning Commission in exercising its discretion under this subsection.

(f) Additional requirements, definitions.

(1) Any land dedicated to the City under this ~~Ordinance~~ **Chapter** must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable and may be ground for refusal of any plat:

- a. Any area primarily located in the 100-year floodway as determined by the Harris County Flood Control District.
  - b. Any areas of unusual topography or slope which renders same unusable for organized recreational activities.
- (2) Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City engineering standards as found in Section 5.5.3 of the Public Improvement Criteria Manual of the City of La Porte, if no significant area of the park is cut off from access by such channel, if not less than five (5) acres of the site is above the 100-year flood plain, or if the dedication is in excess of ten (10) acres, not less than fifty percent (50%) of the site should be included in the 100-year flood plain.
- (3) Each park must have ready access to a public street.
- (4) Unless provided otherwise herein, an action by the City shall be by the approving authority, after consideration of the recommendations of the ~~Planning and Zoning~~ Commission and/or the Director of Parks and Recreation Department.
- (5) Any preliminary plat approved prior to the effective date of this ordinance shall be exempt from these requirements set forth herein; however, however when such preliminary approval expires, any resubmission of such plat shall meet the requirements of this ordinance.

(g) Instruments of dedication.

(1) The park land dedication required ~~by the Ordinance~~ **Section** shall be made in the case of Subdivision by a reservation on the Final Plat as filed in the map records of Harris County, Texas, unless additional dedication is required subsequent to the filing of the Final Plat. In the case of a Development Site Plan, the dedication required by the ordinance shall be made by filing of a deed to the deed records of Harris County.

In either event, if the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment by the cash in lieu of land amount provided **herein** ~~by Section 12.02 of this Ordinance.~~

**Sec. 86-26. Variances **Waivers**.**

(a) In those instances where, in the opinion of the Commission, strict compliance with the terms, rules, conditions, policies, and standards ~~of the Commission~~ provided in this ~~Ordinance~~ Chapter would create an undue hardship by depriving the applicant or subdivider of the reasonable use of the land or, where, in the opinion of the Commission, there are unusual physical characteristics which

affect the property in question and which would make strict compliance with the terms and conditions of this Ordinance Chapter or any rule promulgated under this Ordinance Chapter not feasible, the Commission may grant the applicant or subdivider a variance waiver as to one or more requirements as long as the general purpose of this Ordinance Chapter is maintained. Economic hardship shall not constitute the sole basis for granting a variance waiver under this section.

(b) A variance waiver granted under the provisions of this Ordinance Chapter shall only to the specific property upon which the Commission was requested to approve a plat and that such variance waiver shall not constitute a change of this Ordinance Chapter, or any part thereof, or establish any policy, rule or regulation contrary to the provisions of this Ordinance Chapter.

(c) Any variance waiver on a recorded plat granted before the date of adoption of this Ordinance Chapter is hereby recognized as continuing to be valid and compliance with the provisions of this Section shall not be required.

(d) Any person desiring to secure a variance waiver as to the provisions of this Ordinance Chapter must submit a written request with the other materials pursuant to Section 4.00 et seq. herein (4.00 is Sketch Plans). Any request for a variance waiver must cite the specific rule, policy or standard contained in this Ordinance Chapter from which a variance waiver is desired. Additionally, the request must state the extent of the variance waiver sought and the specific facts or reasons why such variance waiver is needed

(e) No variances waiver may be granted by the Commission unless approved by a majority vote of the members present at the meeting of the Commission at which the variances waiver request is presented and that where the Commission affirmatively finds:

(1) That the variances waiver would not be contrary to the general purpose and goals stated in this Ordinance Chapter.

(2) That the variance waiver would not be detrimental to the public health, safety or welfare, to be injurious to adjacent property, or prevent the subdivisions or development of other land in the area in accordance with the provisions of this Ordinance Chapter.

(f) Such finding of the Commission, together with the specific facts upon which such findings are based shall be incorporated into the official minutes of the Commission meeting at which such variance waiver was granted.”

**Section 2.** Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be

**Section 3.** Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said

provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**Section 4.** Ordinance No. 1444, together with all amendments to Ordinance No. 1444, is expressly repealed. Furthermore, all other ordinances or parts of ordinances in conflict herewith are hereby repealed, but to the extent of such conflict only.

