

HAL LAWLER
Chairman
DONNA O'CONNOR
Commissioner At Large A
JOE MOCK
Commissioner At Large B
NOLAN ALLEN
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
VICTOR PERES
Commissioner District 5
NANCY OJEDA
Commissioner District 6

**LA PORTE PLANNING AND ZONING COMMISSION AGENDA
THURSDAY, JULY 20, 2023
REGULAR MEETING 6 P.M.**

**CITY COUNCIL CHAMBER
LA PORTE CITY HALL, 604 WEST FAIRMONT PARKWAY, LA PORTE, TEXAS, 77571**

Remote participation is available. Attend via tablet, mobile phone, or computer using the following link <https://us02web.zoom.us/j/83328919731?pwd=d1QyYmwrQWU2bzdWamxIMVF4RlFsZz09>. Join by phone at 877-853-5257 or 888-475-4499. The meeting ID is 833 2891 9731. The passcode is 537916.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning Department (281-470-5057) three working days prior to the meeting for appropriate arrangements.

-
- 1. CALL TO ORDER**
 - 2. ROLL CALL OF MEMBERS**
 - 3. CONSIDER APPROVAL OF THE MEETING MINUTES:** Approve the minutes of the May 18, 2023, regular meeting of the Planning and Zoning Commission.
 - 4. CITY CODE OF ORDINANCES CHAPTER 86 (DEVELOPMENT REGULATIONS) AMENDMENTS:** Consider recommendation to City Council on proposed amendments to Chapter 86 "Development Regulations" of the La Porte Code of Ordinances providing for adoption of regulations pertaining to the placement of fill on property.
 - 5. WORKSHOP:** Discuss proposed amendments to Chapter 106 "Zoning" of the La Porte Code of Ordinances providing for adoption of use classification categories for short-term rental (STR) properties in designated zoning districts.
 - 6. DISCUSSION ITEMS:**
 - a. Council Action Update
 - b. Comprehensive Plan Update
 - c. Next Regular Meeting – August 17, 2023
 - d. Staff Update
 - 7. COMMISSION COMMENTS:** Comments on matters appearing on the agenda or inquiry of staff regarding specific information or existing policy.

8. 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.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning and Development office (281-470-5057) three (3) business days prior to the meeting for appropriate arrangements.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

CERTIFICATION

I do hereby certify that a copy of the **July 20, 2023**, Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the public at all times, and to the City's website at LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

_____ Title: _____

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

AGENDA ITEM #3

Approval of Meeting Minutes

May 18, 2023

HAL LAWLER
Chairman
DONNA O'CONNER
Commissioner At Large A
JOE MOCK
Commissioner At Large B
NOLAN ALLEN
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
VICTOR PERES
Commissioner District 5
NANCY OJEDA
Commissioner District 6

**MINUTES OF THE REGULAR MEETING OF THE
LA PORTE PLANNING AND ZONING COMMISSION
MAY 18, 2023**

The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, March 16, 2023, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Commissioners present: Chairman Hal Lawler; Commissioners Joe Mock; James Walter; Nolan Allen; Nancy Ojeda; Donna O'Conner; Victor Peres; and Richard Warren.

Commissioners absent: Commissioners Mark Follis.

City Staff present: Ian Clowes, City Planner; Teresa Evans, Planning and Development Director; and Clark Askins, Assistant City Attorney.

1. **CALL TO ORDER** – Chairman Lawler called the meeting to order at 6:01 PM.
2. **ROLL CALL OF MEMBERS:** – Commissioners Peres, Warren, and Follis were absent.
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on March 16, 2023.
Commissioner Allen moved to approve the meeting minutes; the motion was adopted. 6-0.
4. **SCUP REQUEST #23-91000002:** The Commission will hold a public hearing on Special Conditional Use Permit (SCUP) Request #23- 91000001, pursuant to an application by Hector Rubio of J. Morales Inc., applicant, on behalf of Barry Seabranh, owner, for approval of a SCUP to allow for a Mini-warehouse/Self Storage use in the General Commercial (GC) zoning district, on an 8.03-acre tract of land located at the 9100 Block of W. Fairmont Pkwy., legally described as Tract 713, La Porte Outlots, Harris County, Texas.

The hearing opened at 6:03 PM. City Planner Ian Clowes presented the request and provided background information.

Commissioner Peres arrived at 6:13 PM

John Blakemore, 9209 Mahan Dr., President of the Pecan Crossings HOA spoke in opposition to the development as presented.

Nancy Blakemore, 9209 Mahan Dr., spoke in opposition to the proposed development.

Attorney Connor Rose, 700 Milam St. Ste 800, spoke as a representative for the Mariposa development, and voiced concerns regarding a lack of screening.

Commissioner Warren arrived at 6:50 PM

5. ADJOURN PUBLIC HEARING: 6:53 PM

Commissioner Allen moved to recommend approval of SCUP 23-9100002 with the conditions as presented by staff with the added condition to require a 5' landscape buffer along the northern and eastern property lines; the vote was 7-1 and the motion carried. Commissioner Ojeda was the dissenting vote.

6. CHAPTER 106 (ZONING) AMENDMENTS: The Commission will hold a Public Hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, Texas.

The hearing opened at 6:55 PM. City Planner Ian Clowes presented the proposed amendments. The amendments were in regard to changes to the public hearing notice sign posting requirements and adding language that provides more detail for pre-1930's design.

7. ADJOURN PUBLIC HEARING: 7:48 PM.

Commissioner Peres made a motion to recommend approval of the amendments with the added condition that the proposed amendments for public hearing notice sign apply to sections 106-194 and 106-171; the vote was, 8-0, and the motion carried.

8. DISCUSSION ITEMS:

a. Council action update

City Planner Ian Clowes had no additional news at this time.

b. Comprehensive plan update

Director Teresa Evans provided an update on recent activities for the Comprehensive Plan.

c. Next regular meeting – JUNE 15, 2023

ADJOURN: Commissioner Allen made the motion to adjourn at 8:08 PM; the motion was adopted 8-0.

Hal Lawler, Planning and Zoning Commission Chairman

Ian Clowes, City Planner

AGENDA ITEM #4

Chapter 86 “Development Regulations” Amendments

STAFF REPORT

Chapter 86- Development Regulations: Amendments for Fill Dirt

DISCUSSION

The City of La Porte's fill dirt standards are not currently codified in the Code of Ordinances, and the existing standards lack clarity and are in need of updates. In 2016, the City codified Ordinance 1444 into the Code as the new Chapter 86- Development Regulations. The fill dirt exhibits were repealed with the former ordinance and overlooked in the update. The City's fill dirt standards also need to be revised with new language to address reoccurring issues with infill development and runoff.

The City of La Porte's acting Floodplain Administrator, Cobb Fendley and Associates, has reviewed and confirmed the proposed amendments to the City of La Porte's fill dirt requirements and procedures with staff. The proposed amendments and updates will codify existing standards and provide clarity and options to facilitate the application process and infill development and restrict run-off onto neighboring property. Cobb Fendley and Associates and city staff have proposed the following:

1. Amend Chapter 86- Development Regulations: The proposed amendments to Chapter 86 include adopting FEMA's definitions for fill and compaction, establishing minimum regulations, adopting the exhibits, and adopting a penalty.
2. Amend Appendix A- Fees: There is no proposal to change fees, only to codify the existing fee.
3. Amend Appendix B- Fines: Add penalty.
4. Update Exhibit A: Refer to the attachment titled "Exhibit A Markups" for proposed changes. Exhibit A was last updated in 2005 and there are opportunities for improvement.
5. Revise Fill Dirt Application.
6. Revise Fill Dirt Policy and Procedures.

The Flood and Drainage Committee considered the proposed amendments to Chapter 86- Development Regulations at the May 8, 2023, and June 12, 2023, regularly scheduled meetings. At the May meeting, the Committee expressed concern with the presence of contaminants in fill dirt and requested an exemption for the maintenance of livestock areas. Staff responded with the additional items listed below.

7. Verify if the proposed fill contains any contaminants.
 - a. Staff have created a stamp that reads: "The use of contaminated fill is strictly prohibited. It is the responsibility of the owner/contractor to ensure that the fill has no traces of contamination." This stamp will be applied to all approved/issued drawings.

- b. Staff have updated the application with language that requires the applicant to specify the origin of the fill, and a box for applicants to check off either “Yes” or “No” if fill has contaminants.
8. Exemption from permit for ≥5 loads for livestock areas.
- c. Staff have added note #8 on Exhibit A for ≥5 loads. Note #8 reads: “A permit is not required for areas developed for the sole purpose of maintaining domestic livestock. All fill setbacks must be upheld for small lots and large lots.”

The Drainage and Flooding Committee considered the aforementioned items 1-8 and unanimously voted to recommend approval to the City of La Porte’s fill dirt regulations, Ordinance 2023-3923, at the May 8, 2023, meeting.

The City Attorney has advised that the Planning and Zoning Commission should also recommend approval or denial of Ordinance 2023-3923. A public hearing is not required for the Planning and Zoning Commission to take action on this item.

RECOMMENDATION

Recommend approval or denial of proposed amendments to the City of La Porte’s fill dirt regulations, Ordinance 2023-3923.

