

**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

**LA PORTE PLANNING AND ZONING COMMISSION AGENDA**  
**THURSDAY, AUGUST 31, 2023**  
**SPECIAL 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/89087449009?pwd=OTZUTEdiY2FzaUpXR0tzMEJpeW9MZz09>. Join by phone at 877-853-5257 or 888-475-4499. The meeting ID is 890 8744 9009. The passcode is 551428.**

**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.

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**1. CALL TO ORDER**

**2. ROLL CALL OF MEMBERS**

**3. CONSIDER APPROVAL OF THE MEETING MINUTES:** Approve the minutes of the July 20, 2023, regular meeting of the Planning and Zoning Commission.

**4. RESIDENTIAL REPLAT #23-97000002:** The Commission will hold a public hearing on Residential Replat #23-97000002, pursuant to an application by Laura Caldwell of Survey 1 Inc., applicant, on behalf of Brady Butler and Amber Ortiz, owners, for the proposed Partial Replat of 5.862 Acres in the E. Brinson Survey, A-5, located at 11714 N. P Street and legally described as part of Outlots 303 and 318, La Porte Outlots, Harris County, Texas.

- a. Open Public Hearing
- b. Staff Presentation
- c. Public Comments (Limited to 5 minutes per person)
- d. Adjourn Hearing
- e. Discussion and Possible Action: Residential Replat #23-97000002

**5. ZONE CHANGE REQUEST #23-92000001:** The Commission will hold a public hearing for Zone Change Request #23-92000001, pursuant to an application from Christina Vasquez, applicant, on behalf of Jaime and Ramiro Vasquez, owners, for approval of a zone change from General Commercial (GC) to Low Density Residential (R-1), on a .287-acre tract of land located at 0 S. 11<sup>th</sup> Street and legally described as Lots 17, 18, 19 & 20, Block 25, La Porte, Harris County, Texas.

- a. Open Public Hearing
- b. Staff Presentation
- c. Public Comments (Limited to 5 minutes per person)
- d. Adjourn Hearing

e. Discussion and Possible Action: Zone Change Request #23-92000001

**6. FUTURE LAND USE MAP AMENDMENT:** The Commission will consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a .287-acre tract of land located at 0 S. 11th Street, from "Commercial" to "Low Density Residential".

**7. CHAPTER 106 (ZONING) AMENDMENTS:** The Commission will hold a Public Hearing to receive input on an ordinance amending 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.

- a. Open Public Hearing
- b. Staff Presentation
- b. Public Comments (Limited to 5 minutes per person)
- c. Adjourn Hearing
- d. Discussion and Possible Action: Chapter 106 "Zoning" Amendments

**8. DISCUSSION ITEMS:**

- a. Comprehensive Plan Joint Workshop- September 13, 2023
- b. Next Regular Meeting – September 21, 2023

**9. COMMISSION COMMENTS:** Comments on matters appearing on the agenda or inquiry of staff regarding specific information or existing policy.

**10. ADJOURN**

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

**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 at 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 **August 31, 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**

**June 20, 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 JUNE 20, 2023**

**The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, June 20, 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 Richard Warren; Donna O' Conner; Joe Mock; Mark Follis; Nancy Ojeda

**Commissioners absent:** Commissioners Mark Follis

**City Staff present:** Teresa Evans, Planning and Development Director; Maria Pena, Planning and Development Dept. Coordinator; and Clark Askins, City Attorney

**1. CALL TO ORDER** – Chairman Lawler called the meeting to order at 6:01 PM.

**2. ROLL CALL OF MEMBERS:** – Commissioners Nolan Allen and Victor Peres were absent.

**3. CONSIDER APPROVAL OF THE MEETING MINUTES:**

a. Approve the minutes of the meeting held on May 18, 2023.

Commissioner Warren moved to approve the meeting minutes; Commissioner Follis abstained; the motion was adopted, 5-1.

**4. CITY CODE OF ORDINANCES CHAPTER 86 (DEVELOPMENT REGULATIONS) AMENDMENTS:**

Consider recommendation to the 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.

Director of Planning and Development, Teresa Evans, presented the proposed amendments. The proposed amendments are regarding updates to the City of La Porte's fill dirt regulations by amending Chapter 86 to adopt FEMA definitions for fill and compaction and establish minimum regulations; updating Exhibit A and adopting Exhibits A, B and C; amending Appendix A to locate the fees for fill dirt permits to the fee schedule; Amending Appendix B – Fines to add a penalty; and revising the fill dirt permit application and fill dirt Policy and Procedures.

Commissioner Walter arrived at 6:05 PM.

Commissioner O'Conner moved to recommend the proposed amendments as presented in Ordinance 2023-3923. The motion was seconded by Commissioner Ojeda and the motion carried 4-1. Commissioner Follis was the dissenting vote.

**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.

The Director of Planning and Development, Teresa Evans, presented the proposed amendments to permit STR use in the City of La Porte, which is currently not a recognized use in Chapter 106 “Zoning” of the City of La Porte Code of Ordinances. Amending the code to permit STRs uses in designated zoning districts allows the City to adopt STR regulations.

The Board directed staff to move forward with scheduling a public hearing at the next meeting to consider this item. The Commission requested the addition of a foot note to limit STR use in the Main Street Overlay and Mixed Use (MU) zoning district.

## 6. DISCUSSION ITEMS:

### a. Council action update

Planning and Development Director, Teresa Evans provided an update on Council action on the item for SCUP #23-91000002 Mini warehouse storage facility.

### b. Comprehensive plan update

Director Teresa Evans provided an update on recent activities for the Comprehensive Plan. A Community Open House is scheduled for August 3, 2023.