**Section 5.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 6.** This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

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Clark Askins, Assistant City Attorney



facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

When private streets and utilities are established within the site plan:

FURTHER, Owners agree that those streets and utilities located within the boundaries of this site plan specifically noted as private, shall be maintained as private streets and utilities by the owners, heirs, successors and assigns and, further, that said private streets shall always be available for the general use of the public for fireman, firefighting equipment, police and other emergency vehicles of whatever nature at all times.

*When owner is an individual or individuals*

WITNESS my (or our) hand in the City of \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name of Owner/s)

*When owner is a company of corporation*

In TESTIMONY WHEREOF, the (Name of company) has caused these presents to be signed by (Name of President), its President thereunto authorized, attested by its Secretary (or authorized trust officer), (Name of Secretary of authorized trust officer), and its common seal hereunto affixed by this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
(Name – President of Authorized Agent)  
(Name of Company)  
(Title)

ATTEST:

By: \_\_\_\_\_  
Name – Secretary or Authorized Trust Officer)  
(Title)

(Affix Corporate Seal)

❖ ***Flood Statement:***

This tract is in Flood Zone \_\_\_\_\_ and [is/is not] within the 100-year Flood Plain according to FEMA Map # \_\_\_\_\_, Dated \_\_\_\_\_.

❖ **Amendment Table:**

All site plans shall include the following table:

<b>AMENDMENT TABLE</b>		
<i>Description of Proposed Modification/s:</i>	<i>Date of Approval:</i>	<i>Approval Authority Signature:</i>

❖ **Landscape Table:**

All site plans shall include the following table:

<b>LANDSCAPE TABLE</b>				
<i>Planting strip requirements per Section 106-800(c.1.b&amp;c)</i>				
<i>Symbol:</i>	<i>Common Name:</i>	<i>Scientific Name:</i>	<i>Amount Required:</i>	<i>Quantity Proposed:</i>
<i>Parking lot requirements per Section 106-800(c.1.e)</i>				
Number of Parking Spaces Provided:				
Number of Trees required (ratio 1 tree per 10 parking spaces):				
Species of Shade Trees Provided as Parking Lot Landscaping:				
Planters Required (ratio of 135 sq. ft. per 10 parking spaces):				

❖ **Parking Table:**

All site plans shall include the following table:

<b>Parking Table</b>	
Parking Spaces Required (Include parking ratio from Section 106-839):	
Parking Spaces Provided:	
Accessible Parking Spaces Required:	
Accessible Parking Spaces Provided:	

❖ *City Approving Authority Certificate:*

*Minor Development Site Plan:*

This is to certify that on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the city of La Porte, Texas, has approved this site plan and development of  (Name of Development)  in conformance with the ordinances of the City of La Porte.

By: \_\_\_\_\_  
Director, Planning and Development

\_\_\_\_\_  
City Planner

\_\_\_\_\_  
City Engineer

*Major Development Site Plan:*

This is to certify that on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the City Planning and Zoning Commission of the City of La Porte, Texas has approved this site plan and development of  (Name of Development)  in conformance with the laws of the State of Texas and the ordinances of the City of La Porte.

By: \_\_\_\_\_  
Chair, Planning and Zoning Commission

ATTEST:

By: \_\_\_\_\_  
Secretary, Planning and Zoning Commission

By: \_\_\_\_\_  
Director, Planning and Development

\_\_\_\_\_  
City Planner

\_\_\_\_\_  
City Engineer

**Subdivision Plats**

❖ ***Owners Acknowledgement:***

STATE OF TEXAS

COUNTY OF HARRIS

I [or we], (name of owner or owners) acting by and through (name and title of officer) being officers of (name of company or corporation, owner (or owners) hereinafter referred to as Owners whether one or more of the (number of acres) tract described in the above and foregoing map of (Name of subdivision) do hereby make and establish said subdivision of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever an unobstructed aerial easement five (5) feet in width from a plane twenty (20) feet above the ground level upward, located adjacent to all common use public utility easements shown hereon.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of \_\_\_\_\_ thereon and shall be restricted for same under the terms and conditions of such restrictions filed separately.

