

LOUIS R. RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
STEVE GILLETT
Councilmember At Large B
DANNY EARP
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
BILL BENTLEY
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Mayor Pro-Tem
Councilmember District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held April 8, 2019, beginning at 6:00 pm in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

- 1. CALL TO ORDER**
- 2. INVOCATION** – The invocation will be given by Assistant City Attorney Clark Askins.
PLEDGES – Will be led by Councilmember Chuck Engelken.
U.S. Flag
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.
- 3. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
 - (a) Proclamation in recognition of National Public Safety Telecommunications Week. [Mayor Rigby]
 - (b) Proclamation in recognition of National Animal Control Officers Appreciation Week. [Mayor Rigby]
 - (c) Proclamation in recognition of La Porte Citizen's Academy Alumni Association Week. [Mayor Rigby]
- 4. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 5. CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
 - (a) Approve the minutes of the special session held on March 23, 2019, and the regular session held on March 25, 2019. [Lee Woodward, City Secretary]
 - (b) Authorize rescheduling or cancellation of the May 27, 2019, City Council meeting due to the Memorial Day holiday. [Lee Woodward, City Secretary]
 - (c) Adopt Resolution 2019-05 authorizing the Deputy City Secretary to perform the duties of the City Secretary in her absence. [Lee Woodward, City Secretary]
 - (d) Appoint Chief Ron Parker, La Porte Police Department, as the City's Local Rabies Control Authority. [Lee Woodward, City Secretary]
 - (e) Adopt Resolution 2019-04 authorizing the resale of tax delinquent property located at Lots 7, 8, 9, and 10, Block 719, Town of La Porte. [Shelley Wolny, Treasurer]
 - (f) Authorize the City Manager and the La Porte Police Department to submit an application for the Victim Coordinator and Liaison Grant (VCLG) for fiscal years 2019 and 2020 in order to continue partial funding for the Crime Victim Liaison position and adopt Resolution 2019-06 in support of same. [Chief Ron Parker, LPPD]

6. PUBLIC HEARINGS AND ASSOCIATED ACTION

- (a) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3736 amending Chapter 106, "Zoning" of the City of La Porte Code of Ordinances in connection with a review and update to Chapter 106, "Zoning". [Ian Clowes, City Planner]
- (b) Presentation, discussion, and possible action to consider adopting Ordinance 2019-3736 amending Chapter 106, "Zoning" of the City of La Porte Code of Ordinances in connection with a review and update to Chapter 106, "Zoning." [Ian Clowes, City Planner]
- (c) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3737 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000001 to allow for the development of ten (10) single-family duplex homes and one (1) single-family triplex home on 1.36 acres of land, being legally described as Lots 7 - 27, Block 32, and Lots 20-21, Block 31, Beach Park Subdivision in the mixed-use (MU) zoning district. [Ian Clowes, City Planner]
- (d) Presentation, discussion, and possible action to consider adopting Ordinance 2019-3737 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning", by granting Special Conditional Use Permit #19-91000001, to allow for the development of ten (10) single-family duplex homes and one (1) single-family triplex home on 1.36 acres of land, being legally described as Lots 7 - 27, Block 32, and Lots 20-21, Block 31, Beach Park Subdivision, in the mixed-use (MU) zoning district. [Ian Clowes, City Planner]

7. REPORTS

- (a) Receive report on the Drainage and Flooding Committee Meeting. [Councilmember J. Martin]

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, April 18, 2019
- City Council Meeting, Monday, April 22, 2019
- Zoning Board of Adjustment Meeting, Thursday, April 25, 2019

9. COUNCIL COMMENTS *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

10. ADJOURNMENT

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5019), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the April 8, 2019, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

Lee Woodward, City Secretary



Council Agenda Item April 8, 2019

1. CALL TO ORDER

2. INVOCATION – The invocation will be given by Assistant City Attorney Clark Askins.

PLEDGES – Will be led by Councilmember Chuck Engelken.

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

(a) Proclamation in recognition of National Public Safety Telecommunications Week. [Mayor Rigby]

(b) Proclamation in recognition of National Animal Control Officers Appreciation Week. [Mayor Rigby]

(c) Proclamation in recognition of La Porte Citizen's Academy Alumni Association Week. [Mayor Rigby]

4. PUBLIC COMMENTS (Limited to five minutes per person.)



Proclamation

Office of the Mayor

WHEREAS, emergencies can occur at any time that require police, fire, or emergency medical services; and

WHEREAS, when an emergency occurs, the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers, firefighters, and paramedics is dependent upon the quality and accuracy of information obtained from citizens who telephone the La Porte police and fire communications center; and

WHEREAS, public safety dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, public safety dispatchers are the single vital link for our police officers, firefighters, and paramedics by monitoring their activities by radio, providing them information, and insuring their safety; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim April 14 – 20, 2019, as

National Public Safety Telecommunications Week

in the City of La Porte, in honor of the men and women whose diligence and professionalism keep our city and citizens safe from harm.

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 8th day of April, 2019.

City of La Porte

Louis R. Rigby, Mayor



Proclamation

Office of the Mayor

WHEREAS, the National Animal Control Association has designated the second week of April each year as Animal Control Officer Appreciation Week; and

WHEREAS, the various federal, state and local government officials throughout the country take this time to recognize, thank, and commend all Animal Control officers and staff for the dedicated service they provide to various public safety and public service agencies and departments across the country; and

WHEREAS, the City of La Porte Animal Control officers and staff provide outstanding service on a daily basis to the residents of the City; and

WHEREAS, Animal Control officers and staff dedicate many long hours of service to this community and fulfill the Animal Control Department's commitment to providing the highest and most efficient level of customer service; and

WHEREAS, the service provided by the Animal Control officers and their staff is in keeping with the long and distinguished tradition of the animal control profession.

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim April 7 – 13, 2019, as

National Animal Control Officers Appreciation Week

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 8th day of April, 2019.

City of La Porte

Louis R. Rigby, Mayor



Proclamation

Office of the Mayor

WHEREAS, the La Porte Citizen's Police Academy Alumni Association (LPCPAAA) is "dedicated to service to our city and our people"; and

WHEREAS, these volunteers are committed to serving law enforcement and the general public by promoting and advancing the Citizen's Police Academy; and

WHEREAS, as a graduate of the La Porte Citizen's Police Academy (LPCPA), one automatically becomes a member of the LPCPAAA; and

WHEREAS, during this week, all over the nation volunteers will be recognized for their commitment to service; and

WHEREAS, our La Porte Citizen's Police Academy Alumni Association provided 3,835 hours of volunteer service to the City of La Porte last year, making possible countless meaningful community initiatives; and

WHEREAS, these volunteers are recognized as a great treasure to our community and an essential part of our future as a caring and productive city.

NOW, THEREFORE, I, Louis R. Rigby, Mayor, do hereby proclaim April 7-13, 2019, as part of National Volunteer Week,

La Porte Citizen's Academy Alumni Association Week

in La Porte, Texas, and urge my fellow citizens to volunteer in their community. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

In Witness Whereof, I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 8th day of April 2019.

City of La Porte

Louis R. Rigby, Mayor



**Council Agenda Item
April 8, 2019**

5. **CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
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Mayor Pro-Tem

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 23, 2019

The City Council of the City of La Porte met in a special meeting on Saturday, March 23, 2019, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 8:00 a.m., with the following in attendance:

Councilmembers present: Louis Rigby, John Zemanek, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Kristin Martin, Jay Martin, Nancy Ojeda

Councilmembers absent: None

Council-appointed officers present: Corby Alexander, City Manager; Lee Woodward, City Secretary

CALL TO ORDER – Mayor Rigby called the meeting to order at 8:30 a.m.

2. **PRESENTATION, DISCUSSION AND POSSIBLE ACTION** The purpose of this meeting is to discuss and formulate City Council and staff plans, operations, policies, and/or future projects, including the following:

- (a) **Financial Overview. [Michael Dolby, Finance Director]**
- (b) **Medical & Health Insurance Update. [Matt Hartleib, Human Resources Manager]**
- (c) **City Facility Maintenance Program (Councilmember Engelken) [Roz Epting, Parks and Recreation Director]**

Councilmember Engelken asked that Parks bring back a plan to address concerns while keeping budgetary constraints in mind. Councilmember Gillett suggested looking at creating a Building Maintenance Division, as an internal service fund similar to Motor Pool.

- (d) **Library Flooring & Repainting. [Roz Epting, Parks and Recreation Director]**

Mayor Rigby confirmed there was no Council objection to adding the \$120,000 request as presented to the budget process.

- (e) **Fitness Center (Councilmembers J. Martin and Zemanek) [Corby Alexander, City Manager and Roz Epting, Parks and Recreation Director]**

Director Epting noted the final estimate of \$14,871,262.75 (not including land acquisition) had only arrived yesterday from PGAL Architects, but City Manager Alexander cautioned that these were estimates only, that the Council would decide an all-in number and value-engineer back to possible improvements. Councilmember Gillett expressed concerns on the architectural and flow layout and advocated for professional design review. Councilmember Earp moved retaining a consultant to entertain cost analysis options for up to four options for a facility (on another location, using additional EDC funding for a fitness center on the bay, remodeling of the SPORT/Senior facilities). The motion was adopted, 8-1, Councilmember Gillett voting against. (Councilmember Bentley stepped away from the meeting from 10:13-10:18. The Council took a brief recess from 10:20-10:36 a.m. Councilmember Ojeda returned at 10:37 a.m.)

- (f) **7th Street Widening-Concrete Paving & Sidewalks (Councilmember K. Martin) [Don Pennell, Public Works Director]**

Mayor Rigby confirmed there was no Council objection to adding the project request as presented to the budget process.

- (g) **EMS Headquarter Expansion. [Ray Nolen, EMS Chief]**

(Councilmember Engelken stepped away from the meeting from 10:52-10:59 a.m.) Mayor Rigby confirmed there was no Council objection to moving forward with the item as presented for the budget.

- (h) **Additional EMS Captain. [Ray Nolen, EMS Chief]**

Mayor Rigby confirmed there was no Council objection to moving forward with the item as presented.

- (i) **Fire Field Propane Project. [Donald Ladd, Assistant Fire Chief]**

Mayor Rigby confirmed there was no Council objection to moving forward with the item as presented.

- (j) **Bay Forest Golf Course Capital Improvement Projects. [Alex Osmond, Golf Course Manager]**

Mayor Rigby confirmed there was no Council objection to moving forward with the item as presented but with an eye to accomplishing all over three years with an annual review. (The Council recessed for lunch from 11:56 a.m.-12:37 p.m. Councilmember Kristin Martin returned at 12:38 p.m.)

- (k) **IT Private Fiber Network. [Grady Park, IT Manager]**

Mayor Rigby confirmed there was no objection to consultation with LP ISD to discuss their plans for fiber installation as long as looking into other vendor contract options, especially if a multi-year process was considered.

- (l) **Convert Northwest Park & Little Cedar Bayou Park Lights. [Roz Epting, Parks and Recreation Director]**

Mayor Rigby confirmed there was no Council objection to moving forward with the item as presented.

- (m) **Klein Retreat Park Options (Councilmember Earp) [Roz Epting, Parks and Recreation Director]**

Councilmember Earp noted he had brought this forward for the agenda when he thought the rec center would not be placed here, but acknowledged it would now be included in review for item e above. He said he would like this, as one of the few last waterfront properties open to all the residents, not to be sold for another purpose. The City Manager confirmed it had never been designated as parkland. Councilmember Jay Martin asked for consideration of using the seven acres as a park, even if it were not officially labelled as such. Mayor Rigby confirmed there was no Council objection to waiting to see the options for the fitness center with the item as presented. Director Epting noted it would be included in the survey for the Parks Master Plan.

- (n) **Outdoor Fitness Equipment at Fairmont Park (Councilmember Ojeda) [Roz Epting, Parks and Recreation Director]**

Councilmember Ojeda recommended Option #2 for 5-6 separate pieces located for a total of \$50,000. Mayor Rigby asked Director Epting to bring costs for the asphalt millings over limestone for upgrading other parks, as she had suggested, for a future budget year. Councilmember Gillett suggested including this in the Parks Master Plan survey. Mayor Rigby confirmed there was no Council objection to moving forward with the item as proposed by Councilmember Ojeda.

- (o) **Paved Parking Lot at Recycling Center (Councilmember Ojeda) [Don Pennell, Public Works Director]**

Mayor Rigby confirmed there was no Council objection to waiting approximately ninety days for the preliminary report before deciding on the item.

- (p) **Continuation of Sidewalk on Farrington to Fairmont Park entrance (Councilmember Ojeda). [Don Pennell, Public Works Director]**

Councilmember Ojeda suggested the entire item as presented move forward in the interest of safety. Councilmember Gillett asked that an inventory be taken to program other such issues. Asst. City Manager Jason Weeks noted staff had reviewed this item with LP ISD but would need to do so again for any additional items, as school bus service can potentially be cut if there is a continuous sidewalk radius around the school. Mayor Rigby confirmed there was no Council objection to moving forward with the item as presented and asking staff to review other areas in the city with similar issues and reporting back.

- (q) **Funds for Artist Grants to be used for Outdoor Public Art Installations (Councilmember Ojeda). [Ryan Cramer, Economic Development Coordinator]**

Mayor Rigby confirmed there was no Council objection to starting the program with additional information from staff on how it will be managed, funding, and allocated, to report back to Council, for \$25,000, as presented by Councilmember Ojeda.

- (r) **Uniform Plants & Planters along Main Street (Councilmember Ojeda). [Ryan Cramer, Economic Development Coordinator]**

Councilmembers Ojeda and Kristin Martin expressed concerns about downtown beautification. Councilmember Earp reminded the Council that business owners may not be in support and reminded all there are additional commercial areas. Councilmember Gillett said that he believes parking, alleys, and sidewalk repair are needed and that any reluctance comes from concern over increased regulation. Councilmember Earp suggested the Planning and Zoning Commission review the prior report. Councilmember Jay Martin suggested funding to replant and respace the current planters. Councilmember Ojeda asked that Parks be tasked with maintaining the planters. Mayor Rigby requested the businesses located near the planters currently be consulted, acknowledging the planters belong to the City. Mayor Rigby confirmed there was no Council objection to maintaining the current thirteen at this time.

- (s) **\$5,000 for Startup (Seed Money) of Youth Advisory Council through TML (Councilmember Ojeda). [Jason Weeks, Assistant City Manager and Roz Epting, Parks and Recreation Director]**

(Councilmember Zemanek stepped away from the meeting from 2:15-2:17 p.m.) Councilmember Ojeda suggested each member of Council make an appointment and offered to assist. Mayor Rigby confirmed there was no Council objection to moving forward with the item as presented. *(The Council recessed from 2:25-2:41 p.m.)*

- (t) **Shelter in Place Procedures. (Councilmember Engelken) [Kristin Gauthier, Emergency Management Coordinator]**

- (u) **City Safety Record, Policies, & Procedures (Councilmember Engelken). [Matt Hartleib, Human Resources Manager and Matt Daeumer, Assistant Police Chief]**

(Councilmember Kristin Martin left the meeting at 3:28 p.m.)

- (v) **Employee Evaluation and Merit Pay Increase Procedures (Councilmember Engelken). [Matt Hartleib, Human Resources Manager, and Michael Dolby, Finance Director]**

Councilmember Gillett moved to continue with the current process of evaluating employees. The motion failed, 4-4, Councilmembers Zemanek, Bentley, Engelken, and Earp voting against.

(w) **Presentation and discussion of meeting procedural items with the City Secretary's Office. [Lee Woodward, City Secretary]**

City Secretary Woodward discussed several topics, with the Council in agreement as to:

- Leaving an item on Council Committee agendas to set the date for the next meeting;
- Allowing staff presentation and Council debate prior to a motion being made for an item;
- Posting candidate packets on the City's elections page; not finding it necessary to notify the Council when a physical packet is picked up at the City Secretary's office; not posting completed filings or campaign finance reports on the City website (they are available via Public Information Requests);
- Testing a brief version of noting the topics on which public commenters mention;
- Bringing a proposal for the budget for transparent dais desk insets to provide monitor viewing below as well as being able to use more of the desktop area.

3. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.

Councilmembers thanked the Council and staff for their work today.

4. ADJOURNMENT – Without objection, Mayor Rigby adjourned the meeting at 4:39 p.m.

Lee Woodward, City Secretary

LOUIS RIGBY
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Mayor Pro-Tem

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 25, 2019

The City Council of the City of La Porte met in a regular meeting on Monday, March 25, 2019, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Councilmembers present: Louis Rigby, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Kristin Martin, Jay Martin, Nancy Ojeda

Councilmembers absent: John Zemanek

Council-appointed officers present: Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

CALL TO ORDER – Mayor Rigby called the meeting to order at 6:02 p.m.

INVOCATION – The invocation was given by Councilmember Jay Martin.

PLEDGES – The pledges of allegiance to the U.S. and Texas flags were led by Councilmember Mayor Rigby.

3. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS

(a) Proclamation – La Porte Special Olympics Shrimp Boil Day. [Mayor Rigby]

4. **PUBLIC COMMENTS** (Limited to five minutes per person.) – Chuck Rosa offered public comment on City ordinances; Michael Swain offered public comment on animal adoptions; and Thomas Garza offered public comment on upcoming non-City events, campaign sign placement, and items from the Council budget retreat.

5. **CONSENT AGENDA** (*Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting*)

(a) **Approve minutes of the City Council meeting held on March 11, 2019.** [Lee Woodward, City Secretary]

(b) **Approve an Interlocal Agreement between Harris County and the City of La Porte for local bus transit services for a twelve- (12-) month term.** [Jason Weeks, Assistant City Manager]

Councilmember Engelken moved to approve the consent agenda; the motion was adopted, 8-0.

6. PRESENTATION, DISCUSSION, AND POSSIBLE ACTION

(a) **Receive presentation concerning the City of La Porte's code enforcement process.** [Teresa Evans, Director of Planning and Development]

Councilmember Jay Martin moved to authorize an update to the relevant ordinance for Ch. 58, Article II, so that garbage should not be placed outside earlier than 5 a.m.; the motion was adopted, 7-1, Councilmember Gillett voting against. City Manager Alexander agreed to bring the Council information on the tree removal permit and fencing permit requirements.

7. **REPORTS**

(a) **Receive a report on the La Porte Development Corporation Board meeting. [Councilmember Ojeda]**

Councilmember Ojeda reported the EDC Board approved a final incentive payment of \$100,000.00 to *Pipeline Grill*, denied a payment to *Texas Snowbirds Daiquiris and Grill*, and considered an incentive for a new/expanded business enterprise at 1230 Independence Parkway, and approved a grant for signage in the 700 Block of West Main Street.