ATTACHMENTS

1. Ordinance 2023-3923- Showing Changes
2. Ordinance 2023-3923- Clean
3. Exhibit A- Markups
4. Exhibit A-Update
5. Exhibit A- Original
6. Policy and Procedures- Markups
7. Policy and Procedures- Update
8. Policy and Procedures- Original
9. Fill Dirt Permit Application- Markups
10. Fill Dirt Permit Application- Update
11. Fill Dirt Permit Application- Original
12. Exhibit B
13. Exhibit C

ORDINANCE NO. 2023-3923

AN ORDINANCE AMENDING CHAPTER 86 "DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY ADOPTING REGULATIONS PERTAINING TO THE PLACEMENT OF FILL ON PROPERTY, AND AMENDING APPENDIX – A "FEES" AND APPENDIX – B "FINES" OF CHAPTER 86 "DEVELOPMENT REGULATIONS"; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

Section 1: That Chapter 86, "Development Regulations", Article I "In General", Section 86-4 "Definitions" of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding definitions for "compaction" and "fill", and which definitions shall be added to said section in proper alphabetical sequence, and shall hereinafter read as follows:

Sec. 86-4. - Definitions.

Fill means material such as soil, gravel, or crushed stone which is dumped in an area and is used to increase the ground elevation. Fill is usually placed in layers and compacted (see definition for "Compaction").

Compaction means the process by which the density of earth fill is increased so that it will provide a sound base for a building or other structure.

Section 2: That Chapter 86, "Development Regulations", Article I "In General", Section 86-16 "Engineering and construction standards for subdivisions" of the Code of Ordinances of the City of La Porte, Texas, is hereby amended in its entirety and shall hereinafter read as follows:

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

(a) *Streets and alleys.*

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

- (4) All concrete shall be designed and controlled by a competent laboratory as required by the PICM.
- (b) *Drainage and storm sewer.*
- (1) Adequate drainage shall be provided within the limits of the subdivision as to reduce the community's exposure to flood hazards with respect to adjacent, upstream and downstream developments. (See also chapter 94, "Floods," of the Code of Ordinances of the City of La Porte for additional requirements.) Adequate drainage shall be provided within the limits of the subdivision and/or development. The protection of adjoining property shall be accounted for in design of the system in conformance with the PICM, and shall be subject to the approval of the director. The design and sizing of the system shall be in conformance with the PICM, and subject to the approval of the Harris County Flood Control District and the director.
 - (2) Any person or persons that alters or changes the elevation of property shall be responsible for applying for and obtaining, prior to said change or alteration of the elevation of the property, a development authorization from the department. Any change or alteration in the elevation of property requires submission of a site plan prior to the change or alteration of property, which said site plan shall delineate the proposed change or elevation of property. Said certified site plan shall be subject to approval by the city engineer.
 - ~~(3) Fill dirt permit shall be required by the city. Exhibits show fill dirt regulations, grading standards, and swale standards; requiring sketch plans and approval prior to the introduction of fill material; and providing silt prevention and revegetation standards. Said fee shall be \$25.00 for the first 49 loads of permitted fill dirt, and \$2.00 for each additional load. Any person who places fill dirt on their property without first applying for and obtaining a fill dirt permit shall be guilty of a misdemeanor.~~
- ~~(3)~~(4) A stormwater quality permit may be required in accordance with city, state and federal law.
- (c) *Water and sewer system.*
- (1) The design and construction of all water and sewer systems shall be in conformance with the PICM, and subject to approval by the director. The developer or owner shall provide the necessary certificates from all other governmental agencies certifying compliance with their regulations.
- (d) *Street lighting.*
- (1) All public streets and non- residential parking lots where intended for use by the general public in the city must be served adequately by lights. Lighting must be located and installed in accordance with the specifications of the PICM.

Section 3: That Chapter 86, "Development Regulations", Article I "In General", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Section 86-17 "Placement of Fill", which section shall hereinafter read as follows:

Sec. 86-17. – Placement of Fill.

(a) Permits.

- (1) No property shall be raised or filled without a permit therefore being first obtained from the city. Upon application, the permit may be granted for a period up to six months and may be renewed by the city for additional periods not exceeding six months each.

- (2) Property owners applying for a fill permit shall be required to adhere to the permit requirements and conditions contained in the general fill regulations, fill permit application, and fill/drainage site plan illustration, the forms for which are adopted hereby and incorporated into this ordinance as Exhibits A, B and C.
- (3) Fill ~~dit~~ must begin being placed within thirty (30) days of approval of application. It shall be the responsibility of the individual applying for the permit to secure the proper federal and state permits.
- (4) An application fee, in the amount established by the City and listed in Appendix A of this Code, shall accompany each application for an original permit or renewal thereof.
- (5) A permit may be canceled by the City for violation of any provision of this article.

(b) *Drainage*

(1) No stormwater runoff redirected as a result of placement of fill shall adversely affect neighboring properties.

~~Owners applying for a fill permit shall be required to adhere to the permit requirements and conditions of the application.~~

(2) Applicant's Property shall grade from alley or back of property to road right-of-way drainage conveyance, roadside ditch or curb and gutter, unless an alternative property site drainage plan has been approved by the city.

(3) Minimum swale slope shall be 0.2% and 3:1 side slope with a minimum depth of 6".

(4) Side swales or drain piping shall be constructed to minimize impact of stormwater runoff to neighboring properties. Owner shall provide calculations to support the stormwater runoff rate for the proposed conveyance.

(5) Property drainage conveyances may be placed within 5-ft offset of property lines.

(6) No unloading of fill may be placed within 5-ft of property lines for lots of 1 acre or less and within 15-ft of property lines for lots greater than 1 acre. Fill may be spread within this offset as long as if it meets the swale requirements established in this section.

(7) Construction of common property swales may be shared if both properties are of the same owner owned by the same person or a joint application between property owners is approved by the City or if approved by site development plan.

(c) Penalty

Any person raising or filling land in violation of this article, without a valid permit, using unauthorized fill material, or failing to comply with application and permit requirements in violation of this article shall be guilty of a misdemeanor and upon conviction shall be punished as shall be subject to a fine in an amount established by the city and listed in Appendix B of this Code. section 1-15. A permit may be canceled by the City for violation of any provision of this article.

Section 4: That Appendix – A “Fees”, Chapter 86, “Development Regulations,” Article I “In General”, of the Code of Ordinances, La Porte, Texas, is hereby established and shall hereinafter read as follows:

“Chapter 86. Development Regulations

Article I. In General

(a)	General Plan	250.00	86-6
(b)	Site Plan		86-7
	(1) Major (Greater than 10 acres)	300.00 up to 10 acres; each additional acre 5.00	
	(2) Minor (Less than 10 acres)	200.00 up to 1 acre; each additional acre 5.00	
(c)	Plat		86-8
	(1) Preliminary Plat		
	a. Residential	200.00 for 0-50 lots; each additional lot 5.00	
	b. Non-Residential	350.00 for up to 10 acres; each additional	

acre 10.00

- (2) Final Plat
 - a. Residential 200.00 for 0-50 lots;
each additional lot
5.00
 - b. Non-Residential 350.00 for up to 10
acres; each additional
acre 10.00

- (3) Administrative Plat
 - a. Residential 250.00
 - b. Non-Residential 350.00

- (4) Amending Plat
 - a. Residential 150.00
 - b. Non-Residential 250.00

- (5) Replat
 - a. Residential 150.00
 - b. Non-Residential 250.00

- (6) Vacating Plat
 - a. Residential 150.00
 - b. Non-Residential 250.00

(d) Waiver 86-26

- a. Residential 150.00
- b. Non-Residential 250.00

(e) Fill Dirt 86-17

- a. 1 to 5 loads No Fee
- b. 6 to 49 loads 25.00
- c. 50 + loads 2.00 per Load (Max fee=5,000.00)

Section 5. That Appendix-B “Fines” of the Code of Ordinances of the City of La Porte is hereby amended by adding Chapter 86, “Development Regulations,” and shall read as follows:

Chapter 86. Development Regulations			
<i>Article I. In General</i>			
(a)	Fine for violation of §86-17	2000.00	86-17

Section 6. 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 fined in a sum not to exceed two thousand dollars.

Section 7. 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 8. Furthermore, all other ordinances or parts of ordinances in conflict herewith are hereby repealed, but to the extent of such conflict only.

Section 9. 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 10. 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 _____ 2023.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Clark T. Askins, Assistant City Attorney

ORDINANCE NO. 2023-3923

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(b) *Drainage and storm sewer.*

- (1) Adequate drainage shall be provided within the limits of the subdivision as to reduce the community's exposure to flood hazards with respect to adjacent, upstream and downstream developments. (See also chapter 94, "Floods," of the Code of Ordinances of the City of La Porte for additional requirements.) Adequate drainage shall be provided within the limits of the subdivision and/or development. The protection of adjoining property shall be accounted for in design of the system in conformance with the PICM, and shall be subject to the approval of the director. The design and sizing of the system shall be in conformance with the PICM, and subject to the approval of the Harris County Flood Control District and the director.
- (2) Any person or persons that alters or changes the elevation of property shall be responsible for applying for and obtaining, prior to said change or alteration of the elevation of the property, a development authorization from the department. Any change or alteration in the elevation of property requires submission of a site plan prior to the change or alteration of property, which said site plan shall delineate the proposed change or elevation of property. Said certified site plan shall be subject to approval by the city engineer.
- (3) A stormwater quality permit may be required in accordance with city, state and federal law.

(c) *Water and sewer system.*

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

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- (3) Fill must begin being placed within thirty (30) days of approval of application. It shall be the responsibility of the individual applying for the permit to secure the proper federal and state permits.

- (4) An application fee, in the amount established by the City and listed in Appendix A of this Code, shall accompany each application for an original permit or renewal thereof.
- (5) A permit may be canceled by the City for violation of any provision of this article.