### c. Next regular meeting – August 17, 2023.

**ADJOURN:** Chairman Lawler made the motion to adjourn at 7:14 PM; the motion was adopted 7-0.

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Hal Lawler, Planning and Zoning Commission Chairman

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Maria Pena, Planning and Development Dept. Coordinator



# **AGENDA ITEM # 4**

## **Residential Replat**

## **Butler Subdivision**



## Planning and Development Department Staff Report Residential Replat - #23-97000002

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### DISCUSSION

#### Applicant's Request:

The applicant, Laura Caldwell of Survey 1 Inc., is requesting approval of a partial replat of Outlots 303 and 318, La Porte Outlots, located at 11714 N. P Street. The 5.862-acre tract is being subdivided into three (3) lots. Lot 1 will total 2.09-Acres, Lot 2 will total 1.01- Acres, and Lot 3 will total 2.76- Acres. All three lots will front N. P Street and have direct access from the existing right-of-way.

#### Background Information:

The site is zoned Large Lot Residential (LLD). The newly created lots will each be equal to or greater than 1-acre. The minimum lot area for the LLD zoning district is 1-acre.

The table below indicates the surrounding zoning districts and land uses:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Low Density Residential (R-1)	Single Family Residential- Monument Estates Subdivision
<b>South</b>	Large Lot Residential (R-1), Low Density Residential (R-1)	Harris County Flood Control District (HCFCD) Channel F101 Single Family Residential- Pinegrove Valley Subdivision
<b>West</b>	Large Lot Residential (LLD)	Single Family Residential
<b>East</b>	Large Lot Residential (LLD), General Commercial (GC)	Single Family Residential, Commercial

### RECOMMENDATION

Staff recommends the Planning and Zoning Commission approve Butler Subdivision, the partial residential replat of Outlots 303 and 318, La Porte Outlots, Harris County, Texas.

### ATTACHMENTS

- Area Map
- Zoning Map
- Future Land Use Map
- Notification Map
- Residential Replat- Butler Subdivision
- Site Photos
- Application