8. **ADMINISTRATIVE REPORTS**

- Drainage and Flooding Committee Meeting, Monday, April 8, 2019
- City Council Meeting, Monday, April 8, 2019
- Planning and Zoning Commission Meeting, Thursday, April 18, 2019
- City Council Meeting, Monday, April 22, 2019
- Zoning Board of Adjustment Meeting, Thursday, April 25, 2019

City Manager Corby Alexander confirmed Mr. Swain's remarks that the Council had made arrangements for funding veterinarian services in the last year and that he would follow up on the issue.

9. **COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.**

Councilmembers thanked the Mayor for his presiding over the meeting, thanked the Code Enforcement staff for their presentation and diligence, asked the City Manager to follow up on design information from Saturday's retreat concerning the fitness center, noted the drainage project occurring in the north area of the City, expressed pleasure at judging chili at the Seniors events on Friday, asked the City Manager to report back on Mr. Swain's comments earlier, and requested all remember the staff and responders working on the ITC issues.

10. **EXECUTIVE SESSION – The City Council reserves the right to meet in closed session on any agenda item, should the need arise, and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, in accordance with the authority contained in:**

Texas Government Code – Section 551.071(1)(A) – Pending or Contemplated Litigation: Meet with the City Attorney and City Manager to discuss Tradebe Environmental Services, LLC vs. City of La Porte

Texas Government Code – Section 551.072 – Deliberation regarding purchase, exchange, lease, or value of real property: Meet with City Manager and City Attorney to discuss value of real property in industrial districts, concerning negotiations with industry representatives for terms of new Industrial District Agreements.

(Councilmember Earp has a Conflict of Interest affidavit on file for the IDA item, did not participate in the deliberation for it, and left the meeting as the Council discussed this second item in executive session.) The Council adjourned into executive session at 8:33 p.m.

11. **RECONVENE into regular session and consider action, if any, on item(s) discussed in executive session.**

The Council reconvened into open session at 9:15 p.m. No action was taken but the Mayor confirmed the City Manager, Asst. City Attorney, and City's legal counsel had been given direction to continue seeking resolution on both items.

12. **ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 9:16 p.m.**

Lee Woodward, City Secretary

12. **ADJOURN** – Without objection, Mayor Rigby adjourned the meeting at 9:16 p.m.

Lee Woodward, City Secretary

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested <u>April 8, 2019</u>
Requested By <u>Lee Woodward</u>
City Secretary
Department: _____
Report: _____ Resolution: _____ Ordinance: _____

<u>Appropriation</u>
Source of Funds: _____
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES _____ NO _____

Exhibits: _____

Exhibits: _____

SUMMARY & RECOMMENDATION

Ordinance 3274 establishes procedures for City Council meetings. Among other things, it provides that regular Council meetings are held on the second and fourth Mondays of each month. It further provides that when a Council meeting falls on a legal or national holiday, "such meeting shall be held on such other date as determined by Council."

May 27, 2019, is the date of the second meeting in May. It is also Memorial Day, a national holiday, and City Hall is closed. Staff requests Council's determination regarding the May 27th meeting, as follows:

- Reschedule the May 27, 2019, Council meeting; OR
- Cancel the May 27, 2019, Council meeting due to the Memorial Day holiday.

Should Council decide to cancel the May 27th meeting and the need arises to conduct business, a special called meeting would be scheduled.

Action Required by Council:

Approval or other action of the May 27, 2019, Council meeting as follows. Either:

- Reschedule the May 27, 2019, meeting due to the Memorial Day holiday; or
- Cancel the May 27, 2019, meeting due to the Memorial Day holiday.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested <u>April 8, 2019</u>
Requested By <u>Lee Woodward</u>
City Secretary
Department: _____
Report: _____ Resolution: _____ Ordinance: _____

<u>Appropriation</u>
Source of Funds: <u>N/A</u>
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: _____

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Exhibits: _____

SUMMARY & RECOMMENDATION

While the job description for the Deputy City Secretary indicates that the position will serve in the absence of a City Secretary, there are tasks in state statute that indicate performance by the City Secretary/City Clerk, especially within the Texas Election Code. The City Secretary recommends adoption of the resolution to clearly indicate the will of the governing body, i.e. that the Deputy City Secretary perform the duties of the City Secretary if the City Secretary is unavailable or if the position is otherwise not filled at any time.

Action Required by Council:

Adopt Resolution 2019-05 authorizing the Deputy City Secretary to perform duties of the City Secretary in her absence.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, HEREBY AUTHORIZING THE DEPUTY CITY SECRETARY OF THE CITY OF LA PORTE, TEXAS, TO ACT ON BEHALF OF THE CITY SECRETARY IN HER ABSENCE BY PERFORMING THE DUTIES OF CITY SECRETARY; PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte, Texas ("City Council") has investigated and determined that there may be instances when the appointed City Secretary is absent from her duties for various reasons; and

WHEREAS, the City Council has investigated and determined that it is important that the duties of the City Secretary continue to be completed in her absence in order to carry on the business of the City of La Porte ("City"); and

WHEREAS, the City Council has investigated and determined that it is in the best interest of the citizens of the City to authorize the Deputy City Secretary to act on behalf of the City Secretary in her absence by performing the duties of City Secretary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, THAT:

SECTION 1: The Deputy City Secretary of the City of La Porte, Texas, is hereby authorized to act on behalf of the City Secretary in her absence, by performing the duties and responsibilities as may be assigned to the City Secretary by the City Charter, by the City Council, or by law.

SECTION 2: Should an absence occur while the City Secretary is also serving as the Early Voting Clerk for a City election, the Deputy City Secretary will be hereby appointed to fulfill this role as well.

SECTION 3: The Deputy will be deprived of authorization if deemed appropriate by the City Council or at the termination of their employment by the City of La Porte.

SECTION 4: This resolution shall take effect immediately upon its passage.

RESOLVED THIS THE _____ day of _____, 20_____.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST TO:

APPROVE AS TO FORM:

Lee Woodward, City Secretary

Clarke Askins, Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested <u>April 8, 2019</u>
Requested By <u>Lee Woodward</u>
City Secretary
Department: _____
Report: _____ Resolution: _____ Ordinance: _____

<u>Appropriation</u>
Source of Funds: _____
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES NO _____

Exhibits: DHS form for appointment

Exhibits: _____

SUMMARY & RECOMMENDATION

The City of La Porte’s Animal Shelter Advisory Committee has five positions, filled by description in its formative ordinance, one of which is designated as the “Chief of the La Porte Rabies Control Authority. Chief Adcox was previously appointed in this role, which has not become vacant. Included with this item is the form from the Texas Department of State Health Services (DSHS), as provided by their Infectious Disease Control Unit. Staff recommends that Chief Ron Parker be appointed as the City’s Rabies Control Authority and then serve in that position on the Animal Shelter Advisory Committee. Below are relevant state and city references.

Tx. Health and Safety Code Sec. 826.017. DESIGNATION OF LOCAL RABIES CONTROL AUTHORITY.

- (a) The commissioners court of each county and the governing body of each municipality shall designate an officer to act as the local rabies control authority for the purposes of this chapter.
- (b) Except as restricted by department rule, the officer designated as the local rabies control authority may be the county health officer, municipal health officer, animal control officer, peace officer, or any entity that the commissioners court or governing body considers appropriate.
- (c) Among other duties, the local rabies control authority shall enforce:
 - (1) this chapter and the department rules that comprise the minimum standards for rabies control;
 - (2) the ordinances or rules of the municipality or county that the local rabies control authority serves; and
 - (3) the rules adopted by the executive commissioner under the area rabies quarantine provisions of Section 826.045. Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 44, Sec. 2, eff. May 5, 1995. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1612, eff. April 2, 2015.

Re. Ord. 2007-2972, forming the Animal Shelter Advisory Committee:

- Pos.1, the Chief of the La Porte Rabies Control Authority, or his designee -
- Pos.2, a state certified Animal Control officer employed with the City of La Porte and whose duties include the daily operation of the La Porte animal shelter – Clarence Anderson
- Pos. 3, veterinarian – Dr. Donna Medford
- Pos. 4, representative from an animal welfare organization – Dana Dicker
- Pos. 5, Councilmember – John Zemanek

Action Required by Council:

Move to appoint Chief Ron Parker as the City’s Rabies Control Authority.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



The _____ of _____
(governing body) (city or county)

designates _____ of _____ as the
person's name (print) (i.e. animal control, police, or sheriff's dept., etc)

Rabies Control Authority for the purpose of the **RABIES CONTROL ACT OF 1981.**

This appointment became effective: _____
(date)

Authorizing person's name: _____
(print)

Authorizing person's Signature: _____
Circle One: Mayor (if municipality); County Judge (if county)

In reference to the person named as Rabies Control Authority, please indicate (print) their mailing address and telephone number.

The Rabies Control Authority for this community is:

Name: _____

Mailing Address: _____

Telephone: _____

Fax: _____

Email Address: _____

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 8, 2019</u>
Requested By: <u>Shelley Wolny, Treasurer</u>
Department: <u>Finance</u>
Report: <u> </u> Resolution: <u>X</u> Ordinance: <u> </u>

<u>Appropriation</u>
Source of Funds: _____
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: (YES) NO

Exhibits: Resale 2011-37567 – Resolution,

Exhibits: Deed, Attorney Letter, Analysis, Bid & Maps

Exhibits: _____

SUMMARY & RECOMMENDATION

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located at 0 “A” Street West on the public resale list since 2014 and has received a minimum bid from Jose Angel Garcia in the amount of \$11,800, which includes judgement value plus costs and post-judgement taxes. The purchaser of the property owns the adjoining property to the north and both pieces of property are vacant at this time. Currently, there is no access to the property via N. 14th Street or Polk Street. Staff is requesting the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2011-37567 – Lots 7, 8, 9 and 10, Block 719, City of La Porte – Offer \$11,800 (cost + taxes)

Action Required by Council:

Adopt Resolution 2019-04 authorizing the sale on the property listed above.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

THE STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

RESOLUTION AND ORDER

WHEREAS, the City of La Porte, La Porte Independent School District, Harris County, Harris County Department of Education, Port of Houston Authority of Harris County, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

Tract 1: Lots 7, 8, 9 & 10, in Block 719 of La Porte Townsite in the Johnson Hunter Survey, Abstract 35, in Harris County, Texas, according to a map thereof recorded in Volume 58, Page 462 of the Deed Records of Harris County, Texas. Account No. 0240890190007

WHEREAS, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

WHEREAS, being no bids for the property at the tax sale on August 5, 2014, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

WHEREAS, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

WHEREAS, the City of La Porte has received an offer of \$11,800.00 to purchase the property from the Jose Angel Garcia.

NOW, THEREFORE, IT IS ORDERED by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by Jose Angel Garcia and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the person submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the _____ day of _____, 2019.

LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

ATTEST: _____
LEE WOODWARD, CITY SECRETARY
CITY OF LA PORTE

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Tax Code)

STATE OF TEXAS

X

X

TAX RESALE DEED

COUNTY OF HARRIS

X

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY DEPARTMENT OF EDUCATION, PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by JOSE ANGEL GARCIA (hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2011-37567, La Porte Independent School District, Et Al vs. Barbara Wauson York, as Heir to Della D. Wauson, Et Al, in the district court of said county, said property described as follows:

Tract 1: Lots 7, 8, 9 & 10, in Block 719 of La Porte Townsite in the Johnson Hunter Survey, Abstract 35, in Harris County, Texas, according to a map thereof recorded in Volume 58, Page 462 of the Deed Records of Harris County, Texas. Account No. 0240890190007

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

GRANTEE accepts the property in "AS IS, WHERE IS" condition and subject to any environmental conditions that might have or still exist on said property, and subject to any title defects

and deficiencies, and also subject to the right of redemption, if any, provided under the Texas Property Tax Code. GRANTEE acknowledges and agrees that this conveyance is expressly made without warranty.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY DEPARTMENT OF EDUCATION, PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this _____ day of _____, 2019.

CITY OF LA PORTE, TRUSTEE

By: _____
LOUIS R. RIGBY, MAYOR
CITY OF LA PORTE

ACCEPTED:

By: _____
JOSE ANGEL GARCIA

STATE OF TEXAS X

COUNTY OF HARRIS X

This instrument was acknowledged before me on this _____ day of _____, 2019, by Louis R. Rigby, Mayor of the City of La Porte.

Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS

X

COUNTY OF HARRIS

X

This instrument was acknowledged before me on this _____ day of _____, 2019, by Jose Angel Garcia, Grantee.

Printed Name: _____
Notary Public, State of Texas
My Commission Expires: _____

After recording return to:

Jose Angel Garcia
2002 Laura Ln
La Porte, Texas 77571

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
4828 Loop Central Drive
Suite 600
Houston, TX 77081

Main: 713.844.3400

February 12, 2019

*Email: Chips@lgbs.com
Direct: 713.576.7264*

Corby Alexander, City Manager
City of La Porte City Manager's Office
604 W. Fairmont Parkway
La Porte, Texas 77571

RE: Tax Resale Bid in Lawsuit No. 2011-37567, La Porte Independent School District, Et Al vs. Barbara Wauson York, As Heir to Della D. Wauson, Et Al; Account No. 0240890190007

Dear Mr. Alexander:

A private tax resale bid in the amount of \$11,800.00 has been received from Jose Angel Garcia for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and conveyance of the subject property by the City, La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

Consider approval of a bid by Jose Angel Garcia to acquire a tax resale property described as: Tract 1: Lots 7, 8, 9 & 10, in Block 719 of La Porte Townsite in the Johnson Hunter Survey, Abstract 35, in Harris County, Texas, according to a map thereof recorded in Volume 58, Page 462 of the Deed Records of Harris County, Texas. Account No. 0240890190007

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter. Additionally, if you would like me to attend the City Council Meeting where this private tax resale bid will be considered, please do not hesitate to ask.

Best Regards,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, representing Charles Austin 'Chip' Sutton.

Charles Austin "Chip" Sutton
Capital Partner

Enclosures

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive, Suite 600

Houston, TX 77081

Main: 713.844.3400

ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY

Suit No. 2011-37567, La Porte Independent School District, Et Al vs. Barbara Wauson York, as Heir to Della D. Wauson, Et Al

Legal Description: Tract 1: Lots 7, 8, 9 & 10, in Block 719 of La Porte Townsite in the Johnson Hunter Survey, Abstract 35, in Harris County, Texas, according to a map thereof recorded in Volume 58, Page 462 of the Deed Records of Harris County, Texas. Account No. 0240890190007

Situs Address: 0 A Street West, La Porte, TX 77571

Bidder: Jose Angel Garcia, 2002 Laura Ln., La Porte, TX 77571

Date of Sale:	August 5, 2014
Amount of Bid:	\$11,800.00
Judgment Amount Due:	\$9,519.42
Adjudged Value(2014):	\$31,250.00
Post-Judgment Taxes(12019):	\$2,269.42
% of Total Due:	100%
% of Adjudged Value:	38%

JUDGMENT TAX YEARS:

Entity Name	Amount Due Each Entity	Amount You Will Receive
City of La Porte(1993-2012)	\$1,237.05	\$1,237.05
La Porte ISD(1993-2012)	\$3,170.59	\$3,170.59
Harris County(1992-2012)	\$1,205.01	\$1,205.01
San Jacinto CCD(1992-2012)	\$240.21	\$240.21
Totals	\$5,852.86	\$5,852.86

POST-JUDGMENT TAX YEARS (*Amount To Be Received will increase by 1% each month until paid):

Entity Name	Amount Due Each Entity (As of January 2019)	Amount To Be Received
City of La Porte(2013-2014)	\$558.81	\$558.81
La Porte ISD(2013-2014)	\$1,063.80	\$1,063.80
Harris County(2013-2014)	\$498.04	\$498.04
San Jacinto CCD(2013-2014)	\$148.77	\$148.77
Totals	\$2,269.42	\$2,269.42

City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing
Title Policy

Abstract of Title
Survey

Appraisal
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: 11,800⁰⁰

Tax Lawsuit: **2011-37567, LA PORTE ISD, ET AL VS. BARBARA WAUSON YORK, AS HEIR TO DELLA D. WAUSON, ET AL**

Tax Account No. **0240890190007**

Legal Description: **LOTS 7, 8, 9 & 10, IN BLOCK 719, LA PORTE TOWNSITE, HARRIS COUNTY, TEXAS**

Bidder's Name(s): JOSE ANGEL GARCIA

Address: 2002 LAURA LN
LA PORTE, TEXAS 77571

Telephone Numbers: 832-347-6033

Signed: Jose Angel Garcia

Dated: 2-7-19



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 8, 2019</u>
Requested By: <u>Ron Parker, Police Chief</u>
Department: <u>Police</u>
Report: <u> </u> Resolution: <u> X </u> Ordinance: <u> </u>

<u>Budget</u>
Source of Funds: _____
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES NO

Exhibits: Resolution for Crime Victim's Liaison Grant

Exhibits: Statements Supporting Submission of the Application to the Attorney Generals Office

Exhibits: _____

to

SUMMARY & RECOMMENDATION

Pursuant to the Texas Code of Criminal Procedure, Section 56.04, (c), "Each local law enforcement agency shall designate one person to serve as the agency's Crime Victim Liaison."

The duties of the Crime Victim Liaison include: to ensure that a victim, guardian of a victim, or close relative of a deceased victim of a crime involving bodily injury is afforded the rights granted victims in accordance with state law, including notification of victim's rights; providing advocacy for victims; referring victims to community resources; and providing moral support during any time the victim is required to make a court appearance.

For calendar years 2017 and 2018, the Crime Victim Liaison provided valuable services to over one thousand (1,000) victims. Also, the Crime Victim Liaison was able to assist needed victims with crime victim compensation and monetary support in several cases. Since the inception of the La Porte Police Department's Crime Victims Program in 2002, over four hundred eighty-one thousand dollars (\$481,000) in Crime Victim's Compensation has been awarded to local crime victims with the assistance of the Department's Crime Victim Liaison.

The Crime Victim Liaison position is partially funded through a Crime Victim's grant. As required by the Attorney General's Office, a resolution is being sought authorizing the City Manager and Police Department to submit application for a two-year continuation grant for the Crime Victim Liaison position. The Grant request will be for the maximum allowable amount of forty-two thousand dollars (\$42,000) each year. Assuming that the full amount of the request is awarded, the City will be mandated to continue to support the program by absorbing approximately forty-seven thousand dollars (\$47,000) each year in its personnel operating budget to cover this position. If approved the new grant would run from September 1, 2019, through August 31, 2020, encompassing the State's 2019 and 2020 fiscal years.

Action Required by Council:

Authorize the City Manager and the La Porte Police Department to submit an application for the Victim Coordinator and Liaison Grant (VCLG) for fiscal years 2019 and 2020 in order to continue partial funding for the Crime Victim Liaison position, and adopt Resolution 2019-06 in support of same.