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- (2) Property shall grade from alley or back of property to road right-of-way drainage conveyance, roadside ditch or curb and gutter, unless an alternative property site drainage plan has been approved by the city.
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- (5) Property drainage conveyances may be placed within 5-ft offset of property lines.
- (6) No unloading of fill may be placed within 5-ft of property lines for lots of 1 acre or less and within 15-ft of property lines for lots greater than 1 acre. Fill may be spread within this offset if it meets the swale requirements established in this section.
- (7) Construction of common property swales may be shared if both properties are owned by the same person or a joint application between property owners is approved by the City or if approved by site development plan.

(c) *Penalty*

Any person raising or filling land using unauthorized fill material or failing to comply with application and permit requirements in violation of this article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine in an amount established by the city and listed in Appendix B of this Code.

Section 4: That Appendix – A “Fees”, Chapter 86, “Development Regulations,” Article I “In General”, of the Code of Ordinances, La Porte, Texas, is hereby established and shall hereinafter read as follows:

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	(2) Final Plat		
	a. Residential	200.00 for 0-50 lots; each additional lot 5.00	
	b. Non-Residential	350.00 for up to 10 acres; each additional acre 10.00	

(3)	Administrative Plat		
	a.	Residential	250.00
	b.	Non-Residential	350.00
(4)	Amending Plat		
	a.	Residential	150.00
	b.	Non-Residential	250.00
(5)	Replat		
	a.	Residential	150.00
	b.	Non-Residential	250.00
(6)	Vacating Plat		
	a.	Residential	150.00
	b.	Non-Residential	250.00
(d)	Waiver		86-26
	a.	Residential	150.00
	b.	Non-Residential	250.00
(e)	Fill Dirt		86-17
	a.	1 to 5 loads	No Fee
	b.	6 to 49 loads	25.00
	c.	50 + loads	2.00 per Load (Max fee=5000)

Section 5. That Appendix-B “Fines” of the Code of Ordinances of the City of La Porte is hereby amended by adding Chapter 86, “Development Regulations,” and shall read as follows:

Chapter 86. Development Regulations			
<i>Article I. In General</i>			
(a)	Fine for violation of §86-17	2000.00	86-17

Section 6. 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 fined in a sum not to exceed two thousand dollars.

Section 7. 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 8. Furthermore, all other ordinances or parts of ordinances in conflict herewith are hereby repealed, but to the extent of such conflict only.

Section 9. 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 10. 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 Po1te at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this, the ____ day of _____ 2023.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Clark T. Askins, Assistant City Attorney

MARKUPS

EXHIBIT A

FILL DIRT REGULATIONS

Notes:
Row 5 in the original exhibit was removed.

 - no change
 - changes

	PERMIT REQUIREMENTS AND CONDITIONS	All Lots	Small Lots (1 acre or Less)		Large Lots (1 acre or More)	
		0-5 Loads	6-49 Loads	50 and more Loads	6-49 Loads	50 and more Loads
Same	1 Permit Required	*See Note 8	*	*	*	*
Same	2 Permit Fee Assessed	*	*	*	*	*
	3 180 Day Permit for Project Completion	*	*	*	*	*
	4 Spreading of Delivered Fill Must Begin within 30 Days	*	*	*	*	*
Was 9	5 Sketch, Survey or Site Plan showing proposed Fill Placement and location of proposed drainage drawn to scale Moved	*	*	*See Item 10	*	*See Item 10
New	6 Drainage swales to be min. 0.2% slope toward street	*	*	*See Item 10	*	*See Item 10
Nas 8C	7 Drainage system pipe (min. 4") to be custom engineered for each site Language updated	*	*See Note 6	*See Item 10	*	*See Item 10
Was 6	8 Overland slope for lot grading to be min. 0.2% toward street Removed a word	*	*	*See Item 10	*	*See Item 10
Was 7	9 For Lots Abutting an Alley Way, <u>Existing drainage must be maintained. Fill shall not impede drainage from alley way</u> language updated	*	*	*	*	*
Was 8	10 Grading & Drainage Plan must be submitted, signed, and sealed by Professional Engineer licensed in the state of Texas Moved	*	*	*See Note 3	*	*See Note 3
Nas 8A	10A Storm Water Pollution Prevention Plan (SWPPP) and Revegetation Plan shall be submitted Updated wording slightly	*	*See Notes 4 & 5	*	*See Notes 4 & 5	*
Nas 8B	10B Watershed Analysis must be submitted that demonstrates that the watershed is not being adversely impacted Updated wording slightly	*	*	*See Note 7	*	*See Note 7
	11 Drainage Swale/Pipes shall be offset 1-ft from property line Reworded	*	*	*	*	*
	12 Drainage Swale/Pipes shall be offset 5-ft from property line Reworded	*	*	*	*	*
Was 14	13 Fill shall not be unloaded within 5 ft of Property Line Moved & Reworded	*	*	*	*	*
Was 13	14 Fill shall not be unloaded within 15 ft of Property Line Moved & Reworded	*	*	*	*	*
Same	15 All Fill must be Delivered to the address where Fill is to be placed Reworded	*	*	*	*	*
Same	16 Any deviation from these permit requirements shall be reviewed and approved by the City added "ed"	*	*	*	*	*

* = Required Information, Activity or Regulation

Notes: ^ added "s"

- 1 No dump trucks larger than 12 CY dump trucks shall be allowed for use in delivery to addresses off truck routes.
- 2 Only one Fill Dirt Permit will be issued for any one property address over a 180 day span. **Removed the word "or"**
- 3 Grading Plan should indicate any off-site contributing areas and demonstrate that the fill being placed is not blocking off site drainage sheet flow. **NEW**
- 4 SWPPP shall at a minimum consist of silt fencing and/or block sodding two rows of sod wide along the leading edge of filled area. **Reworded**
- 5 Revegetation shall consist of seeding, sprigging, sodding, turf establishment (or combination thereof) that produces and effective vegetative cover of 75% within 90 days. **Use to be a part of note #3 from the original Exhibit A**
- 6 Private drainage pipe shall not be placed in public right-of-way, unless approved by the City. **NEW**
- 7 A detailed Watershed Analysis must be submitted for any fill being placed on property adjacent to a stream to demonstrate that fill being placed is not adversely impacting the watershed. **NEW**
- 8 A permit is not required for areas developed for the sole purpose of maintaining domestic livestock. All fill setbacks must be upheld for small lots and large lots. **NEW**

UPDATE

EXHIBIT A FILL DIRT REGULATIONS

PERMIT REQUIREMENTS AND CONDITIONS		All Lots	Small Lots (1 acre or Less)		Large Lots (1 acre or More)	
		0-5 Loads	6-49 Loads	50 and more Loads	6-49 Loads	50 and more Loads
1	Permit Required	*See Note 8	*	*	*	*
2	Permit Fee Assessed		*	*	*	*
3	180 Day Permit for Project Completion	*	*	*	*	*
4	Spreading of Delivered Fill Must Begin within 30 Days	*	*	*	*	*
5	Sketch, Survey or Site Plan showing proposed Fill Placement and location of proposed drainage drawn to scale	*	*	*See Item 10	*	*See Item 10
6	Drainage swales to be min. 0.2% slope toward street		*	*See Item 10	*	*See Item 10
7	Drainage system pipe (min. 4") to be custom engineered for each site		*See Note 6	*See Item 10		*See Item 10
8	Overland slope for lot grading to be min. 0.2% toward street		*	*See Item 10	*	*See Item 10
9	For Lots Abutting an Alley Way, Existing drainage must be maintained.Fill shall not impede drainage from alley way		*	*	*	*
10	Grading & Drainage Plan must be submitted, signed, and sealed by Professional Engineer licensed in the state of Texas			*See Note 3		*See Note 3
10A	Storm Water Pollution Prevention Plan (SWPPP) and Revegetation Plan shall be submitted		*See Notes 4 & 5	*	*See Notes 4 & 5	*
10B	Watershed Analysis must be submitted that demonstrates that the watershed is not being adversely impacted			*See Note 7		*See Note 7
11	Drainage Swale/Pipes shall be offset 1-ft from property line		*	*		
12	Drainage Swale/Pipes shall be offset 5-ft from property line				*	*
13	Fill shall not be unloaded within 5 ft of Property Line	*	*	*		
14	Fill shall not be unloaded within 15 ft of Property Line				*	*
15	All Fill must be Delivered to the address where Fill is to be placed		*	*	*	*
16	Any deviation from these permit requirements shall be reviewed and approved by the City	*	*	*	*	*

* = Required Information, Activity or Regulation

Notes:

- 1 No dump trucks larger than 12 CY dump trucks shall be allowed for use in delivery to addresses off truck routes.
- 2 Only one Fill Dirt Permit will be issued for any one property address over a 180 day span.
- 3 Grading Plan should indicate any off-site contributing areas and demonstrate that the fill being placed is not blocking off site drainage sheet flow.
- 4 SWPPP shall at a minimum consist of silt fencing and/or block sodding two rows of sod wide along the leading edge of filled area.
- 5 Revegetation shall consist of seeding, sprigging, sodding, turf establishment (or combination thereof) that produces and effective vegetative cover of 75% within 90 days.
- 6 Private drainage pipe shall not be placed in public right-of-way, unless approved by the City
- 7 A detailed Watershed Analysis must be submitted for any fill being placed on property adjacent to a stream to demonstrate that fill being placed is not adversely impacting the watershed.
- 8 A permit is not required for areas developed for the sole purpose of maintaining domestic livestock. All fill setbacks must be upheld for small lots and large lots.