# Aerial Map

11714 N P St

Parcel Number: 0231370000303

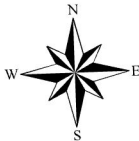
Replat #23-97000002

 Subject Tract



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

1 inch equals 233 feet



AUGUST 2023  
PLANNING DEPARTMENT



HGAC, Maxar, Microsoft



# Zoning Map

11714 N P St

Parcel Number: 0231370000303

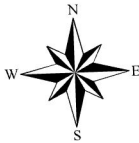
Replat #23-97000002

 Subject Tract

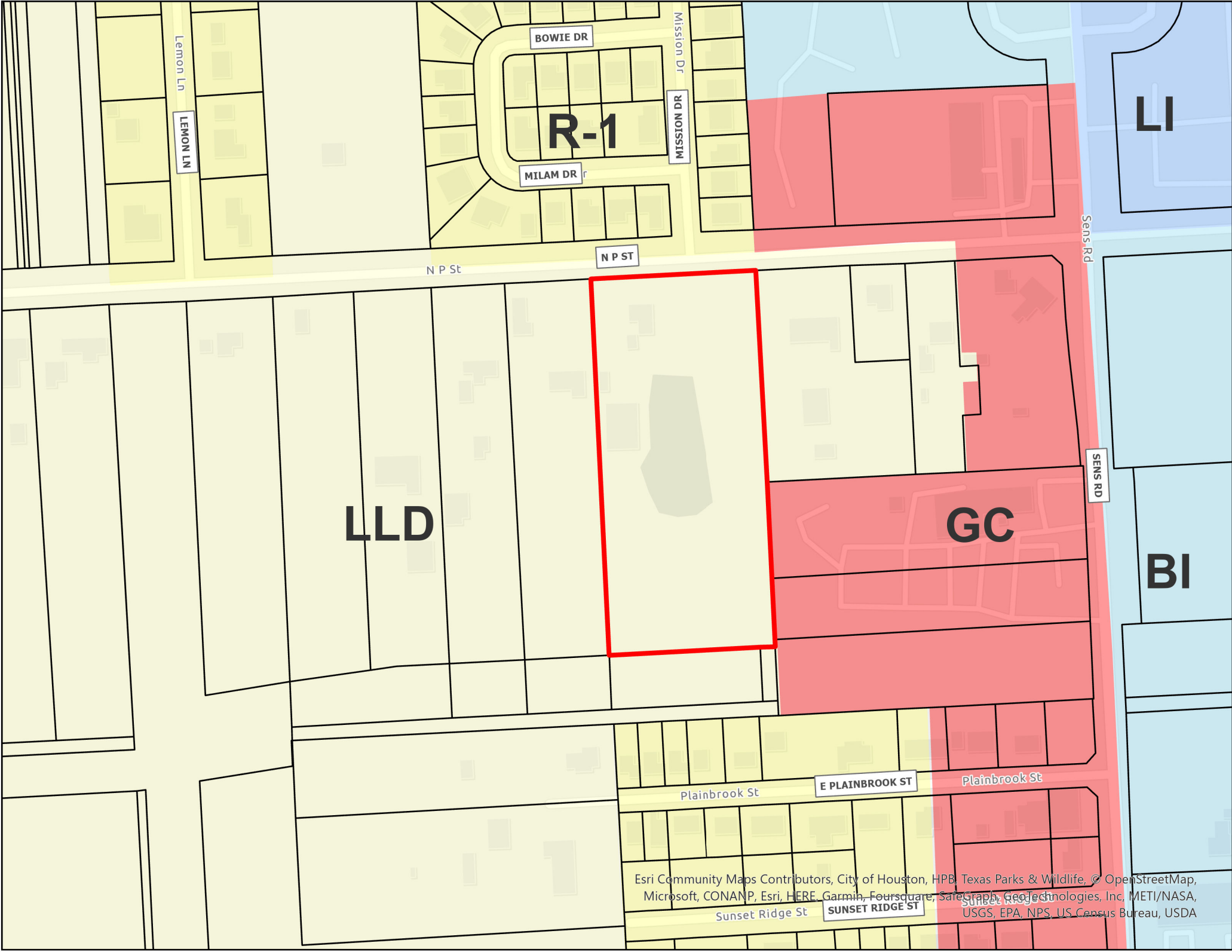


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1 inch equals 233 feet



AUGUST 2023  
PLANNING DEPARTMENT



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# FLUP Map

11714 N P St

Parcel Number: 0231370000303

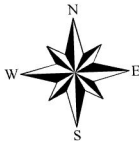
Replat #23-97000002

 Subject Tract

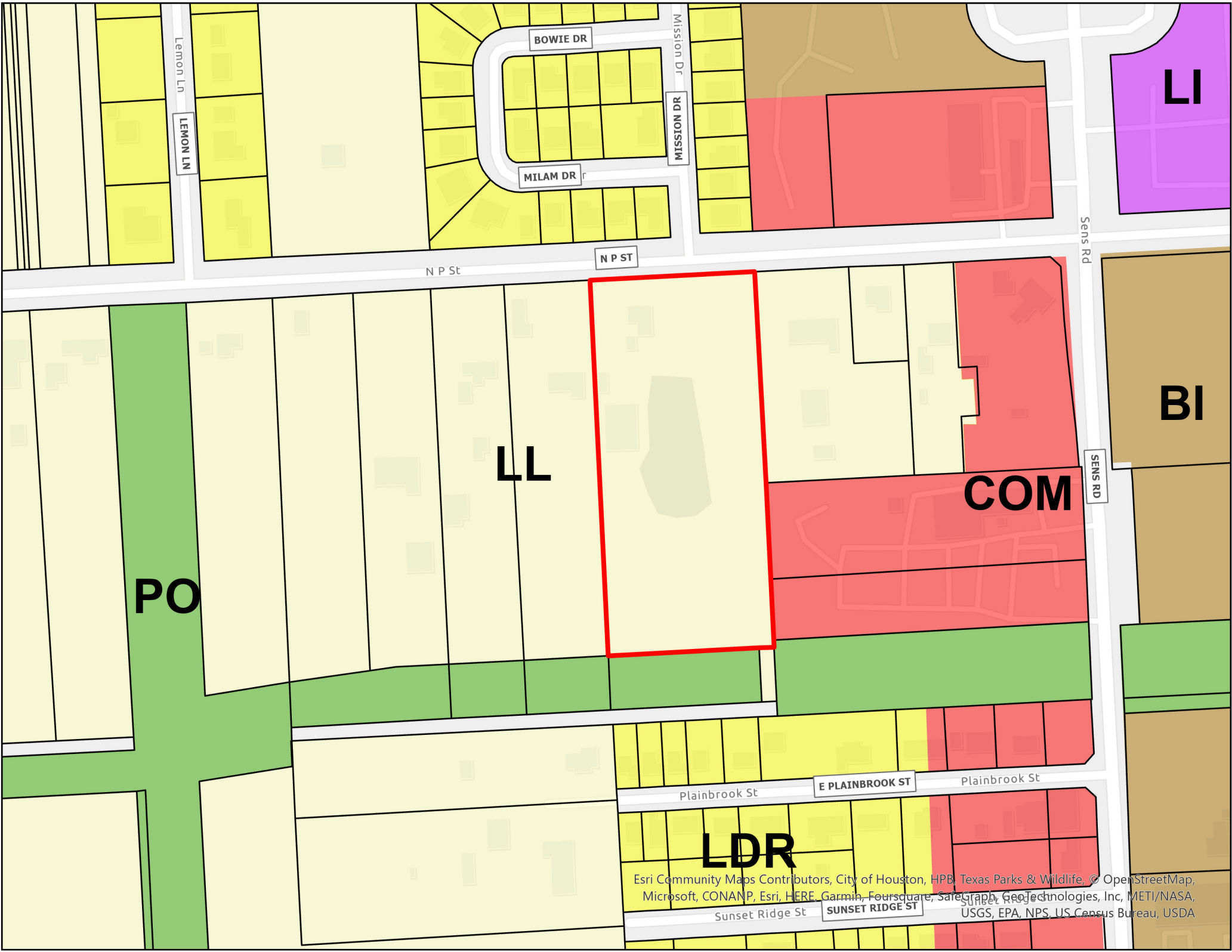


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1 inch equals 233 feet

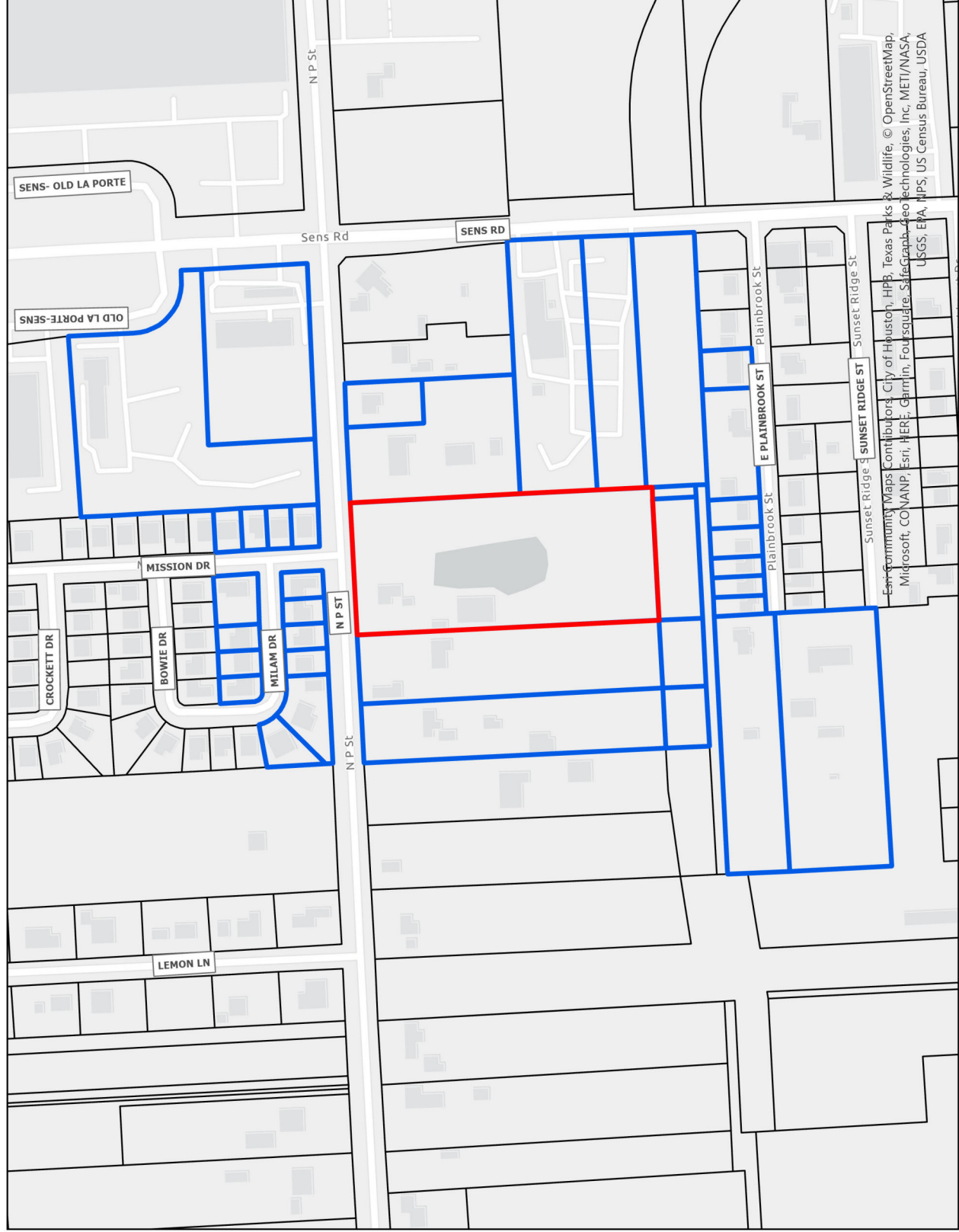


AUGUST 2023  
PLANNING DEPARTMENT



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STATE OF TEXAS  
COUNTY OF HARRIS  
WE, BRADY L. BUTLER AND AMBER R. ORTIZ, OWNERS WHETHER ONE OR MORE OF THE (NUMBER OF ACRES) TRACT DESCRIBED IN THE ABOVE AND FOREGOING MAP OF BUTLER SUBDIVISION DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS  