Approved for City Council Agenda

Corby Alexander, City Manager

Date

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, AUTHORIZING THE CITY MANAGER AND THE LA PORTE POLICE DEPARTMENT TO SUBMIT AN APPLICATION FOR THE VICTIM COORDINATOR AND LIAISON GRANT (VCLG) FOR FISCAL YEARS 2019 AND 2020 IN ORDER TO CONTINUE PARTIAL FUNDING FOR THE CRIME VICTIM LIAISON POSITION, AND ADOPT RESOLUTION 2019-06 IN SUPPORT OF SAME.

Legal Name of Applicant: City of La Porte
Unique Application Number: 2020-00159

WHEREAS, The City of La Porte has applied for or wishes to apply to the Office of the Attorney General (OAG) for the Victim Coordinator and Liaison Grant (VCLG);

WHEREAS, the City Council of The City of La Porte has considered and supports the Application filed or to be filed with the Office of the Attorney General; and

WHEREAS, The City of La Porte has designated or wishes to designate Corby Alexander, City Manager, as the "Authorized Official" who is given or has been given the power to apply for, accept, reject, alter or terminate the Victim Coordinator and Liaison Grant (VCLG) with the Office of the Attorney General (OAG), as well as given the authority to sign all grant adjustment requests, inventory reports, progress reports, and financial reports or any other official documents related to the grant on behalf of the grantee.

NOW THEREFORE, BE IT RESOLVED that The City of La Porte City Council approves submission of the application for the Victim Coordinator and Liaison Grant to the Office of the Attorney General as well as the designation of the Authorized Official.

PASSED AND APPROVED this _____ day of _____, 2019.

CITY OF LA PORTE

By: _____
Louis R. Rigby
Mayor

ATTEST:

Lee Woodward
City Secretary

**STATEMENTS SUPPORTING SUBMISSION OF THE APPLICATION TO
THE OFFICE OF THE ATTORNEY GENERAL**

**REQUIRED TO BE SUBMITTED WITH THE APPLICATION BY 11:59 P.M. CDT, FRIDAY, APRIL 12,
2019, OR THE APPLICATION WILL NOT BE CONSIDERED.**

INSTRUCTIONS: Select the grant program in Section 1 below and submit this signed document with the Application.

LEGAL NAME OF APPLICANT: City of La Porte

REFERENCE ID NUMBER: 2020-00159

1. THIS APPLICATION IS FOR (initial one):

- Other Victim Assistance Grant (OVAG)
 Victim Coordinator and Liaison Grant (VCLG)

2. TRUE AND CORRECT INFORMATION. The undersigned certifies that the information contained in this Application is true and correct to the best of his or her knowledge.

3. OAG CERTIFICATIONS AND ASSURANCES. The undersigned has read and understands the Certifications and Assurances contained in the Application Kit.

4. DEADLINES AND SUBMISSION OF APPLICATION. The undersigned understands that the deadline for submission is 11:59 p.m. CDT, Friday, April 12, 2019, and that to meet the deadline, the Applicant must finalize and upload all applicable documents as required in the Application Kit. The undersigned further acknowledges that:

- It is the Applicant's responsibility to submit the Application to the OAG in the specified manner and by the specified date and time
- Applications submitted in other formats will not be accepted
- The OAG accepts no responsibility for delays in electronic submission delivery
- Late Applications will not be considered under any circumstance

5. RESOLUTION OF GOVERNING BODY. The undersigned states it is either submitting the Resolution of Applicant's governing body with this Application or will submit one at a later date as established by the OAG. If the timing of the Application due date and requirements of the Texas Open Meetings Act or other requirements prevent the governing body from reviewing and approving the Resolution, then it may be submitted to the OAG at a later date.

6. JOB DESCRIPTIONS FOR EACH REQUESTED POSITION. The undersigned understands that the most recent job description for each position requested in the proposed budget must be submitted with the Application. Missing job descriptions may impact the Applicant's score.

7. SUPPORT DOCUMENT(S) The undersigned understands that the most recent Support Document(s) as defined under General Definitions must be submitted with the Application.

Authorized Official Signature

Authorized Official Printed Name

Title

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 8, 2019</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

<u>Appropriations</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<u>N/A</u>

Exhibits: **Ordinance – Changes Shown**
 Ordinance – Clean Version
 P&Z Recommendation Letter

SUMMARY & RECOMMENDATION

During the most recent review of Chapter 106- Zoning of the City of La Porte Code of Ordinances, the Planning and Zoning Commission Chapter 106 Subcommittee and staff addressed four (4) items that were identified for possible amendments. Below are a list of the subject items and proposed amendments recommended by the Planning and Zoning Commission at the February 21, 2019 meeting.

1. Regulation of merchant wholesaler uses (distribution centers) throughout the industrial zoning districts – Section 106-310.
 - a. Recommendation to add language to the land use table that restricts merchant wholesaler uses by requiring a SCUP in BI zoning districts, and requiring a SCUP in in LI and HI zoning districts for merchant wholesaler uses that exceed 40,000 square feet or 5 acres.
2. Regulation of shipping containers being used for residential construction – Section 106-334
 - a. Recommendation to add language that requires homes constructed out of shipping containers to be clad with materials on the façade so as to hide all portions of the shipping container structure and prohibit use in the Main Street and Main Street Overlay Districts.
3. Regulation of hotel/motel use throughout the city in all zoning districts – Section 106-44 and 106-310
 - a. No changes proposed at this time.
 - b. The Subcommittee agreed to revisit the Hotel/Motel use requirements at the annual review of Chapter 106 to begin later this summer.
4. Changes to language regarding fence height for fences with barbed wire – Section 106-797
 - a. Recommendation to change existing language to meet standard construction regulations.

Attached is the draft version of the proposed recommendations. Text in **red** highlights modifications to language to support proposed recommendations to Chapter 106- Zoning of the City of La Porte Code of Ordinances.

Action Required by Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an ordinance amending Chapter 106- Zoning of the Code of Ordinances of the City of La Porte based on a review conducted by the Planning and Zoning Commission.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE IN CONNECTION WITH A COMPREHENSIVE REVIEW AND UPDATE; 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 SEVERABILITY CLAUSE; CONTAINING A REPEALING 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 Section 106-310 “Table A, Commercial & Industrial Uses”, Article III “Districts”, Division 1 “Generally”, of Chapter 106, “Zoning,” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 106-310. - Table A, Commercial & Industrial Uses.

2017 NAICS Code	2017 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
	Artisan shops with a retail component (1,000 sq. ft. max)		P ³			P ³			
	Artisan shops with a retail component (2,500 sq. ft. max)			P ³	P ³	C			
	Offices only for any use code			P	P		P	P	P
	All uses permitted or/accessory in R-3 zone, except single-family detached and special lot, duplexes, quadraplexes, townhouses, and multi-family		P	P ¹	P	P			
		**	NC	MS	GC	MU	BI	LI	HI
	Single-family detached			P ²		P			
	All Conditional uses in R-3 zone		C	C	C	C			
11	Agriculture, Forestry, Fishing & Hunting	**							
21	Mining	**							
22	Utilities	**							
23	Construction								
236	Construction of Buildings			P	P		P	P	P
237	Heavy and Civil Engineering Construction						P	P	P
2381	Foundation, Structure, and Building Exterior Contractors								
2382	Building Equipment Contractors			P	P		P	P	P
2383	Building Finishing Contractors								
238910	Site Preparation Contractors				C		P	P	P

238990	All Other Specialty Trade Contractors				C		P	P	P	
31-33	Manufacturing									
3111	Animal Food Manufacturing									
3112	Grain and Oilseed Milling									
3113	Sugar and Confectionery Product Manufacturing							C	P	
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing									
3115	Dairy Product Manufacturing									
3116	Animal Slaughtering and Processing							C	C	
3117	Seafood Product Preparation and Packaging									
311811	Retail Bakeries		P	P	P	P	P	P	P	
3118	Commercial Bakeries and Tortilla Manufacturing			p ¹⁸	p ¹⁸		P			
311811	Retail Bakers		P	P	P	P	P	P	P	
3119	Other Food Manufacturing			p ¹⁸	p ¹⁸		P			
31211	Soft drink and Ice Manufacturing							C	P	
31212	Breweries									
31213	Wineries		C	C	C	C	C	C	P	
31214	Distilleries									
312230	Tobacco Manufacturing							C	P	
313	Textile Mills			p ¹⁸	p ¹⁸		P	P	P	
314	Textile Product Mills						P	P	P	
315	Apparel Manufacturing						P	P	P	
			**	NC	MS	GC	MU	BI	LI	HI
316110	Leather and Hide Tanning and Finishing									C
3162	Footwear Manufacturing							C	P	P
3169	Other Leather and Allied Product Manufacturing									
321	Wood Product Manufacturing		**							
3221	Pulp, Paper, and Paperboard Mills		**							
322211	Corrugated and Solid Fiber Box Manufacturing								C	P
322212	Folding Paperboard Box Manufacturing								C	P
322219	Other Paperboard Container Manufacturing						P	P	P	
32222	Paper Bag and Coated and Treated Paper Manufacturing								C	P
323111	Commercial Printing (except Screen and Books)			P	P		P	P	P	
323113	Commercial Screen Printing			P	P		P	P	P	
323117	Books Printing			P	P		P	P	P	

323120	Support Activities for Printing						P	P	P
324	Petroleum and Coal Products Manufacturing	**							
325	Chemical Manufacturing	**							
326	Plastic and Rubber Products Manufacturing						C	C	P
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing						C	C	P
32712	Clay Building Material and Refractories Manufacturing								
3272	Glass and Glass Product Manufacturing								
3273	Cement and Concrete Product Manufacturing								P
3274	Lime and Gypsum Product Manufacturing								
3279	Other Nonmetallic Mineral Product Manufacturing								
331	Primary Metal Manufacturing								P
3321	Forging and Stamping							P	P
3322	Cutlery and Hand tool Manufacturing								
3323	Architectural and Structural Metals Manufacturing								
3324	Boiler, Tank, and Shipping Container Manufacturing						P	P	P
3325	Hardware Manufacturing								
3326	Spring and Wire Product Manufacturing								
3327	Turned Product and Screw, Nut, and Bolt Manufacturing								
332811	Metal Heat Treating						C	P	P
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers							P	P
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring						P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
332911	Industrial Valve Manufacturing							P	P
332912	Fluid Power Valve and Hose Fitting Manufacturing							P	P
332913	Plumbing Fixture Fitting and Trim Manufacturing						P	P	P
332919	Other Metal Valve and Pipe Fitting Manufacturing						P	P	P
332991	Ball and Roller Bearing Manufacturing							P	P
332992	Small Arms Ammunition Manufacturing								P
332993	Ammunition (except Small Arms) Manufacturing								P
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing								C
332996	Fabricated Pipe and Pipe Fitting Manufacturing							P	P
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing						P	P	P
3331	Agriculture, Construction, and Mining Machinery Manufacturing							P	P

333241	Food Product Machinery Manufacturing								
333242	Semiconductor Machinery Manufacturing								
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing								
333244	Painting Machinery and Equipment Manufacturing								
333249	Other Industrial Machinery Manufacturing						P	P	P
3333	Commercial and Service Industry Machinery Manufacturing							P	P
333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing							P	P
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing						P	P	P
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing						P	P	P
3335	Metalworking Machinery Manufacturing								
333611	Turbine and Turbine Generator Set Units Manufacturing							P	P
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing								
333613	Mechanical Power Transmission Equipment Manufacturing								
333618	Other Engine Equipment Manufacturing						P	P	P
333914	Pump, Pumping Equipment, and Measuring and Dispensing Pump Manufacturing							P	P
333912	Air and Gas Compressor Manufacturing							P	P
		**	NC	MS	GC	MU	BI	LI	HI
333921	Elevator and Moving Stairway Manufacturing							P	P
333922	Conveyor and Conveying Equipment Manufacturing							P	P
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing						P	P	P
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing							P	P
333991	Power-Driven Hand tool Manufacturing							P	P
333992	Welding and Soldering Equipment Manufacturing						P	P	P
333993	Packaging Machinery Manufacturing							P	P
333994	Industrial Process Furnace and Oven Manufacturing						P	P	P
333995	Fluid Power Cylinder and Actuator Manufacturing							P	P
333996	Fluid Power Pump and Motor Manufacturing								
333997	Scale and Balance Manufacturing						P	P	P
333999	All Other Miscellaneous General Purpose Machinery Manufacturing								
3341	Computer and Peripheral Equipment Manufacturing			p ¹⁸	p ¹⁸		p ¹⁸	P	P

3342	Communications Equipment Manufacturing								
3343	Audio and Video Equipment Manufacturing								
3344	Semiconductor and Other Electronic Component Manufacturing			p ¹⁸	p ¹⁸		P	P	P
3345	Navigation, Measuring, Electromedical and Control Instruments Manufacturing								
3346	Manufacturing and Reproducing Magnetic and Optical Media								
3351	Electric Lighting Equipment Manufacturing								
3352	Household Appliance Manufacturing						P	P	P
3353	Electrical Equipment Manufacturing								
33591	Battery Manufacturing							P	P
33592	Communication and Energy Wire and Cable Manufacturing								
33593	Wiring Device Manufacturing			p ¹⁸	p ¹⁸		P	P	P
33599	All Other Electrical Equipment and Component Manufacturing								
3361	Motor Vehicle Manufacturing							P	P
3362	Motor Vehicle Body and Trailer Manufacturing								
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing						P	P	P
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing						P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing								
33634	Motor Vehicle Brake System Manufacturing							P	P
33635	Motor Vehicle Transmission and Power Train Parts Manufacturing								
33636	Motor Vehicle Seating and Interior Trim Manufacturing						P	P	P
33637	Motor Vehicle Metal Stamping							P	P
33639	Other Motor Vehicle Parts Manufacturing						P	P	P
3364	Aerospace Product and Parts Manufacturing							P	P
3365	Railroad Rolling Stock Manufacturing								
336611	Ship Building and Repairing								P
336612	Boat Building				C		P	P	P
336991	Motorcycle, Bicycle, and Parts Manufacturing			p ¹⁸	p ¹⁸		P	P	P
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing							P	P
336999	All Other Transportation Equipment Manufacturing							P	P
337110	Wood Kitchen Cabinet and Countertop Manufacturing			p ³	p ³		P	P	P

337121	Upholstered Household Furniture Manufacturing			p ³	p ³		P	P	P
337122	Non-upholstered Wood Household Furniture Manufacturing			p ³	p ³		P	P	P
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing						P	P	P
3372	Office Furniture (including Fixtures) Manufacturing								
3379	Other Furniture Related Product Manufacturing								
339	Miscellaneous Manufacturing						P	P	P
42	Wholesale Trade								
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers								
4232	Furniture and Home Furnishing Merchant Wholesalers								
4233	Lumber and Other Construction Materials Merchant Wholesalers						P C	p ¹⁹	p ¹⁹
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers								
42351	Metal Service Centers and Other Metal Merchant Wholesalers								
42352	Coal and Other Mineral Merchant Wholesalers								p ¹⁹
		**	NC	MS	GC	MU	BI	LI	HI
4236	Household Appliances and Electrical and Electronic Goods Merchant Wholesalers						P C	p ¹⁹	p ¹⁹
4237	Hardware, and Plumbing and Heating Equipment and Supplies Wholesalers								
4238	Machinery, Equipment, and Supplies Merchant Wholesalers							C	p ¹⁹
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers			p ¹⁸	p ¹⁸		P C	p ¹⁹	p ¹⁹
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers			p ¹⁸	p ¹⁸		P C ⁴	p ¹⁹	p ¹⁹
423930	Recyclable Material Merchant Wholesalers								P
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers						P C	p ¹⁹	p ¹⁹
423990	Other Miscellaneous Durable Goods Merchant Wholesalers						P C	p ¹⁹	p ¹⁹
4241	Paper and Paper Product Merchant Wholesalers								
4242	Drugs and Druggists' Sundries Merchant Wholesalers						P C	p ¹⁹	p ¹⁹
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers								

4244	Grocery and Related Product Merchant Wholesalers								
4245	Farm Product Raw Material Merchant Wholesalers							P ¹⁹	P ¹⁹
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers							P ¹⁹	P ¹⁹
424690	Other Chemical and Allied Products Merchant Wholesalers							P ¹⁹	P ¹⁹
424710	Petroleum Bulk Stations and Terminals							P ¹⁹	P ¹⁹
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)							C	P ¹⁹
424810	Beer and Ale Merchant Wholesalers							P ¹⁹	P ¹⁹
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers							P ¹⁹	P ¹⁹
424910	Farm Supplies Merchant Wholesalers							C	P ¹⁹
42492	Book, Periodical, and Newspaper Merchant Wholesalers								
42493	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers							C	P ¹⁹
42495	Paint, Varnish, and Supplies Merchant Wholesalers								
42499	Other Miscellaneous Nondurable Goods Merchant Wholesalers								
425	Wholesale Electronic Markets and Agents and Brokers				P			P	P
44-45	Retail Trade								
441110	New Car Dealers			P	P			P	P
441120	Used Car Dealers			P	P			P	P
		**	NC	MS	GC	MU	BI	LI	HI
441210	Recreational Vehicle Dealers				P			P	P
44122	Motorcycle, Boat, and Other Motor Vehicle Dealers			P	P			P	P
4413	Automotive Parts, Accessories, and Tire Stores								
442	Furniture and Home Furnishings Stores			P	P			P	P
443	Electronics and Appliance Stores		P	P	P			P	P
444110	Home Centers				P			P	P
444120	Paint and Wallpaper Stores			P	P			P	P
444130	Hardware Stores		P	P	P			P	P
44419	Other Building Material Dealers		P	P	P	P		P	P
4442	Lawn and Garden Equipment and Supplies Stores								
445	Food and Beverage Stores		P	P	P	P		P	P
446	Health and Personal Care Stores		P	P	P	P		P	P
44711	Gasoline Stations with Convenience Stores		P	P	P			P	P