ORIGINAL

EXHIBIT A TO ORDINANCE 1444-A

PERMIT REQUIREMENTS AND CONDITIONS	All Lots	Small Lots (1 acre or less)		Large Lots (1 acre or more)	
	1-5 Loads	6-49 Loads	50 and more Loads	6-49 Loads	50 and more Loads
1 Permit Required		*	*	*	*
2 Permit Fee Assessed		*	*	*	*
3 180 Day Permit for Project Completion		*	*	*	*
4 Spreading of Delivered Fill Must Begin within 30 Days	*	*	*	*	*
5 For Open Ditch Roadways Maximum Fill to be 6 inches below top of adjacent crown of road		*	*	*	*
6 Recommended overland slope for lot grading to be 0.2%-0.75%		*		*	
6A For Curb & Gutter Streets, Grade Fill at 0.2%-0.75% toward street		*			
7 For Lots Abutting an Alley Way, Match the Grade of the Alley and Grade to Drain Toward Street		*		*	
8 Grading & Drainage Plan submitted signed and sealed by Professional Engineer licensed in the State of Texas			*		*
8A Storm Water Pollution Prevention Plan and Revegetation Plan submitted			*		*
8B Demonstration that Watershed is Not Being Adversely Impacted			*		*
8C Grade of swales to be customized/engineered for each site			*		*
9 Sketch, Survey or Site Plan Showing Proposed Fill Placement and Location of Proposed Drainage drawn to scale		*	*See Item 8	*	*See Item 8
10 Silt Prevention and Revegetation plan required		*See Notes 3&4	*See Item 8A	*See Notes 3&4	*See Item 8A
11 1 ft Top of Bank Swale Offset from Property Line		*	*		*
12 5 ft Top of Bank Swale Offset from Property Line				*	*
13 No Fill Unloaded within 15 ft of Property Line			*		
14 No Fill Unloaded within 5 ft of Property Line		*	*		
15 Address for Site Required And Fill Must be Delivered to this address		*	*	*	*
16 Any deviation from these permit requirements Shall be Review and Approved By the City		*	*	*	*

* = Required Information, Activity or Regulation

Note:

- 1 No dump trucks larger than 12 CY dump trucks shall be allowed for use in deliver to addresses off truck routes.
- 2 Only one Fill Dirt Permit will be issued for any one property or address over a 180 day span.
- 3 Silt prevention plan shall at a minimum consist of silt fencing and/or block sodding two rows of sod wide along the leading edge of the filled area.
- 4 Revegetation shall consist of seeding, sprigging, sodding, turf establishment (or combination thereof) that produces an effective vegetative cover of 75% within 90 days.

MARKUPS

FILL DIRT POLICY & PROCEDURE GUIDELINES

1. Applications can be obtained in the Planning and Development Department. For specific questions on fill dirt permitting, email Engineering@laportetx.gov with written questions. Reworded
2. The Texas State Water Code Section 11.086 reads as follows:
 - (a) No person may divert or impound the natural flow of surface waters in this state, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded.
 - (b) A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow.

The property owner is solely responsible for complying with and adhering to the above state statute. The property may be held liable for failing to comply with Section 11.086.
3. Property owner shall attach survey, sketch or site plan illustrating existing and proposed improvements for less than 50 truckloads – or- grading & drainage plan (signed and sealed by Texas Professional Engineer) for more than 50 truck loads. Site plan shall include the location of fill dirt to be located on their property and estimated dimensions of fill dirt volume. [Exhibit A: Fill Dirt Policy, Items 5 & 10] New
4. Haul routes for the delivery of fill should be held to those routes listed in Section 70-231 of the Code of Ordinances. Repetitive trips off of these designated routes may result in the assessment of a Trucking/Hauling surcharge. Any damage to City streets and/or thoroughfares may be subject to damages as defined in Section 70-259 of the Code of Ordinances which reads as follows:

“Any person moving or causing to be moved a load which, together with the weight of the vehicle, exceeds the limit as set out in section 70-256, shall be liable to the city for any damage done by any such excessively loaded vehicle to the streets, bridges or culverts in the city and the acceptance of either of the permits provided for in this division shall be conclusive evidence that the person to whom such permit is issued agrees to make good and pay all such damages upon demand thereof made by the city.”

New
5. Fill dirt projects shall conform to the requirements on Exhibit “A” – Fill Dirt Permit Requirements and Conditions and Exhibit “B” – Fill Dirt Permit Details. New
6. No fill may be placed in the riverine floodplain without compensatory excavation [Section 94-86 (8)] or as required by FEMA. Any fill placed in the floodplain shall be accompanied by an approved compaction test stating that the fill has been compacted to 95% Standard Proctor or better.
7. Any deposited fill dirt that is liable to hold stagnant water is a violation of section 34-128 of the city’s code of ordinances. Section 34-128 reads as follows:

“The following specific acts and conditions are declared to constitute a public nuisance and are hereby prohibited and made unlawful: Any lot or parcel of real estate situated within the city which has the surface thereof filled or partly filled with holes, or is in such condition that the lot or parcel holds or is liable to hold stagnant water therein, or, from any other cause, is in such condition as to be liable to cause disease, or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome or obnoxious.”
8. Upon receipt of a fill dirt permit, the permit holder must place a green placard (provided with permit) at a prominent location at or near the entrance of the site where fill dirt operations will occur and contact City Inspections by calling 281-470-5130 New
9. Fill dirt permit fees shall be \$25.00 for 6 to 49 loads of permitted fill dirt, and \$2.00/load for each additional load [Section 86-16 (b) (3)]. The first 5 loads of permitted fill dirt are free. The Fill Dirt Application Permit Fee shall not exceed \$5,000.00 New
10. 1 load = 12 cubic yards. New

- no change
 - changes

FILL DIRT POLICY & PROCEDURE GUIDELINES

1. Applications can be obtained in the Planning and Development Department. For specific questions on fill dirt permitting, email Engineering@laportetx.gov with written questions.
2. The Texas State Water Code Section 11.086 reads as follows:
 - (a) *No person may divert or impound the natural flow of surface waters in this state, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded.*
 - (b) *A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow.*

The property owner is solely responsible for complying with and adhering to the above state statute. The property may be held liable for failing to comply with Section 11.086.

3. Property owner shall attach survey, sketch or site plan illustrating existing and proposed improvements for less than 50 truckloads – or- grading & drainage plan (signed and sealed by Texas Professional Engineer) for more than 50 truck loads. Site plan shall include the location of fill dirt to be located on their property and estimated dimensions of fill dirt volume. [Exhibit A: Fill Dirt Policy, Items 5 & 10]
4. Haul routes for the delivery of fill should be held to those routes listed in Section 70-231 of the Code of Ordinances. Repetitive trips off of these designated routes may result in the assessment of a Trucking/Hauling surcharge. Any damage to City streets and/or thoroughfares may be subject to damages as defined in Section 70-259 of the Code of Ordinances which reads as follows:

“Any person moving or causing to be moved a load which, together with the weight of the vehicle, exceeds the limit as set out in section 70-256, shall be liable to the city for any damage done by any such excessively loaded vehicle to the streets, bridges or culverts in the city and the acceptance of either of the permits provided for in this division shall be conclusive evidence that the person to whom such permit is issued agrees to make good and pay all such damages upon demand thereof made by the city.”
5. Fill dirt projects shall conform to the requirements on Exhibit “A” – Fill Dirt Permit Requirements and Conditions and Exhibit “B” – Fill Dirt Permit Details.
6. No fill may be placed in the riverine floodplain without compensatory excavation [Section 94-86 (8)] or as required by FEMA. Any fill placed in the floodplain shall be accompanied by an approved compaction test stating that the fill has been compacted to 95% Standard Proctor or better.
7. Any deposited fill dirt that is liable to hold stagnant water is a violation of section 34-128 of the city’s code of ordinances. Section 34-128 reads as follows:

“The following specific acts and conditions are declared to constitute a public nuisance and are hereby prohibited and made unlawful: Any lot or parcel of real estate situated within the city which has the surface thereof filled or partly filled with holes, or is in such condition that the lot or parcel holds or is liable to hold stagnant water therein, or, from any other cause, is in such condition as to be liable to cause disease, or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome or obnoxious.
8. Upon receipt of a fill dirt permit, the permit holder must place a green placard (provided with permit) at a prominent location at or near the entrance of the site where fill dirt operations will occur and contact City Inspections by calling 281-470-5130
9. Fill dirt permit fees shall be \$25.00 for 6 to 49 loads of permitted fill dirt, and \$2.00/load for each additional load [Section 86-16 (b) (3)]. The first 5 loads of permitted fill dirt are free. The Fill Dirt Application Permit Fee shall not exceed \$5,000.00
10. 1 load = 12 cubic yards.

FILL DIRT POLICY & PROCEDURE GUIDELINES

1. Applications can be obtained in the Inspections Division. For specific questions on fill dirt permitting, contact the Engineering Division at 281-471-5020 to schedule an appointment with the City Engineer or his designated assistant.
2. The Texas State Water Code Section 11.086 reads as follows:
 - (a) *No person may divert or impound the natural flow of surface waters in this state, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded.*
 - (b) *A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow.*

The property owner is solely responsible for complying with and adhering to the above state statute. The property may be held liable for failing to comply with Section 11.086.