THEREIN EXPRESSED; AND DO HEREBY BIND MYSELF (OR OURSELVES), MY (OR OUR) HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER AN UNOBSTRUCTED AERIAL EASEMENT FIVE (5) FEET IN WIDTH FROM A PLANE TWENTY (20) FEET ABOVE THE GROUND LEVEL UPWARD, LOCATED ADJACENT TO ALL COMMON USE PUBLIC UTILITY EASEMENTS SHOWN HEREON.

FURTHER, OWNERS DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE ORIGINALLY INTENDED FOR THE CONSTRUCTION OF THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNERS DO HEREBY DEDICATE TO THE PUBLIC A STRIP OF LAND FIFTEEN (15) FEET WIDE ON EACH SIDE OF THE HIGH BANK OF ANY AND ALL BAYOUS, CREEKS, GULLIES, RAVINES, DRAWS, SLOUGHS, OR OTHER NATURAL DRAINAGE COURSES LOCATED AND DEPICTED UPON IN SAID PLAT, AS EASEMENTS FOR DRAINAGE PURPOSES, GIVING THE CITY OF LA PORTE, HARRIS COUNTY OR ANY OTHER GOVERNMENTAL AGENCY, THE RIGHT TO ENTER UPON SAID EASEMENT AT ANY AND ALL TIMES FOR THE PURPOSES OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES AND STRUCTURES.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT AND ADJACENT TO ANY DRAINAGE, EASEMENT, DITCH, DRAINAGE WAYS AND EASEMENTS CLEAR OF FENCES, BUILDINGS AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE DRAINAGE FACILITY AND THAT SUCH ABUTTING PROPERTY SHALL NOT BE PERMITTED TO DRAIN DIRECTLY INTO THIS EASEMENT EXCEPT BY MEANS OF AN APPROVED DRAINAGE STRUCTURE.

FURTHER, THE OWNERS CERTIFY THAT THIS REPLAT DOES NOT ATTEMPT TO ALTER, AMEND OR REMOVE ANY COVENANTS OR RESTRICTIONS.