4882	Support Activities for Rail Transportation								P
4883	Support Activities for Water Transportation	**							
488390	Other Support Activities for Water Transportation			P	P		P	P	P
4884	Support Services for Road Transportation				C		P	P	P
4885	Freight Transportation Arrangement (Office Only)			P	P		P	P	P
4885	Freight Transportation Arrangement							p ⁶	p ⁶
488991	Packing and Crating						C	P	P
488999	All Other Support Activities for Transportation						C	P	P
491	Postal Service				P		P	P	P
492110	Couriers and Express Delivery Services						P	P	P
492210	Local Messengers and Local Delivery				P		P	P	P
493	Warehousing and Storage							p ⁶	p ⁶
493190	Other Warehousing and Storage							p ¹⁷	p ¹⁷
51	Information								
511	Publishing Industries (except Internet)			C	P		P	P	P
512110	Motion Picture and Video Production						P	P	P
512120	Motion Picture and Video Distribution						P	P	P
512131	Motion Picture Theaters (except Drive-Ins)			P	P		P	P	P
512132	Drive-In Motion Picture Theaters						P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
512191	Tele-production and Other Postproduction Services			P	P		P	P	P
512199	Other Motion Picture and Video Industries			p ¹⁸	p ¹⁸		P	P	P
512210	Record Production			P	P		P	P	P
512220	Integrated Record Production/Distribution						P	P	P
51223	Music Publishers								
51224	Sound Recording Studios			P	P		P	P	P
51229	Other Sound Recording Industries								
515	Broadcasting (except Internet)			P	P		P	P	P
517	Telecommunications			P	P		P	P	P
518	Data Processing, Hosting, and Related Services			P	P		P	P	P
519	Other Information Services			P	P		P	P	P
52	Finance and Insurance								
521	Monetary Authorities-Central Bank			P	P		P	P	P
522	Credit Intermediation and Related Activities			P	P		P	P	P
523110	Investment Banking and Securities Dealing			P	P		P	P	P

523120	Securities Brokerage			P	P		P	P	P	
523130	Commodity Contracts Dealing		P	P	P		P	P	P	
523140	Commodity Contracts Brokerage			P	P		P	P	P	
523210	Securities and Commodity Exchanges			P	P		P	P	P	
523910	Miscellaneous Intermediation		P	P	P		P	P	P	
523920	Portfolio Management		P	P	P		P	P	P	
523930	Investment Advice			P	P		P	P	P	
523991	Trust, Fiduciary, and Custody Activities		P	P	P		P	P	P	
523999	Miscellaneous Financial Investment Activities			P	P		P	P	P	
5241	Insurance Carriers			P	P		P	P	P	
5242	Agencies, Brokerages, and Other Insurance Related Activities		P	P	P	P	P	P	P	
52511	Pension Funds			P	P		P	P	P	
52512	Health and Welfare Funds									
52519	Other Insurance Funds			P	P		P	P	P	
5259	Other Investment Pools and Funds		P	P	P		P	P	P	
53	Real Estate Rental and Leasing									
531	Real Estate		P	P	P	P	P	P	P	
532111	Passenger Car Rental			P	P		P	P	P	
			**	NC	MS	GC	MU	BI	LI	HI
532112	Passenger Car Leasing			P	P		P	P	P	
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing				P		P	P	P	
532210	Consumer Electronics and Appliances Rental			P	P		P	P	P	
532281	Formal Wear and Costume Rental									
532282	Video Tape and Disc Rental		P	P	P	P	P	P	P	
532283	Home Health Equipment Rental									
532284	Recreation Good Rental									
532289	All Other Consumer Goods Rental			P	P		P	P	P	
532310	General Rental Centers			P	P		P	P	P	
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing							P	P	
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing				P ⁷		P	P	P	
532420	Office Machinery and Equipment Rental and Leasing			P	P		P	P	P	
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing				P		P	P	P	

533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)		P	P	P		P	P	P
54	Professional, Scientific, and Technical Services								
5411	Legal Services								
541211	Offices of Certified Public Accountants		P	P	P		P	P	P
541213	Tax Preparation Services								
541214	Payroll Services								
541219	Other Accounting Services								
54131	Architectural Services								
54132	Landscape Architectural Services								
54133	Engineering Services		P		P		P	P	P
54134	Drafting Services								
54135	Building Inspection Services								
54136	Geophysical Surveying and Mapping Services								
50137	Surveying and Mapping (except Geophysical) Services								
		**	NC	MS	GC	MU	BI	LI	HI
541380	Testing Laboratories				P		P	P	P
5414	Specialized Design Services								
5415	Computer Systems Design and Related Services			P	P		P	P	P
5416	Management, Scientific, and Technical Consulting Services								
541713	Research and Development in the Physical, Engineering, Life Sciences, and Biotechnology							P	P
54172	Research and Development in the Social Sciences and Humanities								
5418	Advertising, Public Relations, and Related Services			P	P		P	P	P
54191	Marketing Research and Public Opinion Polling								
541921	Photography Studios, Portrait		P	P	P	P	P	P	P
541922	Commercial Photography			C	P		P	P	P
541930	Translation and Interpretation Services			P	P		P	P	P
541940	Veterinary Services		P ⁸	P ⁸	P ⁸		P	P	P
541990	All Other Professional, Scientific, and Technical Services			P	P		P	P	P
55	Management of Companies and Enterprises			P	P		P	P	P
56	Administrative and Support, Waste Management, and Remediation Services								
5611	Office Administrative Services								
5612	Facilities Support Services			P	P		P	P	P

5613	Employment Services								
5614	Business Support Services								
561510	Travel Agencies	P	P	P	P	P	P	P	
56152	Tour Operators								
56159	Other Travel Arrangement and Reservation Services		P	P		P	P	P	
56161	Investigation, Guard, and Armored Car Services								
561621	Security Systems Services (except Locksmiths)								
561622	Locksmiths	P	P	P	P	P	P	P	
561710	Exterminating and Pest Control Services	P	P		P	P	P		
561720	Janitorial Services	P	P	P		P	P	P	
561730	Landscaping Services		P	P		P	P	P	
561740	Carpet and Upholstery Cleaning Services		P	P		P	P	P	
561790	Other Services to Buildings and Dwellings	P	P	P		P	P	P	
		**	NC	MS	GC	MU	BI	LI	HI
5619	Other Support Services			P		P	P	P	
562111	Solid Waste Collection						P	P	
562112	Hazardous Waste Collection							C	
562119	Other Waste Collection						P	P	
5622	Waste Treatment and Disposal							C	
5629	Remediation and Other Waste Management Services					P	P	P	
61	Educational Services								
6111	Elementary and Secondary Schools								
6112	Junior Colleges	P	P	P		P	P	P	
6113	Colleges, Universities, and Professional Schools								
611410	Business and Secretarial Schools		C	C		P	P	P	
61142	Computer Training								
61143	Professional and Management Development Training								
611511	Cosmetology and Barber Schools		P	P		P	P	P	
611512	Flight Training								
611513	Apprenticeship Training								
611519	Other Technical and Trade schools		P ⁹	P ⁹		P	P	P	
6116	Other Schools and Instruction		P	P		P	P	P	
6117	Educational Support Services								
62	Health Care and Social Assistance								
6211	Office of Physicians	P	P	P		P	P	P	

6212	Office of Dentists								
6213	Office of Other Health Practitioners								
621410	Family Planning Centers			C	P		P	P	P
621420	Outpatient Mental Health and Substance Abuse Centers			C	P		P	P	P
621491	HMO Medical Centers			P	P		P	P	P
621392	Kidney Dialysis Centers								
621493	Free Standing Ambulatory Surgical and Emergency Centers								
621498	All Other Outpatient Care Centers			C	P		P	P	P
6215	Medical and Diagnostic Laboratories								
6216	Home Health Care Services								
6219	Other Ambulatory Health Care Services								
622	Hospitals			C	P		P	P	P
623110	Nursing Care Facilities (Skilled Nursing Facilities)		P	P	P		P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
623210	Residential Intellectual and Developmental Disability Facilities		P	P	P		P	P	P
623220	Residential Mental Health and Substance Abuse Facilities				P		P	P	P
623311	Continuing Care Retirement Communities		P	P	P		P	P	P
623312	Assisted Living Facilities for the Elderly				P		P	P	P
62399	Other Residential Care Facilities				P		P	P	P
624	Social Assistance				P		P	P	P
624410	Child Day Care Services		P	P	P		P	P	P
71	Arts, Entertainment, and Recreation								
7111	Performing Arts Companies			P	P		P	P	P
711211	Sports Teams and Clubs								
711212	Racetracks	**							
711219	Other Spectator Sports								
7113	Promoters of Performing Arts, Sports, and Similar Events								
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures			P	P		P	P	P
7115	Independent Artists, Writers, and Performers								
712	Museums, Historical Sites, and Similar Institutions			P	P		P	P	P
71311	Amusement and Theme Parks			P	P		P	P	P
713120	Amusement Arcades			P ₁₀	P ₁₀		P ₁₀	P ₁₀	P ₁₀
7132	Gambling Industries	**							
71391	Golf Courses and Country Clubs			P	P		P	P	P

71392	Skating Facilities							
71393	Marinas	**						
71394	Fitness and Recreational Sports Centers		P	P	P		P	P
71395	Bowling Centers							
713990	All Other Amusement and Recreation Industries except shooting range and slot machines.			P ₁₁	P ₁₁		P ₁₁	P ₁₁
72	Accommodation and Food Services							
721110	Hotels (except Casino Hotels) and Motels			P ₁₂	P ₁₂		P ₁₂	P ₁₂
721120	Casino Hotels	**						
721191	Bed-and-Breakfast Inns		P	P	P	P	P	P
721199	All Other Traveler Accommodation	**						
		**	NC	MS	GC	MU	BI	LI
721211	RV (Recreational Vehicle) Parks and Campgrounds	**						
721214	Recreational and Vacation Camps (except Campgrounds)	**						
721310	Rooming and Boarding Houses		P	P	P	P	P	P
722310	Food Service Contractors			P	P		P	P
722320	Caterers			P	P		P	P
722330	Mobile Food Services				P		P	P
722410	Drinking Places (Alcoholic Beverages)			P	P	P	P	P
7225	Restaurants and Other Eating Places		P	P	P		P	P
81	Other Services, except Public Administration							
8111	Automotive Repair and Maintenance (except Truck Repair)			P ₁₅	P ₁₅		P ₁₅	P ₁₅
8111	Automotive Repair and Maintenance (Truck Repair)						P ₁₅	P ₁₅
811211	Consumer Electronics Repair and Maintenance		P	P	P		P	P
811212	Computer and Office Machine Repair and Maintenance			P	P		P	P
811213	Communication Equipment Repair and Maintenance		P	P	P		P	P
811219	Other Electronic and Precision Equipment Repair and Maintenance		P	P	P		P	P
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance						P	P
811411	Home and Garden Equipment Repair and Maintenance			P	P		P	P
811412	Appliance Repair and Maintenance		P	P	P		P	P
81142	Reupholstery and Furniture Repair							

81143	Footwear and Leather Goods Repair							
81149	Other Personal and Household Goods Repair and Maintenance							
8121	Personal Care Services	P	P	P	P	P	P	P
81221	Funeral Homes and Funeral Services							
812220	Cemeteries and Crematories	P ₁₃	P ₁₃	P ₁₃	P ¹³	P ₁₃	P ₁₃	P
812310	Coin-Operated Laundries and Drycleaners	P	P	P	P	P	P	P
812320	Dry Cleaning and Laundry Services (except Coin- Operated)	P	P	P	P	P	P	P
812331	Linen Supply		P ¹⁸	P		P	P	P
812332	Industrial Launderers						P	P
812910	Pet Care (except Veterinary) Services	C ₁₄	C ₁₄	C ₁₄		C ₁₄	C ₁₄	C ₁₄
812921	Photofinishing Laboratories (except One-Hour)			P		P	P	P
		**	NC	MS	GC	MU	BI	LI
812922	One-Hour Photofinishing			P		P	P	P
812930	Parking Lots and Garages		C ₁₆	P ₁₆		P ₁₆	P ₁₆	P ₁₆
812990	All Other Personal Services		C	P		P	P	P
813110	Religious Organizations	P	C	P		P	P	P
8132	Grantmaking and Giving Services	P	P	P		P	P	P
8133	Social Advocacy Organizations							
8134	Civic and Social Organizations							
81391	Business Associations							
81392	Professional Organizations		C	P		P	P	P
81393	Labor Unions and Similar Labor Organizations							
81394	Political Organizations							
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	C	C	C	C	P	P	P
92	Public Administration		P	P		P	P	P
	Parking ramps and structures	P	C	P	C			
	Commercial/Ind. PUD (ref. to Section 106-636)	C	C	C	C	C	C	C
	Outdoor sales as accessory use		P	P				
	Outdoor storage as accessory use		P	P				
	Off-site parking	C	C	C	C			
	Unlisted uses, similar to uses listed above	C	C	C	C	C	C	C

Footnotes:
** Non-classified use categories.
1 Within the overlay portion, residential activities are only allowed above the first floor.
2 Single family detached prohibited in main street overlay zone, but permitted in main street district.
3 Artisan shops are allowed (see Section 106-480 (Artisan Shop), 106-500 (Artisan Shop), 106-514 (Artisan Shop)).
4 No storage or sale of fireworks.
5 Truck Stop shall only be permitted in Business Industrial districts on truck routes along Barbour's Cut Boulevard, State Hwy 225 and State Highway 146 (north of Barbour's Cut Blvd). No construction of any kind shall be permitted within setbacks for BI zone.
6 Must be adjacent to high frequency truck roads as shown on High Frequency Truck Road Map (Ref. Section 106-746).
7 Only allowed along State Highway 146.
8 Livestock prohibited on premises.
9 Truck schools prohibited.
10 Refer to Chapter 10 of the Code of Ordinances (must be at least 300 feet from church, school, or hospital & measured from property line to property line).
11 Shooting range is a conditional use.
12 Hotels and Motel Uses. Hotels and motels are allowed as a conditional use under this Chapter when within 250 feet of residential zoned properties (R-1, R-2, R-3, MH, and LL zoning districts). All hotel and motels are required to install and operate a security and surveillance system to monitor the parking lot area and all ingress/egress points to the buildings.
13 Crematories prohibited.
14 Dog grooming. There shall be no overnight boarding of animals. All areas used for holding animals shall be located within the same building in which grooming activities take place.
15 No vehicle may be parked outside for longer than two weeks.
16 Parking of commercial motor vehicles, including truck tractors not in combination with trailers, prohibited.
17 Automobile dead storage must be fully contained within an enclosed building. Use must be located adjacent to high frequency truck roads as shown on High Frequency Truck Route Map
18 Proposed use must be located on a parcel that is no greater than 1.5 acres and building and/or buildings where use is located may not exceed 15,000 sq. ft. Uses shall not be permitted in the Main Street Overlay.
19 Total site area may not exceed 5 acres with a maximum building size of 40,000 sq. ft. A conditional use permit (CUP) may be sought for individual sites in excess of 5 acres or buildings greater than 40,000 sq. ft.
All permitted uses in commercial and industrial zones must meet the following minimum performance standards. If requested by the enforcement officer, all applications for building permits must include a certification from a registered engineer that verifies compliance with these performance standards. Where applicable, all permitted uses in industrial zones must meet and be in compliance with the appropriate federal, state, or local regulations.

A. *Lighting and glare.* Any lighting used shall be arranged so as to deflect light away from any adjoining residential zone or from public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights which casts light on residential property shall not exceed 0.4 foot-candles (meter reading) as measured from such property.

B. *Radiation and electrical emissions.* No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

C. *Smoke.* The emission of smoke by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.

D. *Dust or other particulate matter.* The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.

E. *Odors.* The emission of odor by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.

F. *Explosives.* No activities involving the storage, utilization, or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as are specifically licensed by the city council.

G. *Noise.* All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the following intensity in relation to sound frequency:

Octave Band Frequency	Maximum Sound Levels - Decibels	
	Lot Line	Residential District Boundary
Cycles per Second		
20 to 75	78	63
75 to 150	74	59
150 to 300	68	55
300 to 600	61	51
600 to 1,200	55	45
1,200 to 2,400	49	38
2,400 to 4,800	43	31
Above 4,800	41	25
Impact noise	80	55

Between the hours of 10:00 P.M. and 6:00 A.M. the permissible sound levels beyond residential district boundaries (both Column II and Impact) shall be six decibels less than shown above.

In distances where it is determined that a proposed land use may generate a level of noise that will impact on surrounding land uses, the planning and zoning commission and city council may require that efforts to reduce the potential noise impact be undertaken. These efforts may include screening and landscaping techniques.

H. *Hours of Operation.* Hours of operation are limited for truck stops adjacent to residential areas only. The facility shall only operate during the hour of 6:00 a.m. to 9:00 p.m. and no overnight facilities are allowed on the premises.

Section 2: That Section 106-334 “Special Use Performance Standards; Residential”, Article III “Districts”, Division 2 “Residential District Regulations”, Subdivision 1 “Generally”, of Chapter 106, “Zoning,” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 106-334. - Special use performance standards; residential.

Screening.

- (1) Refer to 106-443(a) (Screening) for requirements.
 - (2) Screening will be required in the following situations:
 - a. Parking areas for recreational buildings, community centers, religious, multi-family over four, and private and public educational institutions.
 - b. Manufactured housing parks and subdivisions screened from abutting uses.
 - (3) Required screening will count toward the required percentage of landscaping.
- (b) *Traffic control.* The traffic generated by a use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic through low density residential areas. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the director. The proposed development should be adequately served by a collector or arterial street without circulating through low density residential uses or districts in the following cases:
- (1) Junior or senior high school, junior colleges and technical institutes.
 - (2) Manufactured housing subdivisions and manufactured housing parks.
- (c) *Compatibility with surrounding area.* The architectural appearance and functional plan of the building(s) and site shall reflect the building character of the area and shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the development. The proposed development is to be compatible with the existing and planned use of the area and conflicts are not to be created between the proposed use and existing and intended future use of the surrounding area.
- (d) *Required license obtained.* All necessary governmental permits and licenses are secured with evidence of such placed on record with the city.
- (e) *Compatible alterations and adequate parking.* Adequate parking as required by article VI of this chapter must be provided on the lot and not within any unpaved required front yard. Any exterior alterations must be compatible with the existing structure, and the surrounding neighborhood.
- (f) *Manufactured housing criteria (manufactured housing parks only).* A preliminary certified site plan must be submitted simultaneously with the submissions required in the mobile home park ordinance of the city and the city development ordinance that illustrates compliance with the following:
- (1) Legal description and size in acres of the proposed manufactured housing park. Such park shall not be less than five acres.
 - (2) Locations and size of all manufactured housing sites, dead storage area, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking areas, exact manufactured housing sites, etc.).
 - (3) Preliminary landscaping plans and specifications.
 - (4) Location and width of sidewalks.