3. Property owner should determine the size of their property and an estimate of required fill dirt volume on the attached matrix.
4. Haul routes for the delivery of fill should be held to those routes listed in Section 70-231 of the Code of Ordinances. Repetitive trips off of these designated routes may result in the assessment of a Trucking/Hauling surcharge. Any damage to City streets and/or thoroughfares may be subject to damages as defined in Section 70-259 of the Code of Ordinances which reads as follows:

"Any person moving or causing to be moved a load which, together with the weight of the vehicle, exceeds the limit as set out in section 70-256, shall be liable to the city for any damage done by any such excessively loaded vehicle to the streets, bridges or culverts in the city and the acceptance of either of the permits provided for in this division shall be conclusive evidence that the person to whom such permit is issued agrees to make good and pay all such damages upon demand thereof made by the city."
5. For fill projects requiring 6-49 loads, the standard swale to be used shall conform to the minimum dimensions shown on the example diagram (located in the Fill Dirt Information Packet).
6. The City of La Porte is *NOT* responsible for providing fill dirt.
7. No fill may be placed in the floodplain without compensating excavation. The City of La Porte reserves the right to require that any fill placed in the floodplain be accompanied by a sealed compaction test stating that the fill has been compacted to 95% Standard Proctor or better.
8. After the property owner has demonstrated sufficient compliance with the intent of these policies and procedures, a permit may be issued through the Inspection Division.
9. Any deposited fill dirt that is liable to hold stagnant water is a violation of section 34-128 of the city's code of ordinances. Section 34-128 reads as follows:

"The following specific acts and conditions are declared to constitute a public nuisance and are hereby prohibited and made unlawful: Any lot or parcel of real estate situated within the city which has the surface thereof filled or partly filled with holes, or is in such condition that the lot or parcel holds or is liable to hold stagnant water therein, or, from any other cause, is in such condition as to be liable to cause disease, or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome or obnoxious."
10. Upon receipt of a fill dirt permit, the permit holder must place a green placard (provided with permit) at a prominent location at or near the entrance of the site where fill dirt operations will occur.
11. Fill dirt permit fees shall be \$25.00 for 6 to 49 loads of permitted fill dirt, and \$2.00/load for each additional load. The first 5 loads of permitted fill dirt are free. The Fill Dirt Application Permit Fee shall not exceed \$5000.00
12. 1 load = 12 cubic yards.

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department FILL DIRT PERMIT APPLICATION

Phone: 281.470.5073
Fax: 281.470.5005
permits@laportetx.gov

STORM WATER QUALITY PERMIT REQUIRED PRIOR TO FILL DIRT PERMIT APPROVAL

1. PROJECT INFORMATION:

DATE OF SUBMITTAL: _____

PROJECT ADDRESS (if existing) _____

HCAD PARCEL NO(s) 13-digit Tax ID(s) _____

PROPERTY LEGAL DESCRIPTION _____

DESCRIPTION OF PROJECT _____

ORIGIN OF FILL _____ **PROJECT AREA (ACREAGE):** _____ **MAX TRUCKLOADS**

Added

REQUESTED: _____

2. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: _____ PHONE: _____

MAILING ADDRESS: _____

E-MAIL: _____

3. CONTRACTOR:

CONTRACTOR COMPANY: _____

PHONE 1: _____ PHONE 2: _____

E-MAIL: _____ FAX #: _____

MAILING ADDRESS: _____

CONTACT PERSON'S NAME: _____ PHONE: _____

4. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):

Added

YES NO WILL THERE BE ANY CONTAMINENTS WITHIN THE PROPOSED FILL DIRT? PLEASE CHOOSE EITHER "YES" or "NO".

ATTACH SURVEY, SKETCH OR SITE PLAN ILLUSTRATING EXISTING & PROPOSED IMPROVEMENTS FOR LESS THAN 50 TRUCKLOADS ~~or~~ GRADING & DRAINAGE PLAN (signed/sealed by Texas Engineer) FOR MORE THAN 50 TRUCKLOADS

SUBMIT APPLICATION FEE PAYMENT (1-5 LOADS = \$0; 6-49 LOADS = \$25; 50+LOADS = \$2/LOAD; MAX. PERMIT FEE = \$5,000)

NOTES TO APPLICANT:

- 1.) APPLICANT MUST COMPLETE ITEMS 1-4
- 2.) REFER TO "FILL DIRT POLICY & PROCEDURE GUIDELINES (attached)
- 3.) THE CITY RESERVES THE RIGHT TO INSPECT FILL PLACEMENT & RECOMMEND STEPS TO MITIGATE IMPACT TO NEIGHBORING PROPERTIES

APPLICANT PRINTED NAME: _____ **APPLICANT SIGNATURE:** _____

(STAFF USE ONLY):

OWNERSHIP VERIFIED?: _____ SKETCH APPROVED?: _____ FLOOD ZONE: _____ BFE: _____

PERMIT FEE: _____

SPECIAL CONDITIONS OF PERMIT: _____

PERMIT APPROVED BY: _____ DATE: _____

PERMIT NO. _____

UPDATE

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department **FILL DIRT PERMIT APPLICATION**

Phone: 281.470.5073
Fax: 281.470.5005
permits@laportetx.gov

STORM WATER QUALITY PERMIT REQUIRED PRIOR TO FILL DIRT PERMIT APPROVAL

1. PROJECT INFORMATION:

DATE OF SUBMITTAL: _____

PROJECT ADDRESS (if existing) _____

HCAD PARCEL NO(s) 13-digit Tax ID(s) _____

PROPERTY LEGAL DESCRIPTION _____

DESCRIPTION OF PROJECT _____

ORIGIN OF FILL _____ PROJECT AREA (ACREAGE): _____ MAX TRUCKLOADS
REQUESTED: _____

2. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: _____ PHONE: _____

MAILING ADDRESS: _____

E-MAIL: _____

3. CONTRACTOR:

CONTRACTOR COMPANY: _____

PHONE 1: _____ PHONE 2: _____

E-MAIL: _____ FAX #: _____

MAILING ADDRESS: _____

CONTACT PERSON'S NAME: _____ PHONE: _____

4. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):

- YES NO WILL THERE BE ANY CONTAMINENTS WITHIN THE PROPOSED FILL DIRT? PLEASE CHOOSE EITHER "YES" or "NO".
- ATTACH SURVEY, SKETCH OR SITE PLAN ILLUSTRATING EXISTING & PROPOSED IMPROVEMENTS FOR LESS THAN 50 TRUCKLOADS -or- GRADING & DRAINAGE PLAN (signed/sealed by Texas Engineer) FOR MORE THAN 50 TRUCKLOADS
- SUBMIT APPLICATION FEE PAYMENT (1-5 LOADS = \$0; 6-49 LOADS = \$25; 50+LOADS = \$2/LOAD; MAX. PERMIT FEE = \$5,000)

NOTES TO APPLICANT:

- 1.) APPLICANT MUST COMPLETE ITEMS 1-4
- 2.) REFER TO "FILL DIRT POLICY & PROCEDURE GUIDELINES (attached)
- 3.) THE CITY RESERVES THE RIGHT TO INSPECT FILL PLACEMENT & RECOMMEND STEPS TO MITIGATE IMPACT TO NEIGHBORING PROPERTIES

APPLICANT PRINTED NAME: _____ APPLICANT SIGNATURE: _____

(STAFF USE ONLY):

OWNERSHIP VERIFIED?: _____ SKETCH APPROVED?: _____ FLOOD ZONE: _____ BFE: _____

PERMIT FEE: _____

SPECIAL CONDITIONS OF PERMIT: _____

PERMIT APPROVED BY: _____ DATE: _____

PERMIT NO. _____

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department **FILL DIRT PERMIT APPLICATION**

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

STORM WATER QUALITY PERMIT REQUIRED PRIOR TO FILL DIRT PERMIT APPROVAL

1. PROJECT INFORMATION:

DATE OF SUBMITTAL: _____

PROJECT ADDRESS (If existing): _____

HCAD PARCEL NO(s) 13-digit Tax ID(s): _____

PROPERTY LEGAL DESCRIPTION: _____

DESCRIPTION OF PROJECT: _____

PROJECT AREA (ACREAGE): _____ MAXIMUM TRUCKLOADS REQUESTED: _____

2. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: _____ PHONE: _____

MAILING ADDRESS: _____

E-MAIL: _____

3. CONTRACTOR:

CONTRACTOR COMPANY: _____

PHONE 1: _____ PHONE 2: _____

E-MAIL: _____ FAX #: _____

MAILING ADDRESS: _____

CONTACT PERSON'S NAME: _____ PHONE: _____

4. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):

WILL FILL DIRT BE PROVIDED BY CITY OF LA PORTE? YES NO

ATTACH SURVEY, SKETCH OR SITE PLAN ILLUSTRATING EXISTING & PROPOSED IMPROVEMENTS FOR LESS THAN 50 TRUCKLOADS -or- GRADING & DRAINAGE PLAN (signed/sealed by Texas Engineer) FOR MORE THAN 50 TRUCKLOADS

SUBMIT APPLICATION FEE PAYMENT (1-5 LOADS = \$0; 6-49 LOADS = \$25; 50+LOADS = \$2/LOAD; MAX. PERMIT FEE = \$5,000)

NOTES TO APPLICANT:

- 1.) APPLICANT MUST COMPLETE ITEMS 1-4
- 2.) REFER TO "FILL DIRT POLICY & PROCEDURE GUIDELINES (attached)
- 3.) THE CITY RESERVES THE RIGHT TO INSPECT FILL PLACEMENT & RECOMMEND STEPS TO MITIGATE IMPACT TO NEIGHBORING PROPERTIES

APPLICANT PRINTED NAME: _____ APPLICANT SIGNATURE: _____

(STAFF USE ONLY):