WITNESS MY (OR OUR) HAND IN THE CITY OF \_\_\_\_\_, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
BRADY L. BUTLER  
\_\_\_\_\_  
AMBER R. ORTIZ

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BRADY L. BUTLER, OWNER, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED AMBER R. ORTIZ, OWNER, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

NOTARY PUBLIC IN AND FOR THE STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

I, RICHARD FUSSELL, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING (OR SURVEYING) AND HEREBY CERTIFY THAT THEY ABOVE PLAT IS TRUE AND CORRECT; AND THAT ALL BEARINGS, DISTANCES, ANGLES, CURVE RADIUSES, AND CENTRAL ANGLES ARE ACCURATELY SHOWN ON THE PLAT.

\_\_\_\_\_  
RICHARD FUSSELL

TEXAS REGISTRATION NO. 4148

THIS IS TO CERTIFY THAT THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF LA PORTE, TEXAS HAS APPROVED THIS PLAT (OR INSTRUMENT WHEN APPROPRIATE) AND SUBDIVISION OF BUTLER SUBDIVISION IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF LA PORTE AND AUTHORIZED THE RECORDING OF THIS PLAT (OR INSTRUMENT WHEN APPROPRIATE) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

TERESA EVANS  
DIRECTOR, PLANNING DEPARTMENT

\_\_\_\_\_  
LA PORTE CITY ENGINEER

CHAIRMAN,  
LA PORTE PLANNING AND ZONING COMMISSION

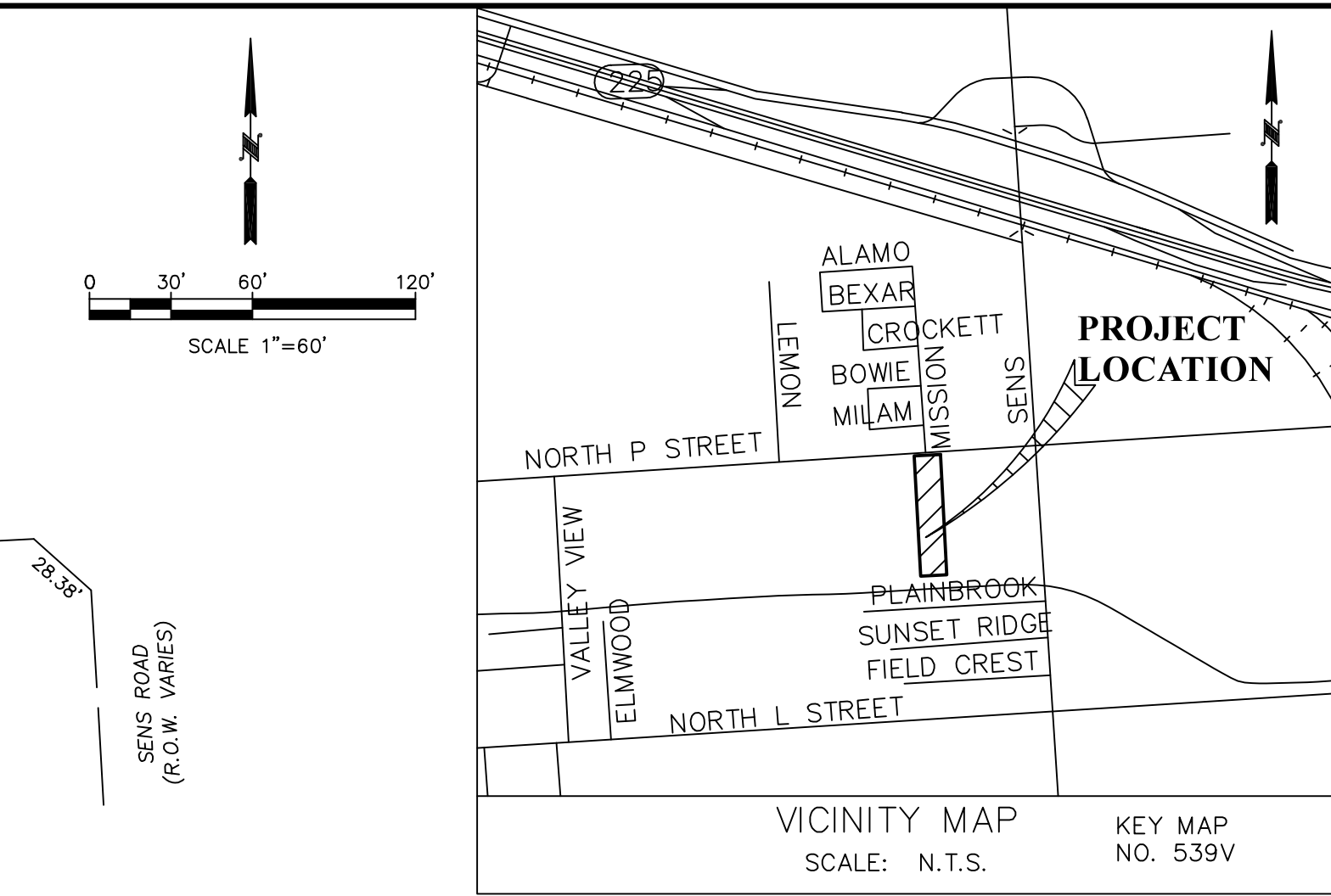
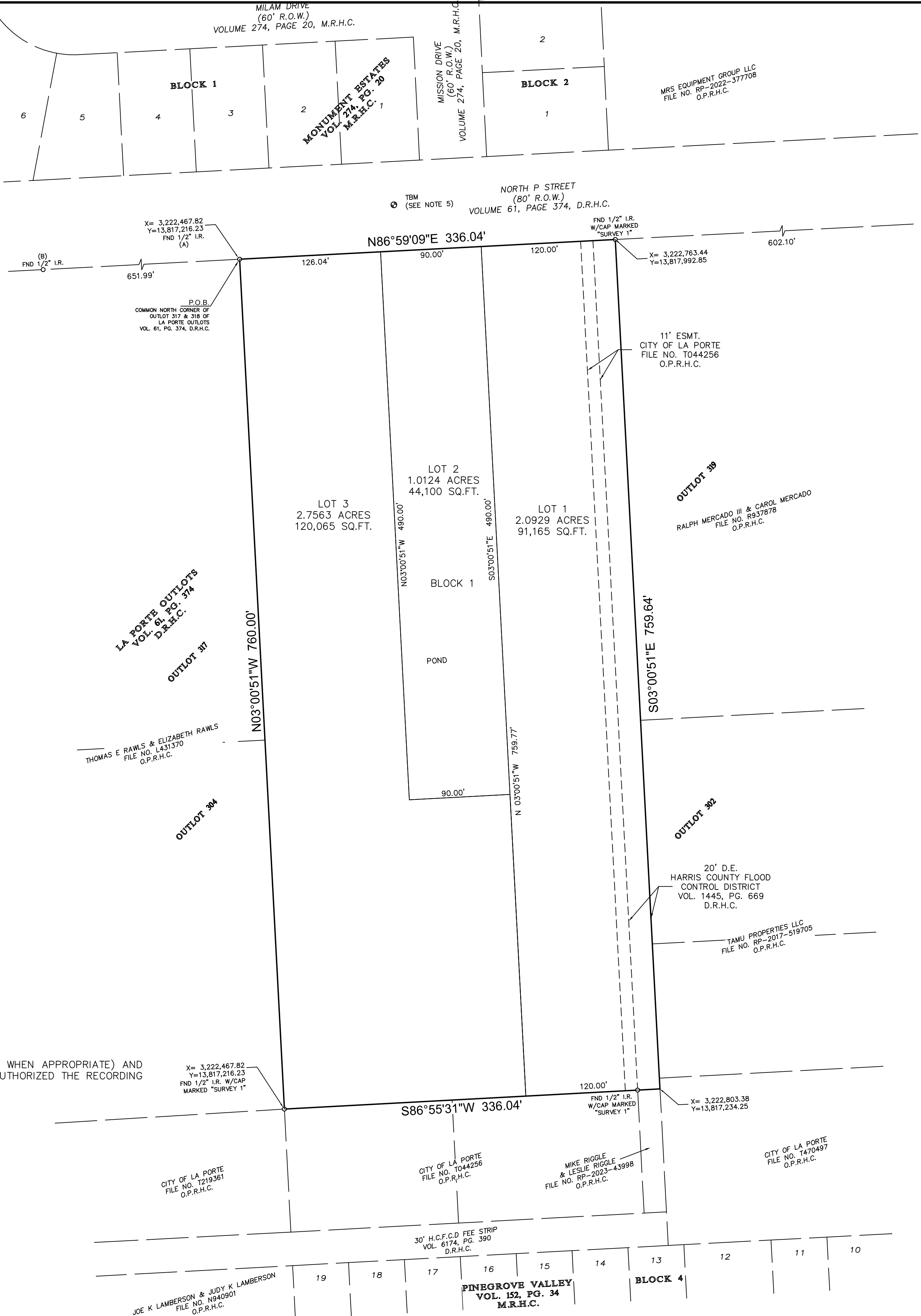
SECRETARY,  
LA PORTE PLANNING AND ZONING COMMISSION