- (5) Plans of sanitary sewer disposal, surface drainage, water systems, electrical service, and gas service.
 - (6) Location and size of all streets abutting the manufactured housing park and all driveways from such streets to the manufactured housing park.
 - (7) Preliminary road construction plan.
 - (8) Preliminary plans for any and all structures.
 - (9) Such other information as required or implied by these standards or requested by public officials.
 - (10) Name and address of developer or developers.
 - (11) Description of the method of disposing of garbage and refuse and location of approved solid waste receptacles.
 - (12) Detailed description of maintenance procedures and ground supervision.
 - (13) Details as to whether all of area will be developed or a portion at a time.
 - (14) Density intensity regulations in compliance with Table B, residential.
 - (15) Compliance with the required number of off-street parking spaces.
 - (16) All private streets shall be a minimum of 28 feet wide and constructed in accordance with the public improvements criteria manual. The layout of such private streets shall be subject to approval by the fire chief, to ensure adequate emergency access.
 - (17) All manufactured housing shall have a minimum frontage of 20 feet on public or private streets.
 - (18) Perimeter fences required: Minimum six feet in height, opaque material.
- (g) *Shipping Containers. Single-family homes comprised and/or constructed of one or more shipping containers are permitted within all residential zoning districts with the following conditions:*
- (1) Any and all exposed container exterior material shall be clad with one or a combination of the following materials: Masonry materials, stucco, wood siding, synthetic wood (such as hardie board), or alternative materials with approval from the Planning Director. No portion of the original shipping container exterior is allowed to be visible at any time.
 - (2) Homes constructed out of shipping containers are not permitted in the Main Street or Main Street Overlay (MSD/MSDO) zoning districts.
- (g) (h) *Residential density bonus. Within single-family residential developments, a maximum of ten percent reduction in square feet of site area per unit for residential developments of 20 units or more shall be permitted as a conditional use based upon the following bonus features and square foot reduction:*

	Bonus Feature	Square Foot Reduction Per Unit
(1)	Major outdoor recreational facilities such as swimming pools, tennis courts or similar facilities requiring a substantial investment.	250 square feet
(2)	Designation of developed open space for semipublic use adjacent to designated public greenway corridors equal to an additional 100 square feet per unit.	100 square feet

- (3) All required developed open space must be operated and maintained by a homeowners association, subject to the conditions established in sections 106-676 (Property controls), 106-677 (Public services), 106-678 (Public services), and 106-679, with all documentation required to be submitted for filing in conjunction with the final plat.

- (4) The density bonus shall only be permitted per designated open space or major outdoor recreational facilities in excess of the requirements established in section 12.00 et seq., of the subdivision ordinance, on file in the city secretary's office, including the credit given in section 12.02 for land dedicated by a developer within a development or subdivision for compensating open space on an acre per acre basis.
- (h) (i) *Bed and breakfast* (as defined in sections 106-1 (Definitions) and 106-744 (Bed and breakfast)):
- (1) Bed and breakfast shall be operated in accordance with the bed and breakfast and home occupation requirements of section 106-749 (Home occupation).
 - (2) Additional required parking shall not be provided in any required front or side yard.
 - (3) Bed and breakfasts shall comply with the boardinghouse requirements of the currently adopted edition of the Standard Housing Code and Life Safety Code (NFPA 101).
- (h) (j) *Additional multi-family regulations.*
- (1) *Screening.* A ten-foot opaque screen consisting of a combination of shrubs, fencing, and/or masonry wall must be created between multi-family residential developments adjacent to single-family residential developments.
 - a. *Location.* The required screen shall be located within the first ten feet of the building setback adjacent to the single-family residential district.
 - b. *Planting.* At the time of planting, the shrubs must be between four to six feet tall and create an opaque screen within one growing season.
 - i. All shrubs must be approved by planning department officials.
 - (2) *Fencing.* Every multi-family development within the city shall have a perimeter fence located along all sides abutting or facing the right-of-way, as well as along all sides abutting or facing single-family residential developments.
 - a. *Construction, maintenance of fence or wall.* Every fence or wall herein shall be constructed and maintained as follows:
 - i. All fences shall be constructed of wood, masonry, or wrought iron.
 - ii. All fences or walls shall extend downward to within three inches of the ground and shall test plum and square at all times.
 - iii. All fences or walls shall be constructed in compliance with all applicable provisions of the building codes of the city.
 - b. *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to said multiple-family development shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall set forth in this section.
 - (3) *Recreational areas, facilities, and open space.*
 - a. The open space requirements for townhouses, quadraplexes and multi-family developments shall include a combination of the following:
 - i. Trails,
 - ii. Playgrounds (except in the case of "Senior Only" developments),
 - iii. Clubhouses, and/or
 - iv. On-site detention pond areas (Playgrounds are not to be located in the detention pond areas.).
 - (4) *Controlled access gates, if utilized:*

- a. Shall be constructed set back from the street far enough to prevent traffic congestion from any vehicle traveling on the right-of-way adjacent to such controlled access gate, and
 - b. Must provide 24-hour access to emergency vehicles, including fire department, EMS, police department and utility company vehicles.
- ⊕ (k) Group care facilities (aka community homes, residential personal care homes, living centers, assisted living centers and similar uses as identified in NAICS group #623 (Nursing and Residential Care Facilities).
- (1) Location: Facilities, in compliance with the Texas Human Resources Code (Ch. 123 and 105), Administrative Code (Ch. 92) and Health & Safety Code (Ch. 247, shall be permitted as a use-by-right in R-1 Low Density Residential, R-2 Mid Density Residential, R-3 High Density Residential, MH Manufactured Housing and LL Large Lot Districts.
 - (2) Distance Requirement: Group care facilities shall not be closer than 1,000 feet to a similar use (NAICS group #623). Measurement shall be from the nearest boundary of the sites on which they are located.
 - (3) Signage: Group care facilities located within a residential neighborhood shall be allowed to have one sign not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building.
 - (4) Visual Compatibility: There shall be no change in the outside appearance of the building or premises. No structural alterations shall be permitted that will cause the group care facility to be substantially distinguishable from other surrounding residential properties.
 - (5) Registration Requirement: Facilities providing food and shelter to three or less persons, who are unrelated to the proprietor of the establishment, shall comply with all city regulations and register their facility with the city annually by obtaining a Group Care Facility Certificate. The certificate cost shall be at the rate established in appendix A, Fees, of this Code, shall expire on December 31st of each year. Such fee shall be payable to the city on or before December 15th for the next succeeding calendar year. The fee provided for in this article shall not be subject to proration or reduction for payment for a period of less than twelve (12) calendar months. Operation of a facility without first having obtained the required certificate shall be deemed a violation of this article.
 - (6) Payment of Taxes: All ad valorem taxes on any and all property, personal or real, necessary to the operation of the facility must be paid prior to the issuance or renewal of the certificate.
 - (7) Display of Certificate: Every facility so registered shall display an active certificate in a conspicuous place, within the facility common area, so as to be easily seen by the public.
 - (8) Access to the Facility: City personnel shall have the right-of-entry to ensure safe habitability and public safety. City personnel shall advise on-site facility personnel of the purpose of their visit.
 - (9) Annual Inspection: The Fire Marshal's Office shall perform a minimum of one annual inspection for each group care facility. Facilities shall comply with all applicable city codes, ordinances, policies and regulations.
- ⊕ (l) Facilities shall be in compliance with the Texas Human Resources Code (Ch. 123 and 105), Administrative Code (Ch. 92) and Health & Safety Code (Ch. 247). To ensure compliance with state regulations, a copy of the facility's active State license shall be provided to the city, when requested by staff.

Section 3: That Section 106-797 “Property Line Fences in Commercial and Industrial Districts”, Article V “Supplementary District Regulations”, Division 4 “Fencing and Landscaping Requirements”, of Chapter 106, “Zoning,” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 106-797. – Property line fences in commercial and industrial districts.

Fences in commercial and industrial zones which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least ~~seven~~ **six (6)** feet above the ground, and such fence shall not be erected within the required landscaped portion of any yard of any commercial or industrial establishment. **Total fence height, including barbed wire, may not exceed eight (8) feet in height.**

Section 4 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 punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 5 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 6 All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7 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 8 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 8th day of APRIL, 2019.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED:

Clark T. Askins, Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE IN CONNECTION WITH A COMPREHENSIVE REVIEW AND UPDATE; 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 SEVERABILITY CLAUSE; CONTAINING A REPEALING 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 Section 106-310 “Table A, Commercial & Industrial Uses”, Article III “Districts”, Division 1 “Generally”, of Chapter 106, “Zoning,” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 106-310. - Table A, Commercial & Industrial Uses.

2017 NAICS Code	2017 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
	Artisan shops with a retail component (1,000 sq. ft. max)		P ³			P ³			
	Artisan shops with a retail component (2,500 sq. ft. max)			P ³	P ³	C			
	Offices only for any use code			P	P		P	P	P
	All uses permitted or/accessory in R-3 zone, except single-family detached and special lot, duplexes, quadraplexes, townhouses, and multi-family		P	P ¹	P	P			
		**	NC	MS	GC	MU	BI	LI	HI
	Single-family detached			P ²		P			
	All Conditional uses in R-3 zone		C	C	C	C			
11	Agriculture, Forestry, Fishing & Hunting	**							
21	Mining	**							
22	Utilities	**							
23	Construction								
236	Construction of Buildings			P	P		P	P	P
237	Heavy and Civil Engineering Construction						P	P	P
2381	Foundation, Structure, and Building Exterior Contractors								
2382	Building Equipment Contractors			P	P		P	P	P
2383	Building Finishing Contractors								
238910	Site Preparation Contractors				C		P	P	P

238990	All Other Specialty Trade Contractors				C		P	P	P
31-33	Manufacturing								
3111	Animal Food Manufacturing								
3112	Grain and Oilseed Milling								
3113	Sugar and Confectionery Product Manufacturing							C	P
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing								
3115	Dairy Product Manufacturing								
3116	Animal Slaughtering and Processing							C	C
3117	Seafood Product Preparation and Packaging								
311811	Retail Bakeries		P	P	P	P	P	P	P
3118	Commercial Bakeries and Tortilla Manufacturing			p ¹⁸	p ¹⁸		P		
311811	Retail Bakers		P	P	P	P	P	P	P
3119	Other Food Manufacturing			p ¹⁸	p ¹⁸		P		
31211	Soft drink and Ice Manufacturing							C	P
31212	Breweries								
31213	Wineries		C	C	C	C	C	C	P
31214	Distilleries								
312230	Tobacco Manufacturing							C	P
313	Textile Mills			p ¹⁸	p ¹⁸		P	P	P
314	Textile Product Mills						P	P	P
315	Apparel Manufacturing						P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
316110	Leather and Hide Tanning and Finishing								C
3162	Footwear Manufacturing						C	P	P
3169	Other Leather and Allied Product Manufacturing								
321	Wood Product Manufacturing	**							
3221	Pulp, Paper, and Paperboard Mills	**							
322211	Corrugated and Solid Fiber Box Manufacturing							C	P
322212	Folding Paperboard Box Manufacturing							C	P
322219	Other Paperboard Container Manufacturing						P	P	P
32222	Paper Bag and Coated and Treated Paper Manufacturing							C	P
323111	Commercial Printing (except Screen and Books)			P	P		P	P	P
323113	Commercial Screen Printing			P	P		P	P	P
323117	Books Printing			P	P		P	P	P

323120	Support Activities for Printing						P	P	P
324	Petroleum and Coal Products Manufacturing	**							
325	Chemical Manufacturing	**							
326	Plastic and Rubber Products Manufacturing						C	C	P
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing						C	C	P
32712	Clay Building Material and Refractories Manufacturing								
3272	Glass and Glass Product Manufacturing								
3273	Cement and Concrete Product Manufacturing								P
3274	Lime and Gypsum Product Manufacturing								
3279	Other Nonmetallic Mineral Product Manufacturing								
331	Primary Metal Manufacturing								P
3321	Forging and Stamping							P	P
3322	Cutlery and Hand tool Manufacturing								
3323	Architectural and Structural Metals Manufacturing								
3324	Boiler, Tank, and Shipping Container Manufacturing						P	P	P
3325	Hardware Manufacturing								
3326	Spring and Wire Product Manufacturing								
3327	Turned Product and Screw, Nut, and Bolt Manufacturing								
332811	Metal Heat Treating						C	P	P
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers							P	P
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring						P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
332911	Industrial Valve Manufacturing							P	P
332912	Fluid Power Valve and Hose Fitting Manufacturing							P	P
332913	Plumbing Fixture Fitting and Trim Manufacturing						P	P	P
332919	Other Metal Valve and Pipe Fitting Manufacturing						P	P	P
332991	Ball and Roller Bearing Manufacturing							P	P
332992	Small Arms Ammunition Manufacturing								P
332993	Ammunition (except Small Arms) Manufacturing								P
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing								C
332996	Fabricated Pipe and Pipe Fitting Manufacturing							P	P
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing						P	P	P
3331	Agriculture, Construction, and Mining Machinery Manufacturing							P	P

333241	Food Product Machinery Manufacturing								
333242	Semiconductor Machinery Manufacturing								
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing								
333244	Painting Machinery and Equipment Manufacturing								
333249	Other Industrial Machinery Manufacturing						P	P	P
3333	Commercial and Service Industry Machinery Manufacturing							P	P
333413	Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing							P	P
333414	Heating Equipment (except Warm Air Furnaces) Manufacturing						P	P	P
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing						P	P	P
3335	Metalworking Machinery Manufacturing								
333611	Turbine and Turbine Generator Set Units Manufacturing							P	P
333612	Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing								
333613	Mechanical Power Transmission Equipment Manufacturing								
333618	Other Engine Equipment Manufacturing						P	P	P
333914	Pump, Pumping Equipment, and Measuring and Dispensing Pump Manufacturing							P	P
333912	Air and Gas Compressor Manufacturing							P	P
		**	NC	MS	GC	MU	BI	LI	HI
333921	Elevator and Moving Stairway Manufacturing							P	P
333922	Conveyor and Conveying Equipment Manufacturing							P	P
333923	Overhead Traveling Crane, Hoist, and Monorail System Manufacturing						P	P	P
333924	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing							P	P
333991	Power-Driven Hand tool Manufacturing							P	P
333992	Welding and Soldering Equipment Manufacturing						P	P	P
333993	Packaging Machinery Manufacturing							P	P
333994	Industrial Process Furnace and Oven Manufacturing						P	P	P
333995	Fluid Power Cylinder and Actuator Manufacturing							P	P
333996	Fluid Power Pump and Motor Manufacturing								
333997	Scale and Balance Manufacturing						P	P	P
333999	All Other Miscellaneous General Purpose Machinery Manufacturing								
3341	Computer and Peripheral Equipment Manufacturing			p ¹⁸	p ¹⁸		p ¹⁸	P	P

3342	Communications Equipment Manufacturing								
3343	Audio and Video Equipment Manufacturing								
3344	Semiconductor and Other Electronic Component Manufacturing			p ¹⁸	p ¹⁸		P	P	P
3345	Navigation, Measuring, Electromedical and Control Instruments Manufacturing								
3346	Manufacturing and Reproducing Magnetic and Optical Media								
3351	Electric Lighting Equipment Manufacturing								
3352	Household Appliance Manufacturing						P	P	P
3353	Electrical Equipment Manufacturing								
33591	Battery Manufacturing							P	P
33592	Communication and Energy Wire and Cable Manufacturing								
33593	Wiring Device Manufacturing			p ¹⁸	p ¹⁸		P	P	P
33599	All Other Electrical Equipment and Component Manufacturing								
3361	Motor Vehicle Manufacturing							P	P
3362	Motor Vehicle Body and Trailer Manufacturing								
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing						P	P	P
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing						P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing								
33634	Motor Vehicle Brake System Manufacturing							P	P
33635	Motor Vehicle Transmission and Power Train Parts Manufacturing								
33636	Motor Vehicle Seating and Interior Trim Manufacturing						P	P	P
33637	Motor Vehicle Metal Stamping							P	P
33639	Other Motor Vehicle Parts Manufacturing						P	P	P
3364	Aerospace Product and Parts Manufacturing							P	P
3365	Railroad Rolling Stock Manufacturing								
336611	Ship Building and Repairing								P
336612	Boat Building				C		P	P	P
336991	Motorcycle, Bicycle, and Parts Manufacturing			p ¹⁸	p ¹⁸		P	P	P
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing							P	P
336999	All Other Transportation Equipment Manufacturing							P	P
337110	Wood Kitchen Cabinet and Countertop Manufacturing			p ³	p ³		P	P	P

337121	Upholstered Household Furniture Manufacturing			p ³	p ³		P	P	P
337122	Non-upholstered Wood Household Furniture Manufacturing			p ³	p ³		P	P	P
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing								
3372	Office Furniture (including Fixtures) Manufacturing						P	P	P
3379	Other Furniture Related Product Manufacturing								
339	Miscellaneous Manufacturing						P	P	P
42	Wholesale Trade								
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers								
4232	Furniture and Home Furnishing Merchant Wholesalers								
4233	Lumber and Other Construction Materials Merchant Wholesalers						C	p ¹⁹	p ¹⁹
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers								
42351	Metal Service Centers and Other Metal Merchant Wholesalers								
42352	Coal and Other Mineral Merchant Wholesalers								p ¹⁹
		**	NC	MS	GC	MU	BI	LI	HI
4236	Household Appliances and Electrical and Electronic Goods Merchant Wholesalers								
4237	Hardware, and Plumbing and Heating Equipment and Supplies Wholesalers						C	p ¹⁹	p ¹⁹
4238	Machinery, Equipment, and Supplies Merchant Wholesalers							C	p ¹⁹
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers			p ¹⁸	p ¹⁸		C	p ¹⁹	p ¹⁹
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers			p ¹⁸	p ¹⁸		C ⁴	p ¹⁹	p ¹⁹
423930	Recyclable Material Merchant Wholesalers								P
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers						C	p ¹⁹	p ¹⁹
423990	Other Miscellaneous Durable Goods Merchant Wholesalers						C	p ¹⁹	p ¹⁹
4241	Paper and Paper Product Merchant Wholesalers								
4242	Drugs and Druggists' Sundries Merchant Wholesalers								
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers						C	p ¹⁹	p ¹⁹
4244	Grocery and Related Product Merchant Wholesalers								
4245	Farm Product Raw Material Merchant Wholesalers							p ¹⁹	p ¹⁹