OWNERSHIP VERIFIED?: _____ SKETCH APPROVED?: _____ FLOOD ZONE: _____ BFE: _____

PERMIT FEE: _____

SPECIAL CONDITIONS OF PERMIT: _____

PERMIT APPROVED BY: _____ DATE: _____

PERMIT NO. _____

EXHIBIT B

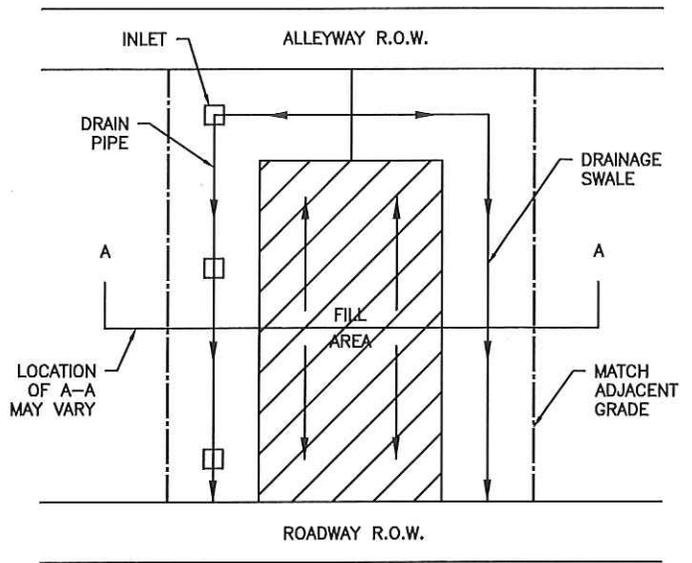
NOTE:

INLET TO BE PLACED AT ALL JUNCTIONS AND ROOF DOWNSPOUTS WITH NO MORE THAN 20' SPACING.

NO PIPE SHALL BE PLACED IN STREET R.O.W. EXCEPT AS APPROVED BY THE CITY.

NO FILL SHALL IMPEDE DRAINAGE FROM ALLEYWAY (IF APPLICABLE).

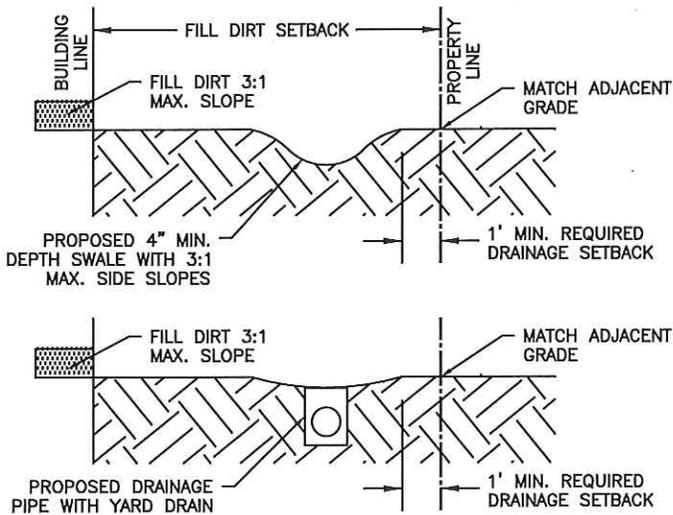
RETAINING WALL IS REQUIRED IF 3:1 FILL DIRT SLOPE CANNOT BE MAINTAINED OUTSIDE OF THE FILL DIRT SETBACK FROM THE PROPERTY LINE.



**SMALL & LARGE LOT GRADING
TOP VIEW
(LESS THAN 50 LOADS)**

NOTE:

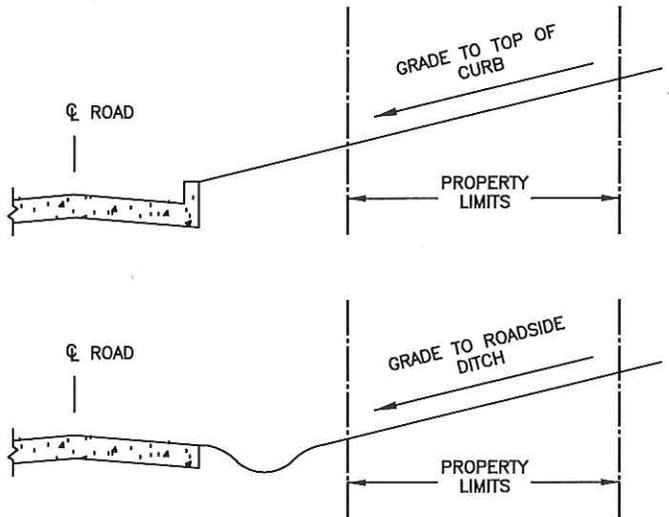
DRAINAGE SWALES TO BE MIN. 0.20% SLOPE TOWARD STREET.



**TYPICAL SWALE OR DRAIN PIPE DETAIL
PROFILE VIEW**

NOTE:

OVERLAND SLOPE FOR LOT GRADING TO BE A MIN. OF 0.20% TOWARD STREET OR ROADSIDE DITCH



**SMALL & LARGE LOT GRADING
PROFILE VIEW
(LESS THAN 50 LOADS)**

1 LOAD = 12 CUBIC YARDS

NO FILL SHALL BE PLACED WITHIN REQUIRED FILL DIRT SETBACK.

FILL DIRT PERMIT DETAILS

CITY OF LA PORTE

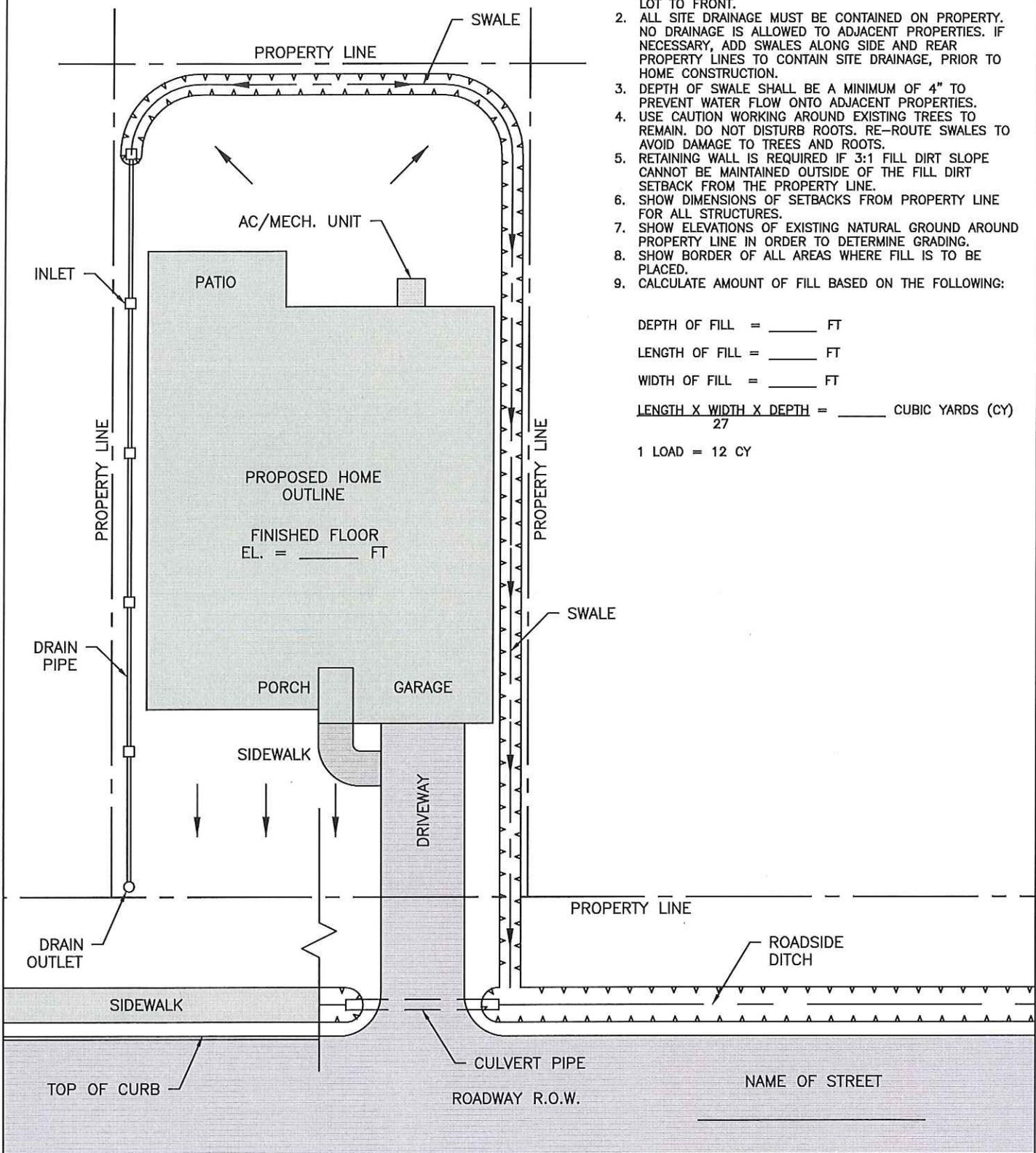
604 W. Fairmont Parkway
Planning Dept./Engineering Div.
La Porte, Texas 77571
281-471-5020



N.T.S. DATE: MAY 2022

DWG NO: FILL

EXHIBIT C



NOTES:

1. **LOT GRADING:** ALL DRAINAGE SHALL BE FROM REAR OF LOT TO FRONT.
2. ALL SITE DRAINAGE MUST BE CONTAINED ON PROPERTY. NO DRAINAGE IS ALLOWED TO ADJACENT PROPERTIES. IF NECESSARY, ADD SWALES ALONG SIDE AND REAR PROPERTY LINES TO CONTAIN SITE DRAINAGE, PRIOR TO HOME CONSTRUCTION.
3. DEPTH OF SWALE SHALL BE A MINIMUM OF 4" TO PREVENT WATER FLOW ONTO ADJACENT PROPERTIES.
4. USE CAUTION WORKING AROUND EXISTING TREES TO REMAIN. DO NOT DISTURB ROOTS. RE-ROUTE SWALES TO AVOID DAMAGE TO TREES AND ROOTS.
5. RETAINING WALL IS REQUIRED IF 3:1 FILL DIRT SLOPE CANNOT BE MAINTAINED OUTSIDE OF THE FILL DIRT SETBACK FROM THE PROPERTY LINE.
6. SHOW DIMENSIONS OF SETBACKS FROM PROPERTY LINE FOR ALL STRUCTURES.
7. SHOW ELEVATIONS OF EXISTING NATURAL GROUND AROUND PROPERTY LINE IN ORDER TO DETERMINE GRADING.
8. SHOW BORDER OF ALL AREAS WHERE FILL IS TO BE PLACED.
9. CALCULATE AMOUNT OF FILL BASED ON THE FOLLOWING:

DEPTH OF FILL = ____ FT
 LENGTH OF FILL = ____ FT
 WIDTH OF FILL = ____ FT

$$\frac{\text{LENGTH} \times \text{WIDTH} \times \text{DEPTH}}{27} = \text{____ CUBIC YARDS (CY)}$$
 1 LOAD = 12 CY

ADDRESS: _____

 HCAD NO: _____
 PERMIT NO: _____

EXAMPLE FILL DIRT/DRAINAGE SITE PLAN (LESS THAN 50 LOADS)

CITY OF LA PORTE
 604 W. Fairmont Parkway
 Planning Dept./Engineering Div.
 La Porte, Texas 77571
 281-471-5020



N.T.S. DATE: _____

DWG NO: _____

AGENDA ITEM #5

Workshop: Chapter 106 “Zoning” Amendments

STAFF REPORT

Chapter 106- Zoning: Amendments for Short Term Rentals (STRs)

DISCUSSION

The City Manager's Office has requested the Planning and Zoning Commission review possible amendments to Chapter 106 of the City Code of Ordinances regarding Short Term Rentals (STRs). The zoning ordinance does not reference short term rental use and states that any uses not identified in the use table are prohibited. The City Manager's Office is preparing to present an ordinance to the City Council to regulate STRs in the City of La Porte. The City Attorney has advised that prior to the adoption of an STR ordinance, the city needs to amend Chapter 106 to allow short term rentals.

The attached draft document provides language to be added to Chapter 106 that would allow the city to permit STRs within the city limits. The Chapter 106 Subcommittee met on June 8, 2023, to discuss this item prior to the full Commission's review. Also attached is a copy of the DRAFT Ordinance to be considered by City Council at a later date, should the proposed amendment to Chapter 106 to permit STRs be approved.

Pending the results of the Commission's discussion, staff will schedule a formal public hearing to consider the proposed amendments at the next Planning and Zoning Commission meeting.

RECOMMENDATION

Consider scheduling a public hearing at the next regular meeting of the Planning and Zoning Commission on August 17, 2023, for discussion and possible action to approve or deny a recommendation to amend Chapter 106- Zoning to permit short term rentals (STRs) in the City of La Porte.

ATTACHMENTS

1. DRAFT Ordinance Amending Chapter 106 "Zoning"
2. DRAFT Ordinance Amending Chapter 22 "Businesses"

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO CLASSIFICATION OF SHORT-TERM RENTAL USES; 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 III. “Districts”, Division 2 “Residential District Regulations”, Section 106-331 “Table A, residential uses”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding a new use classification within the table established in such section for short-term rental uses, which said use classification shall be inserted within such table in the proper numerical sequence, and hereinafter shall read as follows:

Uses (NAICS Code #)	R-1	R-2	R-3	MH	LL
Short-Term Rentals (721199)	P	P	P	P	P

Section 2: That Chapter 106, “Zoning,” Article III. “Districts”, Division 3, “Commercial District Regulations”, Section 106-310 “Table A, Commercial & Industrial Uses”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding a new use classification within the table established in such section for short-term rental uses, which said use classification shall be inserted within such table in the proper numerical sequence, and hereinafter shall read as follows:

2017 NAICS Code	2017 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
721199	Short-Term Rentals			P		P			

Section 3. 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 4. 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 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 6. 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 7. 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 _____ 2023.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark Askins, City Attorney

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING CHAPTER 22 “BUSINESSES”, TO ESTABLISH REGULATIONS APPLICABLE TO THE OPERATION OF SHORT-TERM RENTALS ON PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; 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 FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of La Porte, Texas has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of La Porte, Texas to amend the La Porte Code of Ordinances, Chapter 22 “Businesses”, by creating a new Article VIII, “Requirements for Owners of Residential Properties Used as Short-Term Rentals”; and

WHEREAS, the City Council of the City of La Porte is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the City Council finds that there are certain owners of residential short-term rental properties within La Porte who do not provide adequate information on how they may be contacted; and

WHEREAS, the City Council finds that there are owners of residential short-term rental properties who do not reside locally or who reside out of state; and

WHEREAS, the City Council finds that some owners of residential short-term rental properties do not have firsthand knowledge of the condition of their properties or the individuals who are renting the structure for short-term rental; and

WHEREAS, the City Council finds that there are owners of certain residential short term rental properties that do not pay the required hotel/motel occupancy tax; and

WHEREAS, the City Council desires to preserve and enhance residential neighborhoods and property values;

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

Section 1: That the facts and matters set forth in the preamble of this ordinance are hereby found to be true and correct.

Section 2: That Chapter 22 “Businesses”, of the La Porte Code of Ordinances is hereby amended by creating new Article VIII, “Requirements for Owners of Residential Properties Used as Short-Term Rentals”, and shall hereinafter read as follows:

“ARTICLE VIII. - REQUIREMENTS FOR OWNERS OF RESIDENTIAL PROPERTIES USED AS SHORT-TERM RENTALS

Sec. 22-500. - Purpose.

This article is adopted to promote the public health, safety and general welfare within the city by providing neighborhood sustainability and preserving property values. Having current and reliable information about the owners of short-term rentals will allow the city to provide those owners with timely information on the condition of their properties and emergency contact information, to ensure collection of hotel occupancy taxes, to protect the health and safety of guests of short-term rentals and to aid in enforcement of applicable ordinances and laws. By requiring the registration of short-term rental properties, the city council seeks to protect property values and to prevent property damage within the city limits.

Sec. 501. - Definitions.

As used in this article, the following terms, phrases, words and their derivation shall have the following meaning:

Adult means an individual twenty-one (21) years of age or older.

Agent means a person designated by the short-term rental operation in lieu of themselves as the 24-hour emergency contact for a lawfully operating short-term rental.

Bedroom means a room designated and used primarily for sleeping and rest on a bed, air mattress, cot, or couch.

City means the City of La Porte, Texas, and all areas within its corporate limits.

City council the City Council of the City of La Porte, Texas.

Director or *designee* means the department(s) or division(s) of the city designated by the city manager to administer and/or enforce the provisions of this article and any person or persons designated by such a department or division to represent the department or division for said purpose.

Guest means a person contracting with a short-term rental for use of a residential dwelling or premises as a short-term rental and the person's invitees at the short-term rental.

Hotel means a building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.

Owner means any person having a legal or equitable interest in real property or identified in the official records of the county as holding title to real property or otherwise having control of real property, including the guardian of the estate of such person and the executor of the estate of such person. The term "owner" does not include the holder of a non-possessory security interest in real property.

Person means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries and any other organization or entity of whatever character.

Premises means the property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-term rental (STR) means a dwelling that is: (a) used or designed to be used as the home of a person, family or household, including a single-family dwelling, garage apartment, guest house or a unit in a multi-unit building, including an apartment, condominium, cooperative or timeshare; and (b) rented wholly or partly for a fee and for a period of less than thirty (30) consecutive days. The term "short-term renter" does not include a premises that is used for a non-residential purpose, including an educational, health care, retail, restaurant, banquet space or event center purpose or another similar use; a bed-and-breakfast as defined in the city's zoning ordinance; or a hotel.

Short-term rental listing service means a person that participates in the short-term rental business by facilitating booking services through which an owner may offer short-term rentals to potential guests. Short-term rental listing services usually, though

not necessarily, provide booking services through an online platform that allows an owner to advertise the premises through a website provided by the short-term rental listing service and the short-term rental listing service conducts a transaction by which potential guests arrange their use and their payment, whether the potential guest pays rent directly to the owner or to the short-term rental listing service.

Short-term rental permit means a permit issued by the city that identifies the subject property as a lawful short-term rental.

Sleeping area means a habitable space within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks and recreational vehicles shall not be considered a sleeping area. Every sleeping area must have at least one operable emergency escape and rescue opening as per all applicable city-adopted codes, regulations, and ordinances.

Sec. 22-502. - Short-term rental permit required.

No short-term rental shall operate within the city without a current, valid short-term rental permit. All individual units having cooking, sleeping and bathing facilities within common buildings, regardless of ownership, shall require a separate, individual permit for each unit intended to be used as a short-term rental. A person commits an offense under this article if that person owns or operates a short-term rental in the city without a valid permit.