I, TENESHIA HUDSPETH, COUNTY CLERK OF HARRIS COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_, 20\_\_\_\_\_, AT \_\_\_\_\_ O'CLOCK, \_\_\_\_\_ M., AND DULY RECORDED ON \_\_\_\_\_, 20\_\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND AT FILM CODE NO \_\_\_\_\_ OF THE MAP RECORDS OF HARRIS COUNTY FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT HOUSTON, THE DAY AND DATE LAST ABOVE WRITTEN.

TENESHIA HUDSPETH  
COUNTY CLERK  
OF HARRIS COUNTY, TEXAS

BY: \_\_\_\_\_  
DEPUTY



WE, TEXAS ADVANTAGE COMMUNITY BANK, N.A., OWNER AND HOLDER BRADY L. BUTLER AND AMBER R. ORTIZ OF A LIEN (OR LIENS) AGAINST THE PROPERTY DESCRIBED IN THE PLAT KNOWN AS BUTLER SUBDIVISION, SAID LIEN (OR LIENS) BEING EVIDENCED BY INSTRUMENT OF RECORD IN FILE NO. 2023-70564 OF THE MORTGAGE RECORDS OF HARRIS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBORDINATE OUR INTEREST IN SAID PROPERTY TO THE PURPOSES AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID PLAT AND I (OR WE) HEREBY CONFIRM THAT I AM (OR WE ARE) THE PRESENT OWNER (OR OWNERS) OF SAID LIEN (OR LIENS) AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.

