



City of La Porte Planning and Zoning Commission Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Planning and Zoning Commission to be held on **Thursday, June 18, 2015 at 6:00 p.m.** at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

1. Call to order.
2. Roll call of members.
3. Consider approval of meeting minutes: April 16, 2015; April 22, 2015.
4. Open public hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte by adding a new definition, and revising regulations related to exterior storage, tree preservation, and temporary signs.
 - a. Staff Presentation
 - b. Public Comments (for, against, or questions)
 - c. Question and Answer
5. Close public hearing.
6. Consider recommendation to City Council on an ordinance amending various provisions of Chapter 106 "Zoning."
7. Administrative reports.
8. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
9. Adjourn.

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

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

CERTIFICATION

I certify that a copy of the Thursday, June 18, 2015, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2015.

Title: _____

**Planning and Zoning Commission
Minutes of April 16, 2015**

Commissioners Present: Richard Warren, Helen LaCour, Nick Barrera, Mark Follis, Les Bird, and Hal Lawler.

Commissioners Absent: Trey Kendrick, Lou Ann Martin, and Wyatt Smith

City Staff Present: Planning and Development Director Tim Tietjens, City Planner Eric Ensey, Assistant City Attorney Clark Askins, and Office Coordinator Peggy Lee

1. Call to order.

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

2. Roll Call of Members.

Commissioners Warren, LaCour, Barrera, Follis, Bird, and Lawler were present for roll call.

3. Consider approval of meeting minutes: February 19, 2015.

Motion by Commissioner Barrera to approve the minutes of February 19, 2015, and the minutes of March 19, 2015.

Second by Commissioner Warren. Motion carried.

Ayes: Commissioners Warren, LaCour, Barrera, Follis, Bird, and Lawler

Nays: None

4. Consider approval of meeting minutes: March 19, 2015.

Approved under Item 3.

Chairman Lawler requested a change to the order of items on the agenda.

Motion by Commissioner Follis to suspend the rules to consider Agenda Items 11, 12, and 13, prior to consideration of Agenda Item 5.

Second by Commissioner LaCour. Motion carried.

Ayes: Commissioners Warren, LaCour, Barrera, Follis, Bird, and Lawler

Nays: None

11. Open public hearing to receive input on an application for Special Conditional Use Permit #15-91000002, a request by Barsan Global Logistics (on behalf of the property owner Pierside Industries, Inc.) to allow for construction of a warehouse facility on a 7.1 acre portion of the property described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey in the Planned Unit Development (PUD) zone district.

Chairman Lawler opened the public hearing at 6:05 p.m.

a. Staff Presentation

Planning and Development Director Tim Tietjens reported that due to a community event conflicting with the Planning and Zoning Commission meeting, a request had been made by one or more Commissioners to continue this item to a future date so they may be present for discussion.

b. Applicant Presentation

There was no applicant presentation.

c. Public Comments (for, against, or questions)

There were no public comments.

d. Question and Answer

There were no questions and answers.

12. Close public hearing.

Motion by Commissioner Warren to continue the public hearing for Special Conditional Use Permit Request #15-91000002 until April 22, 2015, at 6:00 p.m.

Second by Commissioner Follis. Motion carried.

**Ayes: Commissioners Warren, LaCour, Barrera, Follis, Bird, and Lawler
Nays: None**

13. Consider recommendation to City Council on Special Conditional Use Permit Request #15-91000002.

Motion by Commissioner Warren to defer a recommendation to City Council on Special Conditional Use Permit Request #15-91000002 until April 22, 2015, at 6:00 p.m.

Second by Commissioner Follis. Motion carried.

**Ayes: Commissioners Warren, LaCour, Barrera, Follis, Bird, and Lawler
Nays: None**

5. Open public hearing to receive input on an application for Zone Change #14-92000001, a request by Jose Angel Sandoval, Jr. (on behalf of the property owner Eddie V. Gray, Trustee) to rezone the property known as Reserve 1, Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 subdivision from General Commercial District (GC) to Low Density Residential (R-1).