Sec. 22-503. - Short-term rental permit application.

(a) Application for a short-term rental permit shall include the following information, along with a non-refundable application fee in the amount of \$300.00:

- (1) A list of all owners, operators and agents (if applicable) of the short-term rental, including names, addresses and current email addresses and telephone numbers of each such person;
- (2) The name, address and 24-hour telephone number of a contact person who is the owner, operator or designated agent and who shall be responsible and authorized to respond to complaints concerning the short-term rental;
- (3) An acknowledgement that any permit granted under this article does not supersede any property-specific restrictions against short-term rentals that may exist under law, agreement, lease, covenant or deed restriction;
- (4) A depiction of the floor plan that identifies sleeping areas, proposed maximum number of guests, evacuation routes and location of all fire extinguishers and smoke alarms;
- (5) All floors with an enclosed space of any kind must have a minimum of one Class 2A:10B:C type fire extinguisher (standard five-pound fire extinguisher) mounted so as to be conspicuous and convenient for the occupants.

(6) The guest safety information required by section 22-506 of this Article; and

(7) A sworn statement that the owner has met and will continue to comply with all requirements of this article including, but not limited to, obtaining annual inspections of required fire extinguishers in compliance with this article, along with the city's current fire code.

(b) Applications shall be considered complete when all documentation required under this article has been submitted and all permit fees have been paid. Incomplete applications will not be accepted.

(c) Any existing short-term rental shall have ninety (90) days from adoption of this ordinance to complete the required registration and obtain their short-term rental permit.

(d) *Transferability.* A short-term rental permit is not transferable to a new property owner. A new owner must apply for a short-term rental permit within sixty (60) days from the closing date of the purchase or any other conveyance of ownership. Failure of a new property owner to apply for permit within sixty (60) days from the closing date may result in the revocation or non-renewal of an existing short-term rental permit or the denial of a new short-term rental registration.

(e) Any property owner delinquent and/or owing City of La Porte fees, to include, but not limited to, hotel occupancy tax, sanitation or water service fees will be prohibited from registering a short-term rental until such time as payment or acceptable resolution is approved by the City of La Porte finance department.

(f) Unless revoked by the director earlier pursuant to this article, the initial short-term rental permit expires 24 months from the date of issuance. Subsequent renewal of a short-term rental permits will be on an annual calendar year basis. A permit holder shall apply for renewal prior to December 31st of the applicable permit year on a form provided by the director or designee. The permit holder shall update the information contained in the original permit application required under this section or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit. The amount of the non-refundable fee for renewal of a short-term rental permit is \$300.00.

(g) Upon receipt of a complete application for renewal of a short-term rental permit, the director or designee may deny the renewal of a short-term rental permit if it is determined that the permit was issued in error or on the basis of incorrect information supplied by the applicant or if:

(1) The permit holder has pleaded no contest to or been convicted of a violation of any ordinance of the city, or any state or federal law, related to operation of a short-term rental on the premises or has permitted such a violation on the

premises by any other person. Such violation may include, but is not limited to, parking, noise, littering, destruction of property, disorderly conduct or failure to pay hotel occupancy taxes; or

(2) There are grounds for suspension, revocation or other registration sanctions as provided for in this article.

(h) A permit to operate a short-term rental is not transferable to another owner, operator or location.

Sec. 22-504. - Right to inspect short-term rental premises.

To ensure compliance with the requirements of this article, a short-term rental shall be inspected in the following methods:

(a) *Initial inspection.* As part of the issuance of a new short-term rental permit and any renewals thereof, the city shall conduct an inspection to verify compliance with this article.

(b) *Fire extinguishers.* The owner is responsible for maintenance of the fire extinguishers in compliance with this article, along with the city's current fire code.

(c) *Inspections upon report or suspicion of a violation.* The city may perform inspections when a violation of this article or other law is reported or suspected.

Sec. 22-505. - General standards.

All short-term rentals permitted pursuant to this article are subject to the following standard requirements:

(a) *Parking.* Parking shall comply with the zoning ordinance. No required parking shall be permitted within public right-of-way or access easements as defined by city code or state regulations regarding parking. Yards shall not be used to provide the necessary parking.

(b) *Updated information.* The owner shall provide timely updates to the city of any changes to the name, address and 24-hour telephone number of the contact person who is the owner, operator or designated agent responsible and authorized to respond to complaints concerning the short-term rental within one hour or less. Should a law enforcement officer respond to the short-term rental and issue a citation for any violation of city ordinances or other law, such responsible person may be contacted by the officer or designee. The responsible person shall attempt to contact the occupants within one hour of any contact from the city to address the occupants about the complaints. Should a second complaint be filed and citation issued to the occupants or guests, the owner and responsible party must take appropriate steps to assure future complaints do not occur. Failure to provide updated information to the city regarding the 24-hour contact person shall be a violation of this section.

(c) *Advertising.* The short-term rental permit number, maximum occupancy as permitted, and health and life-safety inspection expiration date must be listed in all advertising for the short-term rental.

(d) *Bathrooms.* Not less than one full bathroom shall be provided for each five occupants for the short-term rental. This full bathroom must meet the minimum International Residential Code standards and include a washbasin, toilet and tub or shower.

(e) *Occupancy.* The maximum number of occupants allowed to sleep in a short-term rental is two occupants per sleeping room, plus an additional two occupants.

(f) *Permit display.* The city issued short-term rental permit shall be posted at all times in a prominent location inside the property for which it is issued.

(g) *Other standards.* It is unlawful:

(1) To advertise on a short-term rental listing service or offer a short-term rental without first obtaining a short-term rental permit in accordance with this article;

(2) To operate a short-term rental in a manner that does not comply with all applicable city and state laws and codes;

(3) To operate a short-term rental without paying the required hotel occupancy taxes;

(4) To rent to a guest who is under the age of twenty-one (21);

(5) To post or allow external signage on or off the premises of the short-term rental that indicates the property is a short-term rental;

(6) To fail to include the city permit number for the short-term rental in all advertisements, including online, for the short-term rental within the description or body for public reference;

(7) To permit the use of a short-term rental to promote activities that are illegal or for the purpose of temporary or transition housing for registered sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code; operating as a sexually oriented business, or for rental periods of less than 24 hours; and

(8) To permit the use of tents, hammocks, recreational/camper vehicles or other vehicles and outdoor areas that are not residential dwellings as short-term rentals.

Sec. 22-506. - Guest safety notification and minimum requirements.

(a) Each owner of a short-term rental shall provide to guests a brochure and post in a conspicuous location of the short-term rental the following minimum information:

- (1) The owner, operator or designated agent's name and 24-hour contact telephone number.
- (2) Pertinent neighborhood information including, but not limited to, parking restrictions, trash collection schedules and location of required off-street parking, other available parking and prohibition of parking on landscaped areas;
- (3) Noise restrictions as specified under Chapter 34 “Environment”, Article III “Noise Pollution” of this Code;
- (4) Information to assist guests in the case of an emergency posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services; and
- (5) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes near the front door of the dwelling.

Sec. 22-507. - Authority of the director.

The director shall implement and enforce this article and may by written order establish such procedures, not inconsistent with this article or other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the director determines are necessary to discharge any duty under this article.

Sec. 22-508. - Notification of complaints.

Complaints related to the operation of a short-term rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by guests, shall be reported to the city code enforcement office.

Sec. 22-509. - Compliance with other laws.

The owner, operator, local contact person, and guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a short-term rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this article, regardless of whether such violation is committed by the owner, operator, local contact person, or guest of the owner's short-term rental. Nothing in this article shall be construed to relieve any person or owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's property as a short-term rental as defined in this article.

Sec. 22-510. - Permit suspension or revocation; appeal.

(a) If an application for a short-term rental permit or renewal is denied or the permit subsequently revoked, the owner or operator may appeal ("appellant") to the city manager by written notice delivered within ten (10) business days of denial or revocation.

(1) The city manager shall have twenty (20) business days from the date on which the appeal was received in which to give a written decision affirming, modifying, or reversing the denial, suspension, or revocation as applicable.

(2) If the permit is denied, suspended, or revoked pursuant to this section, appellant may within ten business days of the service of notice of such determination submit to the city manager a written request for a hearing to show cause as to why the permit should not be denied, suspended, or revoked, as applicable. A hearing shall be scheduled within 30 business days of receipt of applicant's request and notice of the hearing shall be given to applicant ten business days before the hearing. At the hearing, the appellant and city may present such evidence as may be relevant.

(3) Any notice or decision served to appellant shall be deemed served upon the appellant when it is personally delivered or on the date it is mailed by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit, whichever occurs first.

(4) Any appeal filed pursuant to this chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the city, and any other information material to the determination.

(5) Judicial review of any such final decision of the city may be obtained through the filing of an appropriate action in the appropriate district court within 30 calendar days after service on appellant of the decision. The applicant shall bear the burden of proof in court. The substantial evidence standard of review shall apply to such appeal."

Section 3: 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 4: 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 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Texas Local Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. 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 FIVE HUNDRED DOLLARS (\$500.00).

Section 7. 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 _____, 2023.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark T. Askins, City Attorney

AGENDA ITEM #6

Discussion Items

- a. Council Action Update
- b. Comprehensive Plan Update
- c. Next Regular Meeting- Aug. 17, 2023
- d. Staff Update



COUNCIL ACTION

Request	Application #	Location	P&Z Meeting	P&Z Action	CC Meeting	CC Action
Chapter 106 Amend	SCUP #23-91000002	N/A	05.18.23	APPROVED	06.26.23	FAILED