**ADDITIONAL PARAGRAPHS TO BE ADDED AS APPROPRIATE**

*When plat contains natural drainage ways such as bayous, creeks, gullies, ravines, draw or drainage ditches:*

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the high bank of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located and depicted upon in said plat, as easements for drainage purposes, giving the City of La Porte, Harris, County or any other governmental agency, the right to enter upon said easement at any and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, drainage ways and easements clear of fences, buildings, and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

*When plat indicated building setback lines and public utility easements are to be established in adjacent acreage owner by the subdivider:*

FURTHER, Owners do hereby certify that I am (or we) the owners of the property immediately adjacent to the boundaries of the above foregoing plat of (name and subdivision) where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and do hereby make and establish all building setback lines and dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

*When private streets are established within the plat:*

FURTHER, Owners do hereby covenant and agree that those streets located within the boundaries of this plat specifically noted as private streets, shall be hereby established and maintained as private streets, by the owner, heirs, successors and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for fireman, firefighting equipment, police and the other emergency vehicles of whatever nature at all times and do hereby bind myself (or ourselves), my (or our), heirs (or successors and assigns to warrant and forever defend the title to the land so designated and established as private streets.

*To be used when the subdivision is within the Extraterritorial Jurisdiction of the City of La Porte:*

FURTHER, Owners certify and covenant that they have complied with or will comply with the existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63<sup>rd</sup> Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioner’s Court of Harris County.

*When replatted under the provisions of Section 212.014 Texas Local Government Code:*

FURTHER, the Owners hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions; I, (we) further certify that no portion of the proposed area to be replatted is limited by deed restriction to residential use for not more than two (2) residential units per lot.

*When replatted under the provisions of Section 212.014, Texas Local Government Code:*

FURTHER, the Owners certify that this replat does not attempt to alter, amend or remove any covenants or restrictions.

*When owner is an individual or individuals*

WITNESS my (or our) hand in the City of \_\_\_\_\_, \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Name of Owner/s)

*When owner is a company of corporation*

In TESTIMONY WHEREOF, the (Name of company) has caused these presents to be signed by (Name of President), its President thereunto authorized, attested by its Secretary (or authorized trust officer), (Name of Secretary of authorized trust officer), and its common seal hereunto affixed by this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
(Name – President of Authorized Agent)  
(Name of Company)  
(Title)

ATTEST:

By: \_\_\_\_\_  
Name – Secretary or Authorized Trust Officer)  
(Title)

(Affix Corporate Seal)

(Include Notary Acknowledgement)

❖ **Harris County Clerk Filing Statement:**

I, (name of County Clerk), Clerk of County of Harris, do hereby certify that the within instrument with the certificate of authentication was filed for registration in my office on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_M., and duly recorded on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_M., and in Film Code No. \_\_\_\_\_ of the map records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

(Name of County Clerk)  
County Clerk  
Of Harris County, Texas

By: \_\_\_\_\_  
Deputy

❖ **Plat Accuracy Certificate:**

I, (name of engineer or surveyor), am registered under the laws of the State of Texas to practice the profession of engineering (or surveying) and hereby certify that the above plat is true and correct; and that all bearings, distances, angles, curve radius, and central angles are accurately shown on the plat.

By: \_\_\_\_\_  
(Name of Engineer or Surveyor)

Texas Registration No. \_\_\_\_\_

(Affix Seal)

❖ **Plat Final Survey Certificate:**

I \_\_\_\_\_ (name of surveyor) \_\_\_\_\_, registered under the laws of the State of Texas to practice the profession of land surveying, do hereby certify that this plat accurately represents the results of a survey performed under my supervision and that all boundary corners, single points and points of curve have been, or will be, marked with five- eights inch iron rods not less than thirty (30) inches in length and that this plat (site plan) complies with the requirements as specified in the City of La Porte Development Ordinance.