Chairman Lawler opened the public hearing at 6:15 p.m.

a. Staff Presentation

City Planner Eric Ensey presented the staff report for Zone Change Request #14-92000001, to rezone the property known as Reserve 1 of the Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 from General Commercial to Low Density Residential. A condition of City Council's approval of this rezoning on July 14, 2014, was that the applicant vacate the lot and replat the property within 180 days. The 180 days have expired; however, the applicant, Angel Sandoval, Jr., has now obtained the necessary signatures, allowing for the request to be considered again.

Public hearing notices were mailed to all property owners located within 200' of the subject site. The city received five responses from the original mail-out, all in favor of the rezone request. No responses were received from the second mail-out.

b. Applicant Presentation

There was no presentation by the applicant.

c. Public Comments (for, against, or questions)

There were no comments from the public.

d. Question and Answer

There were no questions and answers.

6. Close public hearing.

Chairman Lawler closed the public hearing at 6:24 p.m.

7. Consider recommendation to City Council on Zone Change request #14-92000001.

Motion by Commissioner Bird to recommend to City Council, approval of Zone Change request #14-92000001, with the condition the applicant complete the platting process within 180 days from City Council approval of the zone change.

Second by Commissioner Follis. Motion carried.

Ayes: Commissioners Warren, LaCour, Barrera, Follis, Bird, and Lawler

Nays: None

8. Open public hearing to receive input on an application for Special Conditional Use Permit #15-91000001, a request by Rhonda Carraway to allow for construction of a secondary dwelling unit on the property located at 227 S. Y Street also described as Lots 9 and 10, Block 1, Oakhurst subdivision.

Chairman Lawler opened the public hearing at 6:26 p.m.

Commissioner Follis left the meeting at 6:26 p.m.

a. Staff Presentation

City Planner Eric Ensey presented the staff report for Special Conditional Use Permit #15-91000001, requested by Rhonda Carraway to allow construction of a secondary dwelling unit on the property located at 227 S. Y Street.

Public hearing notices were mailed to all property owners located within 200' of the subject site. The city received six responses from the mail-out in favor of the rezone request and one in opposition.

b. Applicant Presentation

There was no presentation from the applicant.

c. Public Comments (for, against, or questions)

Mark Jones addressed the Commission. Mr. Jones plans to retire at 227 Y Street. The living quarters will be built above the garage.

John Focke, 111 S. Y Street, spoke in favor of the request. Mr. Focke was appreciative of the improvements that have occurred in the neighborhood since the last hurricane. Mr. Focke believes the requested second dwelling will enhance property values in the area.

Catherine Focke, 111 S. Y Street, addressed the Commission in favor of the request. Mrs. Focke spoke about the modern trend wherein both children and parents are returning home to be with their families.

d. Question and Answer

Commissioner Warren inquired as to whether there are other two-story homes in the neighborhood and the response from a member of the audience was "yes."

9. Close public hearing.

Chairman Lawler closed the public hearing at 6:40 p.m.

10. Consider recommendation to City Council on Special Conditional Use Permit request #15-91000001.

Motion by Commissioner Barrera to recommend to City Council, approval of Special Conditional Use Permit #15-91000001, with the following conditions:

- **All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.**

- **The plan shall comply with all applicable 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 State of Texas.**
- **The proposed secondary dwelling unit shall only be used for residential purposes.**

Second by Commissioner Bird. Motion carried.

Ayes: Commissioners Warren, LaCour, Barrera, Bird, and Lawler

Nays: None

14. Administrative reports

Mr. Tietjens reported he had recently given a presentation to the Houston Association of Realtors. He noted in the past two years there have been \$65 million in commercial development and approximately the same value for residential development in the City. Included in the residential development were 52 infill homes built outside of subdivisions.

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

Commissioner Bird expressed his appreciation to staff for the work they do. Commissioner Warren expressed the same sentiment.

Commissioner Barrera mentioned the Development Ordinance review subcommittee. Mr. Ensey reported the subcommittee is scheduled to have their second meeting during which they will be discussing some of the processes contained within the ordinance.