424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers						C	p ¹⁹	p ¹⁹
424690	Other Chemical and Allied Products Merchant Wholesalers						C	p ¹⁹	p ¹⁹
424710	Petroleum Bulk Stations and Terminals							p ¹⁹	p ¹⁹
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)						C	p ¹⁹	p ¹⁹
424810	Beer and Ale Merchant Wholesalers						C	p ¹⁹	p ¹⁹
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers						C	p ¹⁹	p ¹⁹
424910	Farm Supplies Merchant Wholesalers						C	p ¹⁹	
42492	Book, Periodical, and Newspaper Merchant Wholesalers								
42493	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers						C	p ¹⁹	p ¹⁹
42495	Paint, Varnish, and Supplies Merchant Wholesalers								
42499	Other Miscellaneous Nondurable Goods Merchant Wholesalers								
425	Wholesale Electronic Markets and Agents and Brokers				P		P	P	P
44-45	Retail Trade								
441110	New Car Dealers			P	P		P	P	P
441120	Used Car Dealers			P	P		P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
441210	Recreational Vehicle Dealers				P		P	P	P
44122	Motorcycle, Boat, and Other Motor Vehicle Dealers			P	P		P	P	P
4413	Automotive Parts, Accessories, and Tire Stores								
442	Furniture and Home Furnishings Stores			P	P		P	P	P
443	Electronics and Appliance Stores		P	P	P		P	P	P
444110	Home Centers				P		P	P	P
444120	Paint and Wallpaper Stores			P	P		P	P	P
444130	Hardware Stores		P	P	P		P	P	P
44419	Other Building Material Dealers		P	P	P	P	P	P	P
4442	Lawn and Garden Equipment and Supplies Stores								
445	Food and Beverage Stores		P	P	P	P	P	P	P
446	Health and Personal Care Stores		P	P	P	P	P	P	P
44711	Gasoline Stations with Convenience Stores		P	P	P		P	P	P
44719	Other Gasoline Stations				p ⁵		p ⁵	p ⁵	p ⁵
448	Clothing and Clothing Accessories Stores		P	P	P	P	P	P	P
451	Sporting Goods, Hobby, Musical Instrument, and Book Stores		P	P	P	P	P	P	P
452210	Department Stores				P		P	P	P

452311	Warehouse Clubs and Supercenters							
452319	All Other General Merchandise Stores		P	P	P	P	P	P
4531	Florists							
4532	Office Supplies, Stationery, and Gift Stores							
4533	Used Merchandise Stores		P	P	P	P	P	P
45391	Pet and Pet Supplies Stores							
45392	Art Dealers							
45393	Manufactured (Mobile) Home Dealers					P	P	P
453991	Tobacco Stores		P	P	P	P	P	P
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)		P	P	P	P	P	P
4541	Electronic Shopping and Mail-Order Houses		P	P	P		P	P
454210	Vending Machine Operators			p ¹⁸	P		P	P
454310	Fuel Dealers						P	P
454390	Other Direct Selling Establishments			P	P		P	P
48-49	Transportation and Warehousing	**	NC	MS	GC	MU	BI	LI
481	Air Transportation						P	P
482	Rail Transportation							P
483	Water Transportation	**						
484	Truck Transportation						p ⁶	p ⁶
4851	Urban Transit Systems				P		P	P
4852	Interurban and Rural Bus Transportation							
48531	Taxi Service			P	P		P	P
48532	Limousine Service			P	P		P	P
48541	School and Employee Bus Transportation				P		P	P
48551	Charter Bus Industry				P		P	P
485991	Special Needs Transportation			P	P		P	P
485999	All Other Transit and Ground Passenger Transportation			P	P		P	P
486	Pipeline Transportation	**						
487	Scenic and Sightseeing Transportation			P	P		P	P
4881	Support Activities for Air Transportation						P	P
4882	Support Activities for Rail Transportation							P
4883	Support Activities for Water Transportation	**						
488390	Other Support Activities for Water Transportation			P	P		P	P
4884	Support Services for Road Transportation				C		P	P

4885	Freight Transportation Arrangement (Office Only)			P	P		P	P	P		
4885	Freight Transportation Arrangement							p ⁶	p ⁶		
488991	Packing and Crating						C	P	P		
488999	All Other Support Activities for Transportation						C	P	P		
491	Postal Service				P		P	P	P		
492110	Couriers and Express Delivery Services						P	P	P		
492210	Local Messengers and Local Delivery				P		P	P	P		
493	Warehousing and Storage							p ⁶	p ⁶		
493190	Other Warehousing and Storage							p ¹⁷	p ¹⁷		
51	Information										
511	Publishing Industries (except Internet)			C	P		P	P	P		
512110	Motion Picture and Video Production						P	P	P		
512120	Motion Picture and Video Distribution						P	P	P		
512131	Motion Picture Theaters (except Drive-Ins)			P	P		P	P	P		
512132	Drive-In Motion Picture Theaters						P	P	P		
				**	NC	MS	GC	MU	BI	LI	HI
512191	Tele-production and Other Postproduction Services				P	P		P	P	P	
512199	Other Motion Picture and Video Industries				p ¹⁸	p ¹⁸		P	P	P	
512210	Record Production				P	P		P	P	P	
512220	Integrated Record Production/Distribution							P	P	P	
51223	Music Publishers										
51224	Sound Recording Studios				P	P		P	P	P	
51229	Other Sound Recording Industries										
515	Broadcasting (except Internet)				P	P		P	P	P	
517	Telecommunications				P	P		P	P	P	
518	Data Processing, Hosting, and Related Services				P	P		P	P	P	
519	Other Information Services				P	P		P	P	P	
52	Finance and Insurance										
521	Monetary Authorities-Central Bank				P	P		P	P	P	
522	Credit Intermediation and Related Activities				P	P		P	P	P	
523110	Investment Banking and Securities Dealing				P	P		P	P	P	
523120	Securities Brokerage				P	P		P	P	P	
523130	Commodity Contracts Dealing				P	P	P	P	P	P	
523140	Commodity Contracts Brokerage				P	P		P	P	P	
523210	Securities and Commodity Exchanges				P	P		P	P	P	

523910	Miscellaneous Intermediation		P	P	P		P	P	P
523920	Portfolio Management		P	P	P		P	P	P
523930	Investment Advice			P	P		P	P	P
523991	Trust, Fiduciary, and Custody Activities		P	P	P		P	P	P
523999	Miscellaneous Financial Investment Activities			P	P		P	P	P
5241	Insurance Carriers			P	P		P	P	P
5242	Agencies, Brokerages, and Other Insurance Related Activities		P	P	P	P	P	P	P
52511	Pension Funds			P	P		P	P	P
52512	Health and Welfare Funds								
52519	Other Insurance Funds								
5259	Other Investment Pools and Funds		P	P	P		P	P	P
53	Real Estate Rental and Leasing								
531	Real Estate		P	P	P	P	P	P	P
532111	Passenger Car Rental			P	P		P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
532112	Passenger Car Leasing			P	P		P	P	P
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing				P		P	P	P
532210	Consumer Electronics and Appliances Rental			P	P		P	P	P
532281	Formal Wear and Costume Rental								
532282	Video Tape and Disc Rental								
532283	Home Health Equipment Rental		P	P	P	P	P	P	P
532284	Recreation Good Rental								
532289	All Other Consumer Goods Rental			P	P		P	P	P
532310	General Rental Centers			P	P		P	P	P
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing							P	P
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing				P ⁷		P	P	P
532420	Office Machinery and Equipment Rental and Leasing			P	P		P	P	P
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing				P		P	P	P
533	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)		P	P	P		P	P	P
54	Professional, Scientific, and Technical Services								
5411	Legal Services								
541211	Offices of Certified Public Accountants		P	P	P		P	P	P

56161	Investigation, Guard, and Armored Car Services								
561621	Security Systems Services (except Locksmiths)								
561622	Locksmiths	P	P	P	P	P	P	P	
561710	Exterminating and Pest Control Services	P	P		P	P	P		
561720	Janitorial Services	P	P	P		P	P	P	
561730	Landscaping Services		P	P		P	P	P	
561740	Carpet and Upholstery Cleaning Services		P	P		P	P	P	
561790	Other Services to Buildings and Dwellings	P	P	P		P	P	P	
		**	NC	MS	GC	MU	BI	LI	HI
5619	Other Support Services				P		P	P	P
562111	Solid Waste Collection						P	P	
562112	Hazardous Waste Collection							C	
562119	Other Waste Collection						P	P	
5622	Waste Treatment and Disposal							C	
5629	Remediation and Other Waste Management Services					P	P	P	
61	Educational Services								
6111	Elementary and Secondary Schools								
6112	Junior Colleges	P	P	P		P	P	P	
6113	Colleges, Universities, and Professional Schools								
611410	Business and Secretarial Schools		C	C		P	P	P	
61142	Computer Training								
61143	Professional and Management Development Training								
611511	Cosmetology and Barber Schools		P	P		P	P	P	
611512	Flight Training								
611513	Apprenticeship Training								
611519	Other Technical and Trade schools		P ⁹	P ⁹		P	P	P	
6116	Other Schools and Instruction								
6117	Educational Support Services		P	P		P	P	P	
62	Health Care and Social Assistance								
6211	Office of Physicians								
6212	Office of Dentists	P	P	P		P	P	P	
6213	Office of Other Health Practitioners								
621410	Family Planning Centers		C	P		P	P	P	
621420	Outpatient Mental Health and Substance Abuse Centers		C	P		P	P	P	
621491	HMO Medical Centers		P	P		P	P	P	

713990	All Other Amusement and Recreation Industries except shooting range and slot machines.			P 11	P 11		P 11	P 11	P 11
72	Accommodation and Food Services								
721110	Hotels (except Casino Hotels) and Motels			P 12	P 12		P 12	P 12	P 12
721120	Casino Hotels	**							
721191	Bed-and-Breakfast Inns		P	P	P	P	P	P	P
721199	All Other Traveler Accommodation	**							
		**	NC	MS	GC	MU	BI	LI	HI
721211	RV (Recreational Vehicle) Parks and Campgrounds	**							
721214	Recreational and Vacation Camps (except Campgrounds)	**							
721310	Rooming and Boarding Houses		P	P	P	P	P	P	P
722310	Food Service Contractors			P	P		P	P	P
722320	Caterers			P	P		P	P	P
722330	Mobile Food Services				P		P	P	P
722410	Drinking Places (Alcoholic Beverages)			P	P	P	P	P	P
7225	Restaurants and Other Eating Places		P	P	P		P	P	P
81	Other Services, except Public Administration								
8111	Automotive Repair and Maintenance (except Truck Repair)			P 15	P 15		P 15	P 15	P 15
8111	Automotive Repair and Maintenance (Truck Repair)						P 15	P 15	P 15
811211	Consumer Electronics Repair and Maintenance		P	P	P		P	P	P
811212	Computer and Office Machine Repair and Maintenance			P	P		P	P	P
811213	Communication Equipment Repair and Maintenance		P	P	P		P	P	P
811219	Other Electronic and Precision Equipment Repair and Maintenance		P	P	P		P	P	P
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance						P	P	P
811411	Home and Garden Equipment Repair and Maintenance			P	P		P	P	P
811412	Appliance Repair and Maintenance								
81142	Reupholstery and Furniture Repair		P	P	P		P	P	P
81143	Footwear and Leather Goods Repair								
81149	Other Personal and Household Goods Repair and Maintenance								
8121	Personal Care Services		P	P	P	P	P	P	P
81221	Funeral Homes and Funeral Services								

812220	Cemeteries and Crematories		P ₁₃	P ₁₃	P ₁₃	P ¹³	P ₁₃	P ₁₃	P
812310	Coin-Operated Laundries and Drycleaners		P	P	P	P	P	P	P
812320	Dry Cleaning and Laundry Services (except Coin- Operated)		P	P	P	P	P	P	P
812331	Linen Supply			p ¹⁸	P		P	P	P
812332	Industrial Launderers							P	P
812910	Pet Care (except Veterinary) Services		C ₁₄	C ₁₄	C ₁₄		C ₁₄	C ₁₄	C ₁₄
812921	Photofinishing Laboratories (except One-Hour)				P		P	P	P
		**	NC	MS	GC	MU	BI	LI	HI
812922	One-Hour Photofinishing				P		P	P	P
812930	Parking Lots and Garages			C ₁₆	P ₁₆		P ₁₆	P ₁₆	P ₁₆
812990	All Other Personal Services			C	P		P	P	P
813110	Religious Organizations		P	C	P		P	P	P
8132	Grantmaking and Giving Services		P	P	P		P	P	P
8133	Social Advocacy Organizations								
8134	Civic and Social Organizations								
81391	Business Associations								
81392	Professional Organizations			C	P		P	P	P
81393	Labor Unions and Similar Labor Organizations								
81394	Political Organizations								
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)		C	C	C	C	P	P	P
92	Public Administration			P	P		P	P	P
	Parking ramps and structures		P	C	P	C			
	Commercial/Ind. PUD (ref. to Section 106-636)		C	C	C	C	C	C	C
	Outdoor sales as accessory use			P	P				
	Outdoor storage as accessory use			P	P				
	Off-site parking		C	C	C	C			
	Unlisted uses, similar to uses listed above		C	C	C	C	C	C	C

Footnotes:

** Non-classified use categories.
1 Within the overlay portion, residential activities are only allowed above the first floor.
2 Single family detached prohibited in main street overlay zone, but permitted in main street district.
3 Artisan shops are allowed (see Section 106-480 (Artisan Shop), 106-500 (Artisan Shop), 106-514 (Artisan Shop)).
4 No storage or sale of fireworks.
5 Truck Stop shall only be permitted in Business Industrial districts on truck routes along Barbour's Cut Boulevard, State Hwy 225 and State Highway 146 (north of Barbour's Cut Blvd). No construction of any kind shall be permitted within setbacks for BI zone.
6 Must be adjacent to high frequency truck roads as shown on High Frequency Truck Road Map (Ref. Section 106-746).
7 Only allowed along State Highway 146.
8 Livestock prohibited on premises.
9 Truck schools prohibited.
10 Refer to Chapter 10 of the Code of Ordinances (must be at least 300 feet from church, school, or hospital & measured from property line to property line).
11 Shooting range is a conditional use.
12 Hotels and Motel Uses. Hotels and motels are allowed as a conditional use under this Chapter when within 250 feet of residential zoned properties (R-1, R-2, R-3, MH, and LL zoning districts). All hotel and motels are required to install and operate a security and surveillance system to monitor the parking lot area and all ingress/egress points to the buildings.
13 Crematories prohibited.
14 Dog grooming. There shall be no overnight boarding of animals. All areas used for holding animals shall be located within the same building in which grooming activities take place.
15 No vehicle may be parked outside for longer than two weeks.
16 Parking of commercial motor vehicles, including truck tractors not in combination with trailers, prohibited.
17 Automobile dead storage must be fully contained within an enclosed building. Use must be located adjacent to high frequency truck roads as shown on High Frequency Truck Route Map
18 Proposed use must be located on a parcel that is no greater than 1.5 acres and building and/or buildings where use is located may not exceed 15,000 sq. ft. Uses shall not be permitted in the Main Street Overlay.
19 Total site area may not exceed 5 acres with a maximum building size of 40,000 sq. ft. A conditional use permit (CUP) may be sought for individual sites in excess of 5 acres or buildings greater than 40,000 sq. ft.
All permitted uses in commercial and industrial zones must meet the following minimum performance standards. If requested by the enforcement officer, all applications for building permits must include a certification from a registered engineer that verifies compliance with these performance standards. Where applicable, all permitted uses in industrial zones must meet and be in compliance with the appropriate federal, state, or local regulations.
A. <i>Lighting and glare.</i> Any lighting used shall be arranged so as to deflect light away from any adjoining residential zone or from public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot-candle (meter reading) as

measured from the centerline of such street. Any light or combination of lights which casts light on residential property shall not exceed 0.4 foot-candles (meter reading) as measured from such property.																																					
B. <i>Radiation and electrical emissions.</i> No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.																																					
C. <i>Smoke.</i> The emission of smoke by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.																																					
D. <i>Dust or other particulate matter.</i> The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.																																					
E. <i>Odors.</i> The emission of odor by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.																																					
F. <i>Explosives.</i> No activities involving the storage, utilization, or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as are specifically licensed by the city council.																																					
G. <i>Noise.</i> All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the following intensity in relation to sound frequency:																																					
<table border="1"> <thead> <tr> <th rowspan="2">Octave Band Frequency</th> <th colspan="2">Maximum Sound Levels - Decibels</th> </tr> <tr> <th>Lot Line</th> <th>Residential District Boundary</th> </tr> </thead> <tbody> <tr> <td>Cycles per Second</td> <td></td> <td></td> </tr> <tr> <td>20 to 75</td> <td>78</td> <td>63</td> </tr> <tr> <td>75 to 150</td> <td>74</td> <td>59</td> </tr> <tr> <td>150 to 300</td> <td>68</td> <td>55</td> </tr> <tr> <td>300 to 600</td> <td>61</td> <td>51</td> </tr> <tr> <td>600 to 1,200</td> <td>55</td> <td>45</td> </tr> <tr> <td>1,200 to 2,400</td> <td>49</td> <td>38</td> </tr> <tr> <td>2,400 to 4,800</td> <td>43</td> <td>31</td> </tr> <tr> <td>Above 4,800</td> <td>41</td> <td>25</td> </tr> <tr> <td>Impact noise</td> <td>80</td> <td>55</td> </tr> </tbody> </table>			Octave Band Frequency	Maximum Sound Levels - Decibels		Lot Line	Residential District Boundary	Cycles per Second			20 to 75	78	63	75 to 150	74	59	150 to 300	68	55	300 to 600	61	51	600 to 1,200	55	45	1,200 to 2,400	49	38	2,400 to 4,800	43	31	Above 4,800	41	25	Impact noise	80	55
Octave Band Frequency	Maximum Sound Levels - Decibels																																				
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600 to 1,200	55	45																																			
1,200 to 2,400	49	38																																			
2,400 to 4,800	43	31																																			
Above 4,800	41	25																																			
Impact noise	80	55																																			
Between the hours of 10:00 P.M. and 6:00 A.M. the permissible sound levels beyond residential district boundaries (both Column II and Impact) shall be six decibels less than shown above.																																					
In distances where it is determined that a proposed land use may generate a level of noise that will impact on surrounding land uses, the planning and zoning commission and city council may require that efforts to reduce the potential noise impact be undertaken. These efforts may include screening and landscaping techniques.																																					
H. <i>Hours of Operation.</i> Hours of operation are limited for truck stops adjacent to residential areas only. The facility shall only operate during the hour of 6:00 a.m. to 9:00 p.m. and no overnight facilities are allowed on the premises.																																					

Section 2: That Section 106-334 “Special Use Performance Standards; Residential”, Article III “Districts”, Division 2 “Residential District Regulations”, Subdivision 1 “Generally”, of Chapter 106, “Zoning,” of the

Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 106-334. - Special use performance standards; residential.

Screening.