- TEXAS ADVANTAGE COMMUNITY BANK, N.A., REPRESENTATIVE
- GENERAL NOTES:
- THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE 0.99988605750646.
  - BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS SOUTH CENTRAL ZONE NO. 4204. POINTS (A) & (B) WERE HELD FOR HORIZONTAL CONTROL.
  - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. WITH THE EFFECTIVE DATE OF 48201C 0945M WITH THE EFFECTIVE DATE OF JANUARY 06, 2017. THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE WITHIN/OUTSIDE OF) THE 100 YEAR FLOODPLAIN.
  - ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
  - PROJECT BENCHMARK - RM 060030 PUBLISHED ELEVATION - 18.23' LOCATION: FROM HWY. 225 AND HWY. 146, TRAVEL SOUTH ON HWY. 146 1.55 MILES TO MAIN, THEN WEST ON MAIN 0.25 MILES TO BRIDGE. MONUMENT IS ON THE SOUTHWEST CORNER OF THE BRIDGE.
- TEMPORARY BENCHMARK - ELEVATION - 19.66'  
LOCATION: MAG NAIL IN THE CENTER OF NORTH P STREET NEAR THE CENTER OF THE NORTH PROPERTY LINE.

I, RICHARD FUSSELL, REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, DO HEREBY CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF A SURVEY PERFORMED UNDER MY SUPERVISION AND THAT ALL BOUNDARY CORNERS, SINGLE POINTS AND POINTS OF CURVE HAVE BEEN, OR WILL BE MARKED WITH FIVE-EIGHTHS INCH IRON RODS NOT LESS THAN THIRTY (30) INCHES N LENGTH AND THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS AS SPECIFIED IN THE CITY OF LA PORTE DEVELOPMENT ORDINANCE.

\_\_\_\_\_  
RICHARD FUSSELL

TEXAS REGISTRATION NO. 4148

- LEGEND:
- B.L. = BUILDING LINE
  - U.E. = UTILITY EASEMENT
  - A.E. = AERIAL EASEMENT
  - D.E. = DRAINAGE EASEMENT
  - W.L.E. = WATER LINE EASEMENT
  - S.S.E. = SANITARY SEWER EASEMENT
  - STM.S.E. = STORM SEWER EASEMENT
  - P.A.E. = PERMANENT ACCESS EASEMENT
  - P.U.E. = PUBLIC UTILITY EASEMENT
  - M.R.H.C. = MAP RECORDS OF HARRIS COUNTY
  - D.R.H.C. = DEED RECORDS OF HARRIS COUNTY
  - O.P.R.H.C. = OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY
  - I.P. = IRON PIPE
  - I.R. = IRON ROD
  - R.Q.W. = RIGHT OF WAY
  - VOL. = VOLUME
  - PG. = PAGE
  - P.O.B. = POINT OF BEGINNING
  - 1 = BLOCK NUMBER
  - 2 = SET 1/2" IR W/CAP MARKED "SURVEY 1"
  - 3 = TEMPORARY BENCHMARK

**BUTLER SUBDIVISION**

A SUBDIVISION OF 5.862 ACRES OUT OF THE E BRINSON SURVEY, ABSTRACT NUMBER 5, ALSO BEING A PARTIAL REPLAT OF OUTLOTS 303 & 318 OF THE TOWN OF LA PORTE SUBDIVISION AS RECORDED IN VOLUME 61, PAGE 374, DEED RECORDS OF HARRIS COUNTY

STATE OF TEXAS

1 BLOCK 3 LOTS

APRIL 11, 2023

OWNER:  
BRADY BUTLER AND AMBER ORTIZ  
11714 NORTH P STREET  
LA PORTE, TX 77571  
832-444-9324

www.survey1inc.com  
survey1@survey1inc.com  
**Survey 1, Inc.**  
Your Land Survey Company  
Firm Registration No. 100758-00  
P.O. Box 2543 | Afton, TX 77512 | (281) 393-1382  
PROJECT NO. 3-121316-23

\_\_\_\_\_  
DIRECTOR, PLANNING DEPARTMENT

\_\_\_\_\_  
(OWNER OF LAND BEING SUBDIVIDED OR PLATTED)





**Photo taken N. P. Street looking south at the site.**





**Photo taken on N. P Street looking south towards the site.**

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

Planning & Development Department  
**MINOR PLAT APPLICATION**

Phone: 281.470.5073  
Fax: 281.470.5005  
www.laportetx.gov

(10 Acres or Less, Platting 4 or Fewer Lots, Fronting on an Existing Street & Not Requiring the Creation of any New Street or Extension of Municipal Facilities)

**1. PROPERTY OWNER CONTACT INFORMATION:**

OWNER NAME: BRADY BUTLER PHONE 1: 8324449324  
PHONE 2: \_\_\_\_\_ FAX #: \_\_\_\_\_  
E-MAIL: BUTLERBRADY@YAHOO.COM  
MAILING ADDRESS: 1171 NORTH P ST LA PORTE TEXAS

**2. AGENT/CONTRACTOR REPRESENTING PROPERTY OWNER:**

AGENT/CONTRACTOR NAME: SURVEY 1 INC PHONE 1: 281-393-1382  
PHONE 2: \_\_\_\_\_ FAX #: 281-393-1383  
E-MAIL: LAURA.CALDWELL@SURVEY1INC.COM  
MAILING ADDRESS: P.O. BOX 2543 ALVIN, TEXAS 77512

**3. PROPERTY DESCRIPTION:**

PARCEL NO(s) (13-digit HCAD Tax ID #): 0231370000303  
SUBJECT PROPERTY ADDRESS (If existing): 11714 N P ST LA PORTE TEXAS  
SUBJECT PROPERTY LEGAL DESCRIPTION: PART PF ;PT 318 AND 303A LA PORTE OUTLOTS

**4. INFORMATION SPECIFIC TO APPLICATION:**

PROPOSED NAME: BUTLER SUBDIVISION # SECTIONS: 1 # LOTS: 3  
AUTHORIZED SIGNATURE: Laura Caldwell DATE: 4-13-23

**5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION:**

- ☐ COMPLETE ITEMS 1 THRU 4 OF APPLICATION
- ☐ ATTACH APPLICABLE PLANS
- ☐ SUBMIT CORRECT APPLICATION FEE (Refer to Application Fee Schedule for applicable fees)

**(STAFF USE ONLY):**

DATE RECEIVED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

PROJECT NUMBER: \_\_\_\_\_ - \_\_\_\_\_

SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: \_\_\_\_\_



# **AGENDA ITEM #5**

## **Zone Change Request**

### **#23-92000001**



## Planning and Development Department Staff Report Zone Change Request - #23-92000001

---

### DISCUSSION

#### Location:

The subject property is located at the northwest corner of W. B. Street and S. 11<sup>th</sup> Street.