16. Adjourn

Motion by Commissioner LaCour to adjourn.

Second by Commissioner Warren.

Chairman Lawler adjourned the meeting at 6:50 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Planning and Zoning Commission

Passed and Approved on _____, 2015.

Hal Lawler
Chairman, Planning and Zoning Commission

**Planning and Zoning Commission
Minutes of April 22, 2015**

Commissioners Present: Richard Warren, Nick Barrera, Mark Follis, Wyatt Smith, and Hal Lawler

Commissioners Absent: Trey Kendrick, Helen LaCour, Lou Ann Martin, and Les Bird

City Staff Present: Planning and Development Director Tim Tietjens, City Planner Eric Ensey, Assistant City Attorney Clark Askins, and Office Coordinator Peggy Lee

1. Call to order.

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

2. Roll Call of Members.

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

3. Continue a public hearing from and opened during the April 16, 2015, Regular Meeting of the Planning and Zoning Commission to receive input on an application for Special Conditional Use Permit #15-9100002, a request by Barsan Global Logistics (on behalf of the property owner Pierside Industries, Inc.) to allow for construction of a warehouse facility on a 7.1 acre portion of the property described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey in a Planned Unit Development (PUD) zone district.

Chairman Lawler continued the public hearing at 6:02 p.m.

a. Staff Presentation

City Planner Eric Ensey presented the staff report for a request by Barsan Global Logistics for a Special Conditional Use Permit to allow construction of a freight transportation arrangement and logistics facility located on S. 16th Street southeast of W. M Street, adjacent to the Port Crossing Business Park. Mr. Ensey outlined the conditions that staff would recommend be included if the Commission were to approve the Special Conditional Use Permit for City Council consideration.

Staff responded to questions from the Commission regarding the recommended permit conditions.

Public hearing notices were mailed to all property owners located within 200' of the subject site. The city received one response from the mail-out in favor of the request.

b. Applicant Presentation

The applicant, Joe Llamas, 1503 Ridgecrest Dr., Austin, TX, on behalf of Barsan Global Logistics, addressed the Commission. Mr. Llamas responded to questions from the Commission. He stated the company is an importer/exporter of products from Europe to the United States. The value of the proposed development is approximately \$5 million.

One of the permit conditions that would require the property to be replatted and subdivided and dedication of right-of-way along S. 16th Street to make a consistent 100-foot right-of-way width was discussed in depth.

Chairman Lawler called for a 10-minute break at 7:13 p.m. The meeting was reconvened at 7:25 p.m.

c. Public Comments (for, against, or questions)

There were no comments from the public.

d. Question and Answer

There were no questions.

4. Close public hearing.

Chairman Lawler closed the public hearing at 7:29.

5. Consider recommendation to City Council on Special Conditional Use Permit request #15-91000002.

Motion by Commissioner Warren to recommend to City Council, approval of Special Conditional Use Permit request #15-91000002 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. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.**
- 3. A traffic impact analysis performed by a licensed engineer agreed to by both the City and the applicant shall be required. The study must ensure that the proposed development will not adversely impact S. 16th Street or any of the major intersection in the vicinity. Any mitigation required by the study will be the responsibility of the applicant and will be applied proportionately to the scope of the development.**
- 4. The subject property will need to be replatted and subdivided in accordance with the requirements outlined in the City of La Porte's Development Ordinance. As part of the plat, the applicant will be required to dedicate right-of-way along S. 16th Street to make a consistent 100-foot right-of-way width.**
- 5. The applicant shall install all of the required street trees as part of the development of Parcel A as required by Section 106-800 of the city's Code of Ordinances along S. 16th Street and W. M Street.**

6. Harris County driveway permits shall be presented prior to permit issuance for all driveways requested. Maximum driveway widths shall be provided in compliance with city code requirements.
7. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary upon written notification by the city.
8. Any future change in use requires consideration of a Special Conditional Use Permit in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Second by Commissioner Smith. Motion carried.