- (1) Refer to 106-443(a) (Screening) for requirements.
 - (2) Screening will be required in the following situations:
 - a. Parking areas for recreational buildings, community centers, religious, multi-family over four, and private and public educational institutions.
 - b. Manufactured housing parks and subdivisions screened from abutting uses.
 - (3) Required screening will count toward the required percentage of landscaping.
- (b) *Traffic control.* The traffic generated by a use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic through low density residential areas. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the director. The proposed development should be adequately served by a collector or arterial street without circulating through low density residential uses or districts in the following cases:
- (1) Junior or senior high school, junior colleges and technical institutes.
 - (2) Manufactured housing subdivisions and manufactured housing parks.
- (c) *Compatibility with surrounding area.* The architectural appearance and functional plan of the building(s) and site shall reflect the building character of the area and shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the development. The proposed development is to be compatible with the existing and planned use of the area and conflicts are not to be created between the proposed use and existing and intended future use of the surrounding area.
- (d) *Required license obtained.* All necessary governmental permits and licenses are secured with evidence of such placed on record with the city.
- (e) *Compatible alterations and adequate parking.* Adequate parking as required by article VI of this chapter must be provided on the lot and not within any unpaved required front yard. Any exterior alterations must be compatible with the existing structure, and the surrounding neighborhood.
- (f) *Manufactured housing criteria (manufactured housing parks only).* A preliminary certified site plan must be submitted simultaneously with the submissions required in the mobile home park ordinance of the city and the city development ordinance that illustrates compliance with the following:
- (1) Legal description and size in acres of the proposed manufactured housing park. Such park shall not be less than five acres.
 - (2) Locations and size of all manufactured housing sites, dead storage area, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking areas, exact manufactured housing sites, etc.).
 - (3) Preliminary landscaping plans and specifications.
 - (4) Location and width of sidewalks.
 - (5) Plans of sanitary sewer disposal, surface drainage, water systems, electrical service, and gas service.
 - (6) Location and size of all streets abutting the manufactured housing park and all driveways from such streets to the manufactured housing park.
 - (7) Preliminary road construction plan.

- (8) Preliminary plans for any and all structures.
 - (9) Such other information as required or implied by these standards or requested by public officials.
 - (10) Name and address of developer or developers.
 - (11) Description of the method of disposing of garbage and refuse and location of approved solid waste receptacles.
 - (12) Detailed description of maintenance procedures and ground supervision.
 - (13) Details as to whether all of area will be developed or a portion at a time.
 - (14) Density intensity regulations in compliance with Table B, residential.
 - (15) Compliance with the required number of off-street parking spaces.
 - (16) All private streets shall be a minimum of 28 feet wide and constructed in accordance with the public improvements criteria manual. The layout of such private streets shall be subject to approval by the fire chief, to ensure adequate emergency access.
 - (17) All manufactured housing shall have a minimum frontage of 20 feet on public or private streets.
 - (18) Perimeter fences required: Minimum six feet in height, opaque material.
- (g) *Shipping Containers.* Single-family homes comprised and/or constructed of one or more shipping containers are permitted within all residential zoning districts with the following conditions:
- (1) Any and all exposed container parent material shall be clad with one or a combination of the following materials: Masonry materials, stucco, wood siding, synthetic wood (such as hardie board), or alternative materials with approval from the Planning Director. No portion of the original shipping container exterior is allowed to be visible at any time.
 - (2) Homes constructed out of shipping containers are not permitted in the Main Street or Main Street Overlay (MSD/MSDO) zoning districts.
- (h) *Residential density bonus.* Within single-family residential developments, a maximum of ten percent reduction in square feet of site area per unit for residential developments of 20 units or more shall be permitted as a conditional use based upon the following bonus features and square foot reduction:

	Bonus Feature	Square Foot Reduction Per Unit
(1)	Major outdoor recreational facilities such as swimming pools, tennis courts or similar facilities requiring a substantial investment.	250 square feet
(2)	Designation of developed open space for semipublic use adjacent to designated public greenway corridors equal to an additional 100 square feet per unit.	100 square feet

- (3) All required developed open space must be operated and maintained by a homeowners association, subject to the conditions established in sections 106-676 (Property controls), 106-677 (Public services), 106-678 (Public services), and 106-679, with all documentation required to be submitted for filing in conjunction with the final plat.
- (4) The density bonus shall only be permitted per designated open space or major outdoor recreational facilities in excess of the requirements established in section 12.00 et seq., of the subdivision ordinance, on file in the city secretary's office, including the credit given in section 12.02 for land dedicated by a developer within a development or subdivision for compensating open space on an acre per acre basis.

- (i) *Bed and breakfast* (as defined in sections 106-1 (Definitions) and 106-744 (Bed and breakfast)):
 - (1) Bed and breakfast shall be operated in accordance with the bed and breakfast and home occupation requirements of section 106-749 (Home occupation).
 - (2) Additional required parking shall not be provided in any required front or side yard.
 - (3) Bed and breakfasts shall comply with the boardinghouse requirements of the currently adopted edition of the Standard Housing Code and Life Safety Code (NFPA 101).
- (j) *Additional multi-family regulations.*
 - (1) *Screening.* A ten-foot opaque screen consisting of a combination of shrubs, fencing, and/or masonry wall must be created between multi-family residential developments adjacent to single-family residential developments.
 - a. *Location.* The required screen shall be located within the first ten feet of the building setback adjacent to the single-family residential district.
 - b. *Planting.* At the time of planting, the shrubs must be between four to six feet tall and create an opaque screen within one growing season.
 - i. All shrubs must be approved by planning department officials.
 - (2) *Fencing.* Every multi-family development within the city shall have a perimeter fence located along all sides abutting or facing the right-of-way, as well as along all sides abutting or facing single-family residential developments.
 - a. *Construction, maintenance of fence or wall.* Every fence or wall herein shall be constructed and maintained as follows:
 - i. All fences shall be constructed of wood, masonry, or wrought iron.
 - ii. All fences or walls shall extend downward to within three inches of the ground and shall test plum and square at all times.
 - iii. All fences or walls shall be constructed in compliance with all applicable provisions of the building codes of the city.
 - b. *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to said multiple-family development shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall set forth in this section.
 - (3) *Recreational areas, facilities, and open space.*
 - a. The open space requirements for townhouses, quadraplexes and multi-family developments shall include a combination of the following:
 - i. Trails,
 - ii. Playgrounds (except in the case of "Senior Only" developments),
 - iii. Clubhouses, and/or
 - iv. On-site detention pond areas (Playgrounds are not to be located in the detention pond areas.).
 - (4) *Controlled access gates, if utilized:*
 - a. Shall be constructed set back from the street far enough to prevent traffic congestion from any vehicle traveling on the right-of-way adjacent to such controlled access gate, and
 - b. Must provide 24-hour access to emergency vehicles, including fire department, EMS, police department and utility company vehicles.

- (k) Group care facilities (aka community homes, residential personal care homes, living centers, assisted living centers and similar uses as identified in NAICS group #623 (Nursing and Residential Care Facilities)).
- (1) Location: Facilities, in compliance with the Texas Human Resources Code (Ch. 123 and 105), Administrative Code (Ch. 92) and Health & Safety Code (Ch. 247, shall be permitted as a use-by-right in R-1 Low Density Residential, R-2 Mid Density Residential, R-3 High Density Residential, MH Manufactured Housing and LL Large Lot Districts.
 - (2) Distance Requirement: Group care facilities shall not be closer than 1,000 feet to a similar use (NAICS group #623). Measurement shall be from the nearest boundary of the sites on which they are located.
 - (3) Signage: Group care facilities located within a residential neighborhood shall be allowed to have one sign not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building.
 - (4) Visual Compatibility: There shall be no change in the outside appearance of the building or premises. No structural alterations shall be permitted that will cause the group care facility to be substantially distinguishable from other surrounding residential properties.
 - (5) Registration Requirement: Facilities providing food and shelter to three or less persons, who are unrelated to the proprietor of the establishment, shall comply with all city regulations and register their facility with the city annually by obtaining a Group Care Facility Certificate. The certificate cost shall be at the rate established in appendix A, Fees, of this Code, shall expire on December 31st of each year. Such fee shall be payable to the city on or before December 15th for the next succeeding calendar year. The fee provided for in this article shall not be subject to proration or reduction for payment for a period of less than twelve (12) calendar months. Operation of a facility without first having obtained the required certificate shall be deemed a violation of this article.
 - (6) Payment of Taxes: All ad valorem taxes on any and all property, personal or real, necessary to the operation of the facility must be paid prior to the issuance or renewal of the certificate.
 - (7) Display of Certificate: Every facility so registered shall display an active certificate in a conspicuous place, within the facility common area, so as to be easily seen by the public.
 - (8) Access to the Facility: City personnel shall have the right-of-entry to ensure safe habitability and public safety. City personnel shall advise on-site facility personnel of the purpose of their visit.
 - (9) Annual Inspection: The Fire Marshal's Office shall perform a minimum of one annual inspection for each group care facility. Facilities shall comply with all applicable city codes, ordinances, policies and regulations.
- (l) Facilities shall be in compliance with the Texas Human Resources Code (Ch. 123 and 105), Administrative Code (Ch. 92) and Health & Safety Code (Ch. 247). To ensure compliance with state regulations, a copy of the facility's active State license shall be provided to the city, when requested by staff.

Section 3: That Section 106-797 “Property Line Fences in Commercial and Industrial Districts”, Article V “Supplementary District Regulations”, Division 4 “Fencing and Landscaping Requirements”, of Chapter 106, “Zoning,” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 106-797. – Property line fences in commercial and industrial districts.

Fences in commercial and industrial zones which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a

point at least six (6) feet above the ground, and such fence shall not be erected within the required landscaped portion of any yard of any commercial or industrial establishment. Total fence height, including barbed wire, may not exceed eight (8) feet in height.

Section 4 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 punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 5 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 6 All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7 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 8 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 8th day of APRIL, 2019.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED:

Clark T. Askins, Assistant City Attorney



February 22, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Proposed Ordinance Amending Chapter 106 "Zoning"

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the February 21, 2019 meeting to consider approval of an ordinance amending certain provisions of Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances. These proposed changes are based on the most recent review of Chapter 106 conducted by the Planning and Zoning Commission.

The Commission voted 8-0 to recommend approval of the provisions as included in the drafted ordinance presented in the Request for City Council Agenda Item.

Respectfully submitted,

Ian Clowes, City Planner
On behalf of the Planning and Zoning Commission

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 8, 2019</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

<u>Appropriations</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<u>N/A</u>

Exhibits: **Ordinance – Changes Shown**
 Ordinance – Clean Version
 P&Z Recommendation Letter

SUMMARY & RECOMMENDATION

During the most recent review of Chapter 106 - Zoning of the City of La Porte Code of Ordinances, the Planning and Zoning Commission Chapter 106 Subcommittee and staff addressed four (4) items that were identified for possible amendment. Below is a list of the subject items and proposed amendments recommended by the Planning and Zoning Commission at the February 21, 2019, meeting.

1. Regulation of merchant wholesaler uses (distribution centers) throughout the industrial zoning districts – Section 106-310
 - a. Recommendation to add language to the land use table that restricts merchant wholesaler uses by requiring a Special Conditional Use Permit (SCUP) in Business Industrial (BI) zoning districts, and requiring a SCUP in in Light Industrial (LI) and Heavy Industrial (HI) zoning districts for merchant wholesaler uses that exceed 40,000 square feet or 5 acres.
2. Regulation of shipping containers being used for residential construction – Section 106-334
 - a. Recommendation to add language that requires homes constructed of shipping containers to be clad with materials on the façade so as to hide all portions of the shipping container structure and prohibit use in the Main Street and Main Street Overlay Districts.
3. Regulation of hotel/motel use throughout the city in all zoning districts – Sections 106-44 and 106-310
 - a. No changes proposed at this time.
 - b. The Subcommittee agreed to revisit the Hotel/Motel use requirements at the annual review of Chapter 106 to begin later this summer.
4. Changes to language regarding fence height for fences with barbed wire – Section 106-797
 - a. Recommendation to change existing language to meet standard construction regulations.

Attached is the draft version of the proposed recommendations. Text in red highlights modifications to language to support proposed recommendations to Chapter 106 - Zoning of the City of La Porte Code of Ordinances.

Action Required by Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an ordinance amending Chapter 106 - Zoning of the Code of Ordinances of the City of La Porte based on a review conducted by the Planning and Zoning Commission.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 8, 2019</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input checked="" type="checkbox"/>

<u>Appropriations</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<u>N/A</u>

- Exhibits:**
- Ordinance**
 - Proposed SCUP**
 - P&Z Recommendation Letter**
 - Applicant Information and Request**
 - Aerial Map**
 - Zoning Map**
 - Land Use Map**

SUMMARY & RECOMMENDATION

Applicant, Charles Anders; on behalf of Bayway Homes, owner, is seeking approval of an amendment to a previous SCUP which was approved in 2016, permitting nine “single family attached” units on a total of 19 lots. The applicant has acquired 4 additional lots in the same block and would like to expand the existing SCUP to Lots 20-21, Block 31 and Lots 18-19, Block 32, to allow for 4 additional units. Additionally, the applicant is seeking permission to allow for a triplex to be built on Lots 7-9, Block 32 as opposed to the approved duplex units.

The total subject site area is legally described as Lots 7 - 27, of Block 32 and Lots 20-21, Block 31, Beach Park Subdivision and is generally located on the northern-most “Circle” adjacent to Sylvan Beach Park off Bayshore Drive. The attached Exhibit B is an Area Map showing the location of the subject property. The lots are zoned MU, Mixed Use, and are currently undeveloped.

Staff did not receive any comment sheets for the proposed SCUP.

The Planning and Zoning Commission, at their February 21, 2019 regular meeting, voted 8-0 to recommend approval of the proposed SCUP, as presented. Below is a list of conditions from the original 2016 SCUP approval, along with modifications permitting the single triplex unit.

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and

ordinances of the City of La Porte and the State of Texas.

2. The underlying zoning is MU. All MU requirements will need to be met.
3. One single family attached duplex unit is permitted on two platted lots within the development area.
4. A fire wall is required along the shared property line separating each unit in accordance with applicable residential building and fire codes.
5. A 0' setback is permitted on the shared property line separating the two units of each duplex. Perimeter setbacks are 15' minimum to 25' maximum from the front property line, a minimum of 5' from the side property lines and a minimum of 10' from the rear property line.
6. Special allowance is given to the setback for Lot 22 due to the irregular shape of the lot. The side/rear setback adjacent to the alley is permitted to be at 0'.
7. A minimum of two off-street parking spaces shall be included for each individual unit.
8. A triplex structure is permitted to be located on Lots 7-9, Block 32 within the Beach Park Subdivision.
9. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
10. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Action Required by Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an Ordinance for SCUP #19-91000001

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 19-91000001, TO ALLOW FOR THE DEVELOPMENT OF TEN (10) SINGLE FAMILY ATTACHED DUPLEX HOMES AND ONE (1) SINGLE FAMILY TRIPLEX HOME IN THE MIXED USE (MU) ZONING DISTRICT, ON 1.36 ACRES OF LAND AND BEING LEGALLY DESCRIBED AS LOTS 7-27, BLOCK 32 AND LOTS 20 - 21, BLOCK 31, BEACH PARK SUBDIVISION, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; 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. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #19-91000001 attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the development of ten (10) single family duplex homes and one (1) single family triplex home on 1.36 acres of land, being legally described as Lots 7 - 27, Block 32 and Lots 20-21, Block 31, Beach Park Subdivision, La Porte, Harris County, Texas, and situated within the Mixed Use (MU) zoning district.

Section 2. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. 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 5. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200') of the properties under consideration.

Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 7. This ordinance shall be effective after its passage and approval.

PASSED AND APPROVED this the 8th day of APRIL, 2019.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED:

Clark Askins, Assistant City Attorney

EXHIBIT A

City of La Porte
Special Conditional Use Permit #19-91000001

This permit is issued to: Bayway Homes
Owner or Agent

PO Box 1244, Friendswood, TX, 77549
Address

For Development of: Bayway Homes Circles Single Family Attached Development
Development Name

Northern-most of "Circles" across from
Sylvan Beach Park, near Bayshore Dr.
Address

Legal Description: Lots 7-27, Block 32, and Lots 20 and 21, Block 31, Beach Park
Subdivision, Harris County, TX

Zoning: MU, Mixed Use

Use: Single family attached duplex homes and one triplex home

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. This SCUP replaces and supersedes SCUP 16-91000001. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. The underlying zoning is MU. All MU requirements will need to be met.
3. One single family attached duplex unit is permitted on two platted lots within the development area. A total of ten (10) single family duplex units are permitted, and shall be located on Lots 10-27, Block 32, Beach Park Subdivision and Lots 20-21, Block 31, Beach Park Subdivision.
4. A fire wall is required along the shared property line separating each unit in accordance with applicable residential building and fire codes.
5. A 0' setback is permitted on the shared property line separating the two units of each duplex. Perimeter setbacks are 15' minimum to 25' maximum from the front property line, a minimum of 5' from the side property lines and a minimum of 10' from the rear property line.

6. Special allowance is given to the setback for Lot 22 due to the irregular shape of the lot. The side/rear setback adjacent to the alley is permitted to be at 0'.
7. A minimum of two off-street parking spaces shall be included for each individual unit.
8. A single triplex structure is permitted to be located on Lots 7-9, Block 32 within the Beach Park Subdivision.
9. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
10. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: _____

Director of Planning and Development

City Secretary



February 22, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #19-91000001

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on February 21, 2019 to hear a Special Conditional Use Permit request by Charles Anders, applicant; on behalf of Bayway Homes, owner; for a Special Conditional Use Permit to allow for the development of ten (10) single family duplex homes and one (1) single family triplex home. The subject site is located adjacent to Sylvan Beach Park and Bayshore Dr., and is legally described as Lots 7 – 27, Block 32 and Lots 20-21, Block 31, Beach Park Subdivision. The subject site is zoned Mixed Use (MU. Section 106-310 of the Code of Ordinances requires a Special Conditional Use Permit in order for the above referenced use to be permitted within the MU zoning district.

The Commission voted 8-0 to recommend approval of the proposed SCUP.

Respectfully submitted

Ian Clowes, City Planner
On behalf of the Planning and Zoning Commission



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: 705,707 Bayshore Dr 0 San Jacinto St.
 Legal description where SCUP is being requested: Lots 18,19 Blk 32 Lots 20,21 Blk 31 BEACH PARK
 HCAD Parcel Number where SCUP is being requested: 0070040000018 0070030000026
 Zoning District: MU Lot area: 3068 Sq Ft.