By: \_\_\_\_\_  
(Name of Engineer or Surveyor)

Texas Registration No. \_\_\_\_\_

(Affix Seal)

❖ **Notary Acknowledgement:**

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared (Names of persons signing the plat, owners, and corporation officers), (corporation titles if appropriate, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledgement to me that they executed the same for the purposes and considerations therein expressed (add for corporations, “and in the capacity therein and herein stated, and as the act and deed of said corporation.”).

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires \_\_\_\_\_

(Signature of Notary Public) \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_

(Affix Notary Seal)

❖ **Special plat statements to appear when appropriate on subdivision plats:**

*When any portion of land within the plat boundary lies inside a Flood Hazard Zone Area:*

“Some land within this subdivision lies in a Flood Hazard Area. Such lands are subject to an increased chance of flooding and the City of La Porte places stricter requirements on

development therein through the La Porte Flood Hazard Prevention Ordinance. Flood Hazard Area on this plat are shown as shaded.”

*When the plat contains public street right of ways bordering on unrestricted reserves or unplatted acreage:*

“A one foot reserve is hereby established within the street right of way adjacent to all unrestricted reserves or unplatted acreage. Said one foot reserve shall be dedicated to the public and shall be removed and thereafter be vested in the public for street right-of-way purposes only upon proper platting of the adjacent unrestricted reserve or acreage.”

❖ **City Approving Authority Certificate:**

*Administrative Plat:*

This is to certify that the city of La Porte, Texas, has approved this plat and subdivision of \_\_\_\_\_ (Name of Subdivision Plat) \_\_\_\_\_ in conformance with the laws of the State of Texas and the ordinances of the City of La Porte and authorized the recording of this plat on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Director, Planning and Development

\_\_\_\_\_  
City Planner

\_\_\_\_\_  
City Engineer

*Major Subdivision Plat:*

This is to certify that the Planning and Zoning Commission of the city of La Porte, Texas, has approved this plat and subdivision of \_\_\_\_\_ (Name of Subdivision Plat) \_\_\_\_\_ in conformance with the laws of the State of Texas and the ordinances of the City of La Porte and authorized the recording of this plat on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Chair, Planning and Zoning Commission

ATTEST:

By: \_\_\_\_\_  
Secretary, Planning and Zoning Commission

By: \_\_\_\_\_  
Director, Planning and Development

\_\_\_\_\_  
City Planner

\_\_\_\_\_  
City Engineer

❖ **Amending Plat Certificates:**

I \_\_\_\_\_ (name of surveyor) \_\_\_\_\_, hereby certify that the following corrections were necessary to eliminate errors which appear on the plat of \_\_\_\_\_ (name of subdivision) \_\_\_\_\_, recorded on \_\_\_\_\_ (date and month) \_\_\_\_\_, \_\_\_\_\_ (year) \_\_\_\_\_, in Volume \_\_\_\_\_ (number) \_\_\_\_\_, page \_\_\_\_\_ (number) \_\_\_\_\_ (or where applicable film code numbers) of the map records of Harris County, Texas:

(Provide a brief explanation of corrections required.)

By: \_\_\_\_\_  
(Name of Engineer or Surveyor)

Texas Registration No. \_\_\_\_\_

(Affix Seal)

I (we), \_\_\_\_\_ (names(s) or owner(s)) \_\_\_\_\_, owner(s) of the property directly affected by this amending plat, being lot(s) \_\_\_\_\_ (number) \_\_\_\_\_ out of the block(s) \_\_\_\_\_ (number) \_\_\_\_\_ as indicated hereon, do hereby consent to this amending plat for the purposes herein expressed.

\_\_\_\_\_  
(Name of Owner)

(Repeat as necessary.)

❖ **Vacating Plat Certificates:**

STATE OF TEXAS

COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

I (we), \_\_\_\_\_ (names(s) or owner(s)) \_\_\_\_\_ or \_\_\_\_\_ (name of president and secretary or authorized trust officer of a company or corporation) \_\_\_\_\_, being the sole owner (owners) and

proprietor of the following described property in the City of La Porte, Harris County, Texas, to-wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references.)

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and cancelled so as to convert all of said platted property to acreage tracts as same existed before such property was platted, subdivided and recorded.

(At this point any rights-of-way, easements or any other feature established in the subdivision being vacated which will not be cancelled as a result of this vacation action should be described.)