Ayes: Commissioners Warren, Barrera, Follis, Smith, and Lawler

Nays: None

Staff requested additional consideration by the Commission due to the applicant requesting the words "if so" be added to previously approved condition #3.

Motion by Commissioner Barrera to reconsider a recommendation to City Council on Special Conditional Use Permit #15-91000002.

Second by Commissioner Smith. Motion carried.

Ayes: Commissioners Warren, Barrera, Follis, Smith, and Lawler

Nays: None

Motion by Commissioner Warren to withdraw the previously approved motion and replace it with a recommendation to City Council to approve Special Conditional Use Permit request #15-91000002 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. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
3. A traffic impact analysis performed by a licensed engineer agreed to by both the City and the applicant shall be required. The study must ensure that the proposed development will not adversely impact S. 16th Street or any of the major intersection in the vicinity. If so, any mitigation required by the study will be the responsibility of the applicant and will be applied proportionately to the scope of the development.
4. The subject property will need to be replatted and subdivided in accordance with the requirements outlined in the City of La Porte's Development Ordinance. As part of the plat,

the applicant will be required to dedicate right-of-way along S. 16th Street to make a consistent 100-foot right-of-way width.

- 5. The applicant shall install all of the required street trees as part of the development of Parcel A as required by Section 106-800 of the city's Code of Ordinances along S. 16th Street and W. M Street.**
- 6. Harris County driveway permits shall be presented prior to permit issuance for all driveways requested. Maximum driveway widths shall be provided in compliance with city code requirements.**
- 7. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary upon written notification by the city.**
- 8. Any future change in use requires consideration of a Special Conditional Use Permit in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.**

Second by Commissioner Follis. Motion carried.

Ayes: Commissioners Warren, Barrera, Follis, Smith, and Lawler

Nays: None

6. Administrative reports.

Being Administrative Professional's week, Mr. Tietjens took the opportunity to express appreciation to Peggy Lee for her work in the Department and with the Commission.

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

Commissioner Follis suggested a future review of the underlying land use for the Port Crossing and surrounding area to ensure conformity with existing and intended land uses.

Commissioner Smith inquired about his service on the Bylaws Subcommittee. Mr. Tietjens assured Mr. Smith that staff would soon be ready to kick-off the committee meetings.

Chairman Lawler suggested it may be time for the trucking committee to consider researching trucking "impact" fees for infrastructure.

8. Adjourn

Motion by Commissioner Warren to adjourn.

Second by Commissioner Smith.

Chairman Lawler adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Planning and Zoning Commission

Passed and Approved on _____, 2015.

Hal Lawler
Chairman, Planning and Zoning Commission

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



June 18, 2015

AGENDA ITEM 4-6

Consider a recommendation to the City Council
on proposed modifications to Chapter 106 (Zoning).

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

Planning and Development Department Staff Report

DISCUSSION

At the March 19, 2015 Planning and Zoning Commission meeting, the Commission directed staff to draft an ordinance for consideration on three items that the City Council requested further consideration following their adoption of the most recent modifications to Chapter 106 (Zoning). Based on the discussion and direction provided by the Commission, staff drafted the attached ordinance for consideration. Attached are two versions of the ordinance: one with highlights and strike-thrus identifying the changes and the other a clean version.

This item is being presented to the Planning and Zoning Commission as a public hearing. Notice of the public hearing was conducted in accordance with the requirements of Section 106-171, which requires publication in the Bay Area Observer at least 15 days prior to the public hearing. Additionally, state law requires the public hearing to be posted at City Hall and on the city's website.

The following is a brief summary of each item addressed based on previous discussion and direction.

1.) Tree Preservation (Section 106-801, 802, 803)

An exclusion was added for individual single-family lots (Section 106-801).

[No modification was made to the requirement for a tree survey or tree disposition plan (Section 106-802). No change was made to the cost of tree replacement, which is \$50 per inch, with a cap of \$100,000 (Section 106-803)].