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: We request Lots 18,19 Blk 32 and Lots 20,21 Blk 31 Beach Park be added to the existing SCUP :
 Ordinance No. 2016-3637 Special Conditional Use Permit # 16-91000001

Also, to be allowed to build existing SCUP Lots 7,8, and 9 Blk 32 into a Triplex(3 Units)

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: Bayway Homes Inc.
 Company (if applicable): _____
 Address: PO Box 1244
 City: Friendswood State: Texas Zip: 77549
 Phone: 8322769609 Email: [REDACTED]

AUTHORIZED AGENT (If other than owner)

Name: Charles Anders
 Company (if applicable): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: 8322769609 Email: [REDACTED]

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: [Signature] Date: 1-14-2019

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:
19-91000001

Date Application Received:
1/15/19

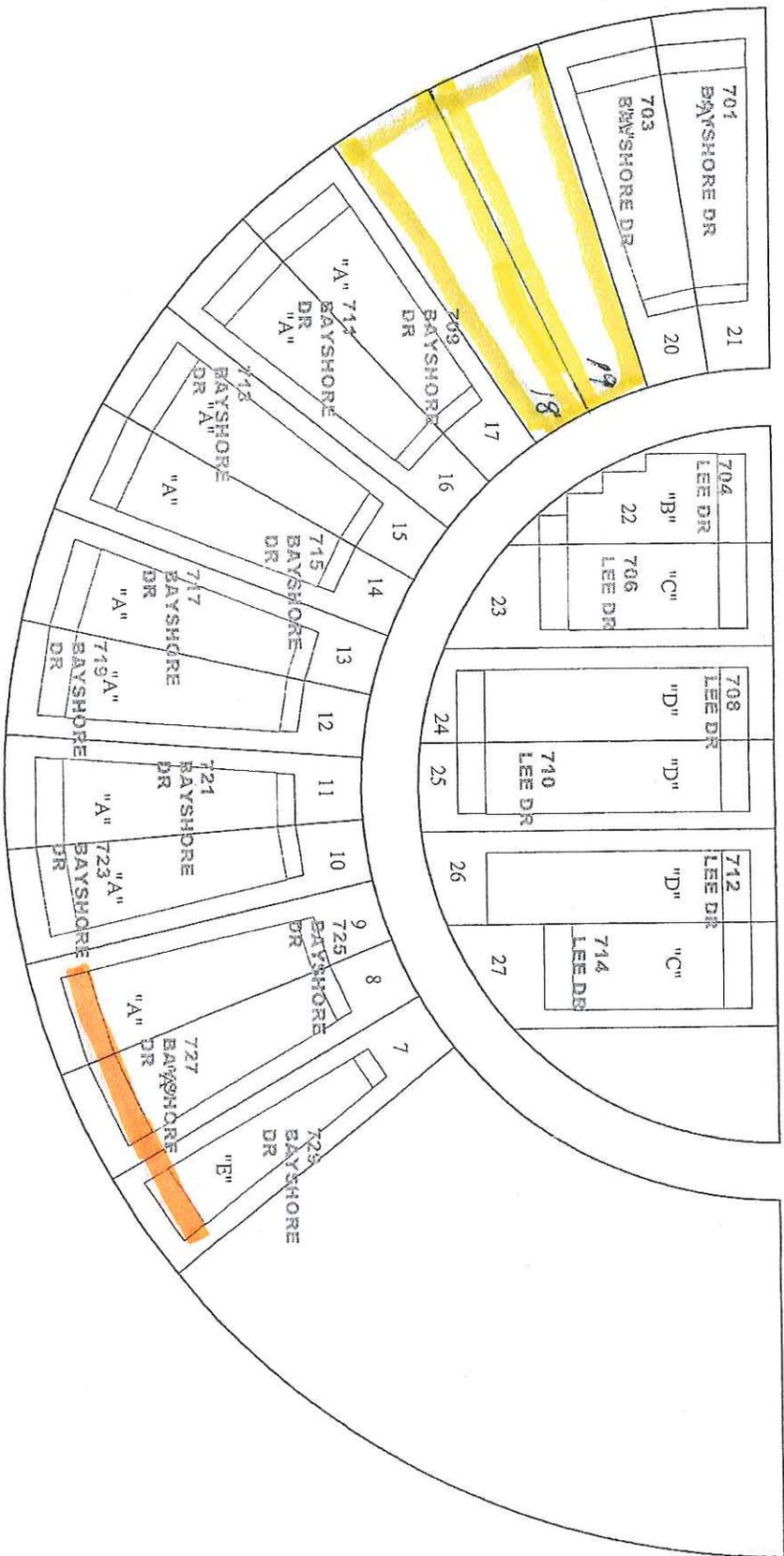
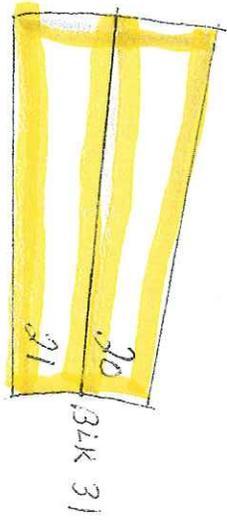
Bayway Homes

Subdivision
Beach Park
City/Jurisdiction
La Porte, TX

Title
BEACH PARK SCUP
LOTS 7-17 AND 20-27
Buyer Signature

Plan Number
Date 5-17-2016

© COPYRIGHT 2016



LOT LAYOUT

ADD LOTS

TRIPLEX

ORDINANCE NO. 2016-3637

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 16-91000001 FOR THOSE CERTAIN TRACTS OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF ALLOWING DEVELOPMENT OF NINE (9) SINGLE FAMILY ATTACHED DUPLEX HOMES; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; 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. Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #16-91000001, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the development of nine (9) single family attached duplex homes on property generally located adjacent to Sylvan Beach Park and Bayshore Drive, said property being legally described as Lots 7-17, 20-21, and 22-27, Block 32, Beach Park Subdivision, City of La Porte, Harris County, Texas, within a Mixed Use (MU) zoning district.

Section 2. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. 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 5. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200') of the properties under consideration.

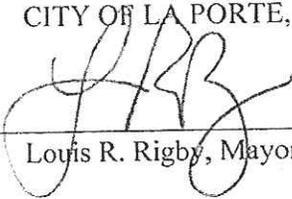
Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 7. This ordinance shall be effective after its passage and approval.

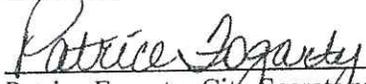
PASSED AND APPROVED this the 25th day of JULY 2016.

CITY OF LA PORTE, TEXAS

By: _____


Louis R. Rigby, Mayor

ATTEST:


Patrice Fogarty, City Secretary

APPROVED:

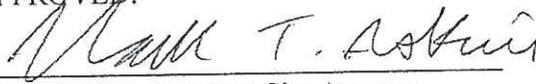

Clark Askins, Assistant City Attorney

EXHIBIT A

City of La Porte
Special Conditional Use Permit #16-91000001

This permit is issued to: Bayway Homes
Owner or Agent

P.O. Box 1244, Friendswood, Texas, 77549
Address

For Development of: Bayway Homes Circles Single Family Attached Development
Development Name

9 single family attached duplex homes on Lots 7-17, 20-21, 22-27, Block 32, Beach Park Subdivision; generally located on the northern-most of the "Circles" across from Sylvan Beach Park.
Address

Legal Description: Lots 7-17, 20-21, 22-27, of Block 32, Beach Park Subdivision

Zoning: MU, Mixed Use

Use: Single family attached duplex homes

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

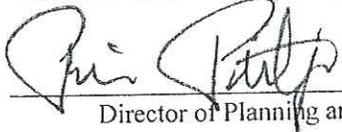
1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. One single family attached duplex unit is permitted on two platted lots within the development area.
3. A fire wall is required along the shared property line separating each unit in accordance with applicable residential building and fire codes.
4. A 0' setback is permitted on the shared property line separating the two units of each duplex. Perimeter setbacks are 15' minimum to 25' maximum from the front property line, a minimum of 5' from the side property lines and a minimum of 10' from the rear property line. Special allowance should be given to the setback for Lot 22 due to the irregular shape of the lot. The side/rear setback adjacent to the alley should be permitted at 0'.
5. A minimum of two off-street parking spaces shall be included for each individual unit.
6. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
7. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

EXHIBIT A

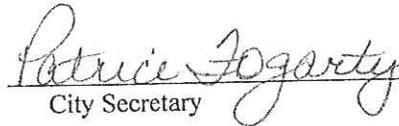
Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: 7-25-16



Director of Planning and Development



City Secretary



AERIAL MAP

SCUP
#19-9100001

Bayshore Dr.
Beach Park Subdiv.

Legend

 Subject Parcels



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 86 feet



APRIL 2019
PLANNING DEPARTMENT

ZONING MAP

**SCUP
#19-9100001**

**Bayshore Dr.
Beach Park Subdiv.**

Legend

 Subject Parcels

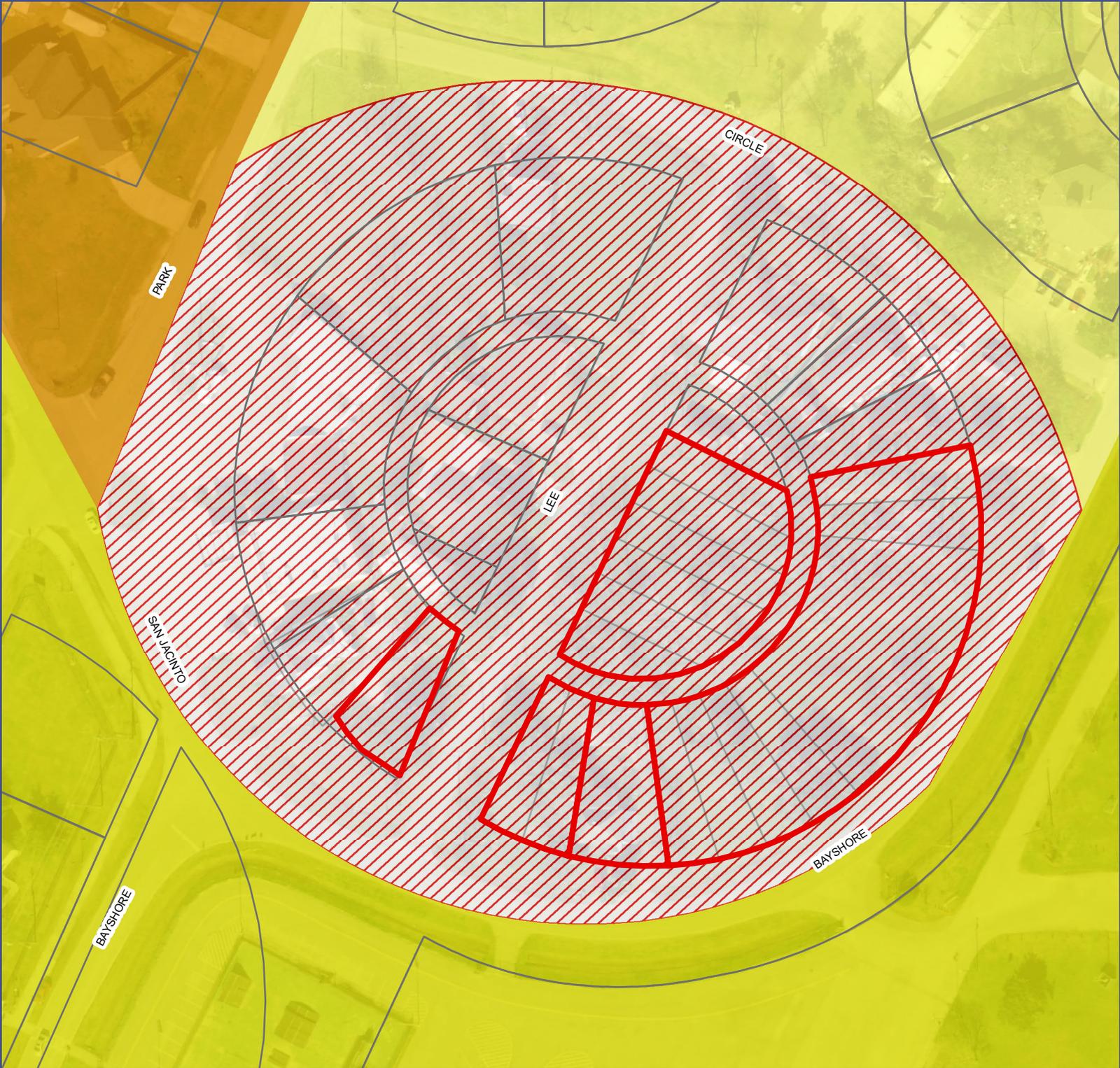


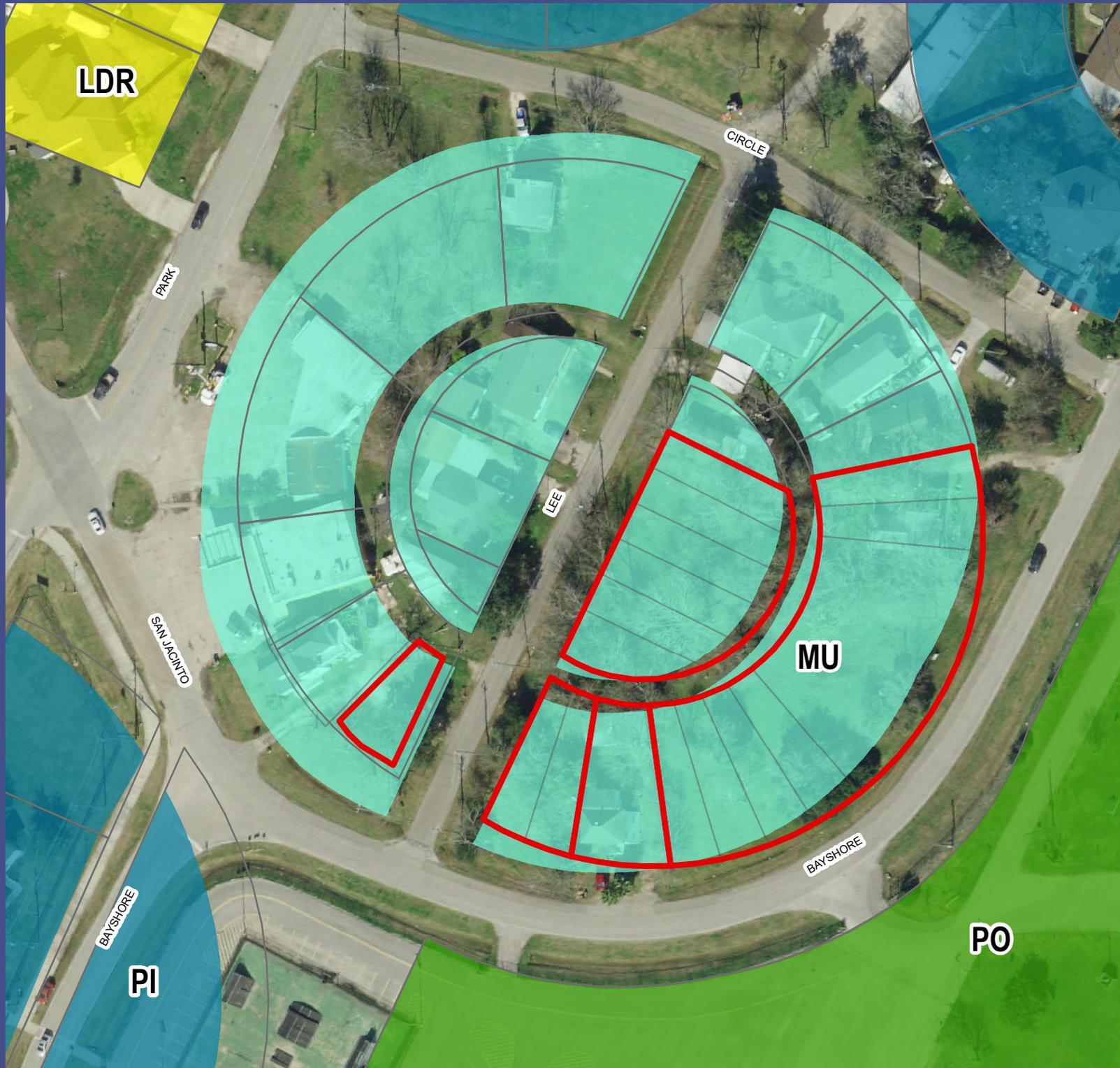
This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 86 feet



**APRIL 2019
PLANNING DEPARTMENT**





FLUP MAP

**SCUP
#19-9100001**

**Bayshore Dr.
Beach Park Subdiv.**

Legend

 Subject Parcels



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1 inch = 86 feet

APRIL 2019
PLANNING DEPARTMENT



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>April 8, 2019</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <input checked="" type="checkbox"/> <u>X</u> Resolution: <input type="checkbox"/> <u>_____</u> Ordinance: <input checked="" type="checkbox"/> <u>X</u>

<u>Appropriations</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<u>N/A</u>

- Exhibits:**
- Ordinance**
 - Proposed SCUP**
 - P&Z Recommendation Letter**
 - Applicant Information and Request**
 - Aerial Map**
 - Zoning Map**
 - Land Use Map**

SUMMARY & RECOMMENDATION

Applicant Charles Anders, on behalf of Bayway Homes, owner, is seeking approval of an amendment to a previous Special Conditional Use Permit (SCUP) which was approved in 2016, permitting nine “single family attached” units on a total of 19 lots. The applicant has acquired four additional lots in the same block and would like to expand the existing SCUP to Lots 20-21, Block 31, and Lots 18-19, Block 32, to allow for four additional units. Also, the applicant is seeking permission to allow a triplex to be built on Lots 7-9, Block 32, as opposed to the approved duplex units.

The total subject site area is legally described as Lots 7 - 27, of Block 32, and Lots 20-21, Block 31, Beach Park Subdivision, and is generally located on the northernmost “Circle” adjacent to Sylvan Beach Park off Bayshore Drive. The attached Exhibit B is an Area Map showing the location of the subject property. The lots are zoned Mixed Use (MU), and are currently undeveloped.

Staff did not receive any comment sheets for the proposed SCUP.

The Planning and Zoning Commission, at their February 21, 2019, regular meeting, voted 8-0 to recommend approval of the proposed SCUP, as presented. Below is a list of conditions from the original 2016 SCUP approval, along with modifications permitting the single triplex unit.

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances

of the City of La Porte and the State of Texas.

2. The underlying zoning is MU. All MU requirements will need to be met.
3. One single family attached duplex unit is permitted on two platted lots within the development area.
4. A fire wall is required along the shared property line separating each unit in accordance with applicable residential building and fire codes.
5. A 0' setback is permitted on the shared property line separating the two units of each duplex. Perimeter setbacks are 15' minimum to 25' maximum from the front property line, a minimum of 5' from the side property lines and a minimum of 10' from the rear property line.
6. Special allowance is given to the setback for Lot 22 due to the irregular shape of the lot. The side/rear setback adjacent to the alley is permitted to be at 0'.
7. A minimum of two off-street parking spaces shall be included for each individual unit.
8. A triplex structure is permitted to be located on Lots 7-9, Block 32 within the Beach Park Subdivision.
9. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
10. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Action Required by Council:

1. Conduct public hearing
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an Ordinance for SCUP #19-91000001.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



**Council Agenda Item
April 8, 2019**

- 7 (a) Receive report of the La Porte Drainage and Flooding Committee Meeting – Councilmember Jay Martin**

.....



**Council Agenda Item
April 8, 2019**

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, April 18, 2019
- City Council Meeting, Monday, April 22, 2019
- Zoning Board of Adjustment Meeting, Thursday, April 25, 2019

9. COUNCIL COMMENTS *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existiting policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

10. ADJOURNMENT