2.) Outdoor Storage in Main Street District (Section 106-511(c))

Staff added a definition of "outdoor storage" to the Section 106-1 (Definitions). As drafted, this definition only relates to non-residential properties. No modifications are proposed for the prohibition of outdoor storage in the Main Street Overlay between Highway 146 and Virginia Street (Section 106-511). This will remain and is clarified with the new definition of "outdoor storage."

The language in Section 106-773 (Exterior storage) addresses residential

properties. The only proposed modification to this section is to add a reference to requiring screening from any public right-of-way.

3.) Temporary Signage (106-877)

Language was added to allow for sandwich board signs in the Main Street District Overlay only, provided that such signs be located in a safe manner and removed at the close of business each day.

An exclusion was added for governmental signs.

Attachments:

Exhibit A- Draft Ordinance (Clean)

Exhibit B- Draft Ordinance (Highlight/Strike-Thru)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY ADDING NEW DEFINITION, AND REVISING REGULATIONS RELATED TO EXTERIOR STORAGE, TREE PRESERVATION, AND TEMPORARY SIGNS; 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; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1: That Chapter 106, “Zoning,” Article I. “In General”, Section 106-1 “Definitions”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding the following definition, which shall be added to said section in the proper alphabetical sequence:

Sec. 106-1. Definitions.

...

“Outdoor storage means the stockpiling, collection, or display of any products, materials, equipment, appliances, vehicles not in service and/or personal property of any kind, typically not in a fixed position and capable of rearrangement. This does not include in-service vehicles that are on display in association with a vehicle sales, rental or leasing facility.”

...

Section 2: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 3 “Area Requirements”, Section 106-773 “Exterior Storage” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Sec. 106-773. Exterior storage.

In residential zones, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties and any public right-of-way, except for the following:

- (1) Clothesline poles and wires;
- (2) Construction and landscaping material currently being used on the premises;
- (3) Off-street parking of passenger vehicles and light trucks, as defined in this chapter;
- (4) Firewood, compost, or residential lawn and garden tools.”

Section 3: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 4 “Fencing and Landscaping Requirements”, Section 106-801 “Tree Preservation”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Sec. 106-801. Tree preservation.

- (a) It is the intent of this section to encourage the preservation of existing trees within the city and to prohibit their unwarranted destruction. The city encourages site planning which furthers the preservation of trees and natural areas by the following methods: To protect trees during construction; to facilitate site design and construction which contributes to the long term viability of existing trees; and to control premature removal of trees; require on-site replacement of trees that must be removed and require off-site replacement of trees that cannot be replaced on-site, either by direct planting as outlined in section 106-802 (Tree replacement) or through a contribution to the tree fund established in section 106-803 (Tree fund) of this chapter. It is the further intent of this section to achieve the following objectives:
 - (1) Protect healthy trees and preserve the natural, environmental, and aesthetic qualities of the city to the degree possible.
 - (2) Protect and increase the value of residential and commercial properties within the city.
 - (3) Discourage premature clear-cutting of property.
 - (4) Maintain and enhance a positive image for the attraction of new developments to the city.
- (b) It shall be unlawful for any person to cause or permit the destruction of any healthy native tree within the city if such tree has a trunk which exceeds six inches in diameter (or 18.84-inch circumference) at a point 18 inches above the natural ground level. Provided, however, it shall not be a violation of this provision if a tree is removed and/or destroyed if the tree is obviously diseased or determined to be diseased by an arborist or in the opinion of the planning director or his designated representative, said tree constitutes a hazard to pedestrian and/or vehicular traffic along any such right-of-way.
- (c) No person, firm or corporation desirous of developing or improving any parcel of property, shall remove or cause the removal of any tree from said property without first obtaining a clearing permit which would allow clearing of buildable areas only.
- (d) The provisions of this section are not required on individual single family lots.”

Section 4: That Chapter 106, “Zoning,” Article VII. “Signs”, Section 106-877 “Temporary Signs”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Sec. 106-877. Temporary signs.

- (a) Subject to the provision of this section, temporary signs are prohibited except in the following instances:
 - (1) Temporary signs shall be a maximum of 18 inches by 24 inches in size and constructed of all-weather corrugated plastic sheeting with a wooden stake or greater as support.
 - (2) Temporary signs may only be placed between the hours of 5:00 p.m. on Friday and 7:00 p.m. on the following Sunday.
 - (3) Temporary signs shall be free of balloons, banners, or streamers.
 - (4) In the Main Street District with Overlay, temporary sandwich board signs are permitted provided such signs are removed at the close of business each day.

(b) Location of temporary signs:

(1) Temporary signs shall not be placed in a manner that will interfere with a visibility triangle or otherwise create a traffic hazard as referenced in section 106-805 (Visibility triangles).

(2) Temporary signs may not be located within five feet of the edge of any pavement.

(3) Temporary signs may only be placed at the following locations within the city, with a maximum of two temporary signs permitted at any one time at any specified intersection:

SH 146 at Fairmont (northeast, southwest and southeast corners)

SH 146 at Wharton Weems (northeast and southeast corners)

SH 146 at McCabe (northeast corner and feeder and southeast corner of northbound SH 146 and McCabe)

SH 225 at Underwood (southwest corner of Underwood eastbound lane and southeast corner of Underwood eastbound lane of SH 225)

SH 225 at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)

Spencer at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)

Spencer at Sens (northwest and southeast corners)

Spencer at Valleybrook (southeast corner)

Spencer at Driftwood (southeast corner) Spencer at Luella (southeast corner)

Fairmont at Luella (northwest corner Luella, eastbound lane W. Fairmont)

Fairmont at Driftwood (northwest corner westbound on Fairmont)

S. Broadway at Fairmont (northwest and southwest corners)

S. Broadway at Wharton Weems (northwest and southwest corners)

N. "L" at Underwood (northeast and southeast corners)

Bay Area Blvd. at Fairmont (northwest corner of Bay Area Blvd. and eastbound lane on W. Fairmont and southeast corner of Bay Area Blvd. eastbound lane on W. Fairmont)

(4) Temporary signs permitted in subsection (a)(4) above may be permitted on the sidewalk immediately adjacent to the business advertising with the sign provided that such location does not impede safe movement on the sidewalk.

(c) Temporary sign permits:

(1) No temporary sign may be erected within the city limits of the City of La Porte without a permit first having been obtained from the building official.

(2) Application for temporary sign permits shall be made upon forms provided by the building official, and shall contain and be accompanied by information sufficient to identify the location of the proposed sign, consistent with the location criteria established in subsection (b)(2) above.

(3) No person shall be issued a temporary sign permit under this section until such person has filed with the city secretary a bond or insurance policy, or both, in the amount of \$200.00 per sign approved, in form approved by the city attorney, such bond or policy to be conditioned on the

placement of temporary signs in accordance with the provisions of this article, the other ordinances of the City of La Porte, and further providing for the indemnification of the city for any and all damages or liability that may accrue to or against the city by reason of the placement, maintenance, alteration, repair or removal, or defects in any temporary sign erected by or under the direction of such applicant, and further providing for the indemnification of any person who shall, while on public property or public right-of-way of the City of La Porte, incur damages for which the person erecting any such temporary sign is legally liable by reason of his act or omission in regard to erection of such temporary signage.

- (4) No permit issued under this ordinance shall be transferable.
- (d) Number of temporary sign permits: No permittee for a temporary sign may obtain a permit for placement of more than two temporary signs at any one particular location specified in section 106-877(b) (Temporary signs) above with a maximum of ten temporary signs per permittee, and a maximum of two temporary signs per permittee per location.
- (e) Further limitations on permit: No permittee may obtain permits for location of temporary signs for more than four consecutive weeks. Upon the expiration of four consecutive weeks of permits for a particular permittee, no permit shall be issued by the city for any temporary signs for 30 days following said four consecutive week period.
- (f) Revocation of permit: Upon learning of any violation of this article or the ordinances of the City of La Porte by any temporary sign permit holder, the building official shall give notice of said violation to the responsible permit holder. Two or more violations of this article, or other ordinances of the City of La Porte shall result in denial of future temporary sign permits to the responsible permittee by the City of La Porte.
- (g) Signs erected for a governmental purpose by or on behalf of the City of La Porte are exempt from the provisions of this chapter.”

Section 5. 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 6. 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 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 8. 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 9. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2015.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark T. Askins, Assist. City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY ADDING NEW DEFINITION, AND REVISING REGULATIONS RELATED TO EXTERIOR STORAGE, TREE PRESERVATION, AND TEMPORARY SIGNS; 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; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1: That Chapter 106, “Zoning,” Article I. “In General”, Section 106-1 “Definitions”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding the following definition, which shall be added to said section in the proper alphabetical sequence:

Sec. 106-1. Definitions.

“*Outdoor storage* means the stockpiling, collection, or display of any products, materials, equipment, appliances, vehicles not in service and/or personal property of any kind, typically not in a fixed position and capable of rearrangement. This does not include in-service vehicles that are on display in association with a vehicle sales, rental or leasing facility.”

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Section 2: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 3 “Area Requirements”, Section 106-773 “Exterior Storage”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Sec. 106-773. Exterior storage.

In residential zones, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties **and any public right-of-way**, except for the following:

- (1) Clothesline poles and wires;
- (2) Construction and landscaping material currently being used on the premises;
- (3) Off-street parking of passenger vehicles and light trucks, as defined in this chapter;
- (4) Firewood, compost, or residential lawn and garden tools.”

Section 3: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 4 “Fencing and Landscaping Requirements”, Section 106-801 “Tree Preservation”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Sec. 106-801. Tree preservation.

- (a) It is the intent of this section to encourage the preservation of existing trees within the city and to prohibit their unwarranted destruction. The city encourages site planning which furthers the preservation of trees and natural areas by the following methods: To protect trees during construction; to facilitate site design and construction which contributes to the long term viability of existing trees; and to control premature removal of trees; require on-site replacement of trees that must be removed and require off-site replacement of trees that cannot be replaced on-site, either by direct planting **as outlined in section 106-803 802 (Tree replacement)** or through a contribution to the tree fund established in section 106-803 (Tree fund) of this chapter. It is the further intent of this section to achieve the following objectives:
- (1) Protect healthy trees and preserve the natural, environmental, and aesthetic qualities of the city to the degree possible.
 - (2) Protect and increase the value of residential and commercial properties within the city.
 - (3) Discourage premature clear-cutting of property.
 - (4) Maintain and enhance a positive image for the attraction of new developments to the city.
- (b) It shall be unlawful for any person to cause or permit the destruction of any healthy native tree within the city if such tree has a trunk which exceeds six inches in diameter (or 18.84-inch circumference) at a point 18 inches above the natural ground level. Provided, however, it shall not be a violation of this provision if a tree is removed and/or destroyed if the tree is obviously diseased or determined to be diseased by an arborist or in the opinion of the planning director or his designated representative, said tree constitutes a hazard to pedestrian and/or vehicular traffic along any such right-of-way.
- (c) No person, firm or corporation desirous of developing or improving any parcel of property, shall remove or cause the removal of any tree from said property without first obtaining a clearing permit which would allow clearing of buildable areas only.
- (d) The provisions of this section are not required on individual single family lots.”**

Section 4: That Chapter 106, “Zoning,” Article VII. “Signs”, Section 106-877 “Temporary Signs”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Sec. 106-877. Temporary signs.

- (a) Subject to the provision of this section, temporary signs are prohibited except in the following instances:
- (1) Temporary signs shall be a maximum of 18 inches by 24 inches in size and constructed of all-weather corrugated plastic sheeting with a wooden stake or greater as support.
 - (2) Temporary signs may only be placed between the hours of 5:00 p.m. on Friday and 7:00 p.m. on the following Sunday.
 - (3) Temporary signs shall be free of balloons, banners, or streamers.
 - (4) In the Main Street District with Overlay, temporary sandwich board signs are permitted provided such signs are removed at the close of business each day.**
- (b) Location of temporary signs:
- (1) Temporary signs shall not be placed in a manner that will interfere with a ~~site~~ visibility triangle or otherwise create a traffic hazard as referenced in section 106-805 (Visibility triangles).

- (2) Temporary signs may not be located within five feet of the edge of any pavement.
- (3) Temporary signs may only be placed at the following locations within the city, with a maximum of two temporary signs permitted at any one time at any specified intersection:
 - SH 146 at Fairmont (northeast, southwest and southeast corners)
 - SH 146 at Wharton Weems (northeast and southeast corners)
 - SH 146 at McCabe (northeast corner and feeder and southeast corner of northbound SH 146 and McCabe)
 - SH 225 at Underwood (southwest corner of Underwood eastbound lane and southeast corner of Underwood eastbound lane of SH 225)
 - SH 225 at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)
 - Spencer at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)
 - Spencer at Sens (northwest and southeast corners)
 - Spencer at Valleybrook (southeast corner)
 - Spencer at Driftwood (southeast corner) Spencer at Luella (southeast corner)
 - Fairmont at Luella (northwest corner Luella, eastbound lane W. Fairmont)
 - Fairmont at Driftwood (northwest corner westbound on Fairmont)
 - S. Broadway at Fairmont (northwest and southwest corners)
 - S. Broadway at Wharton Weems (northwest and southwest corners)
 - N. "L" at Underwood (northeast and southeast corners)
 - Bay Area Blvd. at Fairmont (northwest corner of Bay Area Blvd. and eastbound lane on W. Fairmont and southeast corner of Bay Area Blvd. eastbound lane on W. Fairmont)

(4) Temporary signs permitted in subsection (a)(4) above may be permitted on the sidewalk immediately adjacent to the business advertising with the sign provided that such location does not impede safe movement on the sidewalk.

(c) Temporary sign permits:

- (1) No temporary sign may be erected within the city limits of the City of La Porte without a permit first having been obtained from the building official.
- (2) Application for temporary sign permits shall be made upon forms provided by the building official, and shall contain and be accompanied by information sufficient to identify the location of the proposed sign, consistent with the location criteria established in subsection (b)(2) above.
- (3) No person shall be issued a temporary sign permit under this section until such person has filed with the city secretary a bond or insurance policy, or both, in the amount of \$200.00 per sign approved, in form approved by the city attorney, such bond or policy to be conditioned on the placement of temporary signs in accordance with the provisions of this article, the other ordinances of the City of La Porte, and further providing for the indemnification of the city for any and all damages or liability that may accrue to or against the city by reason of the placement, maintenance, alteration, repair or removal, or defects in any temporary sign erected

by or under the direction of such applicant, and further providing for the indemnification of any person who shall, while on public property or public right-of-way of the City of La Porte, incur damages for which the person erecting any such temporary sign is legally liable by reason of his act or omission in regard to erection of such temporary signage.

- (4) No permit issued under this ordinance shall be transferable.
- (d) Number of temporary sign permits: No permittee for a temporary sign may obtain a permit for placement of more than two temporary signs at any one particular location specified in [section 106-877\(b\)](#) (Temporary signs) above with a maximum of ten temporary signs per permittee, and a maximum of two temporary signs per permittee per location.
- (e) Further limitations on permit: No permittee may obtain permits for location of temporary signs for more than four consecutive weeks. Upon the expiration of four consecutive weeks of permits for a particular permittee, no permit shall be issued by the city for any temporary signs for 30 days following said four consecutive week period.
- (f) Revocation of permit: Upon learning of any violation of this article or the ordinances of the City of La Porte by any temporary sign permit holder, the building official shall give notice of said violation to the responsible permit holder. Two or more violations of this article, or other ordinances of the City of La Porte shall result in denial of future temporary sign permits to the responsible permittee by the City of La Porte.
- (g) Signs erected for a governmental purpose by or on behalf of the City of La Porte are exempt from the provisions of this chapter.”

Section 5. 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 6. 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 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 8. 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 9. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2015.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark T. Askins, Assist. City Attorney