#### Legal Description:

Lots 17, 18, 19 & 20. Block 25, Town of La Porte, Harris County, Texas

#### Background Information:

The applicant is requesting to rezone the subject property from General Commercial (GC) to Low Density Residential (R-1) to allow for the development of an approximately 2,388 square foot single-family home, including 1,751 square feet of living space, a 27-square foot front porch, a 192 square foot covered patio and a 418 square foot garage. In the future, the applicant proposes to build another single-family home on the property for family members.

According to Harris County Appraisal District records, the subject property includes 4 lots on 0.27 acres (12,000 square feet) of land and is currently undeveloped. The land area of the 4 lots is approximately 3,125 square feet (25' x 125") each. The property and surrounding properties north of W. B. St. are currently zoned General Commercial (GC). It is important to note that the 1981 zoning map indicated that the property was zoned residential. At some point between 1981 and 2014, the property was zoned GC, as well as properties north of W. B. St. The property is surrounded by existing single-family homes to the north and south. The existing zoning of GC may prove to make it difficult for property owners to make improvements to their homes.

Taking a closer look at the area and existing zoning designations may prove useful.

Residential area requirements for single-family detached homes in the R-1 zoning district are as follows. It is important to note that the existing lots are considered legal non-conforming, as when they were platted they met the requirements in place at the time.

- Minimum Lot Area: 6,000 square feet
- Minimum Lot Width: 50 feet
- Minimum Yard Setbacks: 25-15-5
- Maximum Height: 35 feet
- Minimum Unit SF: N/A
- Minimum Open Space: N/A
- Maximum Lot Coverage/  
Minimum Landscaping: 40%/N/A





**Planning and Zoning Commission**  
**August 31, 2023 – Zone Change #23-92000001**

The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses.

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	General Commercial (GC)	Single-Family Home
<b>South</b>	Medium Density Residential (R-2)	Single-Family Home
<b>West</b>	General Commercial (GC)	Single-Family Home
<b>East</b>	General Commercial (GC)	Goodwill Store & Donation Center

**Notification Requirements:**

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least 15 days prior to the hearing; written notice mailed to owners of real property within 300 feet of the site within 10 days of the hearing; and signs posted in the area of the rezoning within 10 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.

As of the date of this writing, no notices have been returned from property owners within 300 feet of the site.

**Analysis:**

Staff evaluated land use, access and utility considerations during the review of this application. The following describes staff's analysis:

1. *Land Use.* Staff finds that the use of the property with low density single-family residential housing is appropriate for the area, as the subject property is surrounded by single-family residential housing to the north, south and west.
2. *Access.* There is sufficient existing right-of-way to serve residential developments in the area.
3. *Utilities.* The site is already connected to city utilities.

The City's Comprehensive Plan identifies several items to be considered prior to making land use decisions. The following table breaks down each item and staff's findings.

<b>Criterion:</b>	<b>Staff Findings:</b>
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.



**Planning and Zoning Commission**  
**August 31, 2023 – Zone Change #23-92000001**

Impact on the value and practicality of the surrounding land uses.	The proposed zone change would be consistent with other properties in the immediate area.
Conformance of a zoning request with the land use plan.	The existing future land use designation is Commercial. The proposed zone change is not in conformance with the existing future land use plan. A future land use amendment to Low Density Residential is proposed.
Character of the surrounding and adjacent areas.	The proposed zone change is consistent with other properties in the immediate area, as there are existing single-family homes surrounding the subject property to the north, south and west.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The property is currently platted into 4 lots including approximately 3,125 square feet (25' x 125") each and is surrounded by similar single-family homes. Density, access, and circulation, as well as public facilities and services is suitable.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed zone change will have minimal impact on the traffic in the vicinity and is consistent with surrounding and existing uses.
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties.	It is not anticipated that the proposed zone change to allow for single-family development will create excessive air pollution or other negative environmental issues.
The gain, if any, to the public health, safety, and welfare of the City.	Taking a closer look at the area and existing zoning designations and land uses may prove useful in protecting existing single-family homes and will be consistent with surrounding developments.



**Planning and Zoning Commission**  
**August 31, 2023 – Zone Change #23-92000001**

**RECOMMENDATION**

Based on the above analysis, staff recommends the Planning and Zoning Commission consider the proposed Zone Change request #23-92000001.

**ATTACHMENTS**

- Exhibit A: Aerial Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Notification Map
- Exhibit E: Site Photos
- Exhibit F: Application



# Aerial Map

0 S 11th St.

Parcel Number: 0231650250017

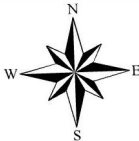
Zone Change #23-92000001

 Subject Tract



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

1 inch equals 100 feet



AUGUST 2023  
PLANNING DEPARTMENT





# Zoning Map

0 S 11th St

Parcel Number: 0231650250017

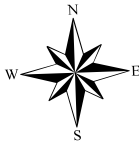
Zone Change #23-92000001

 Subject Tract

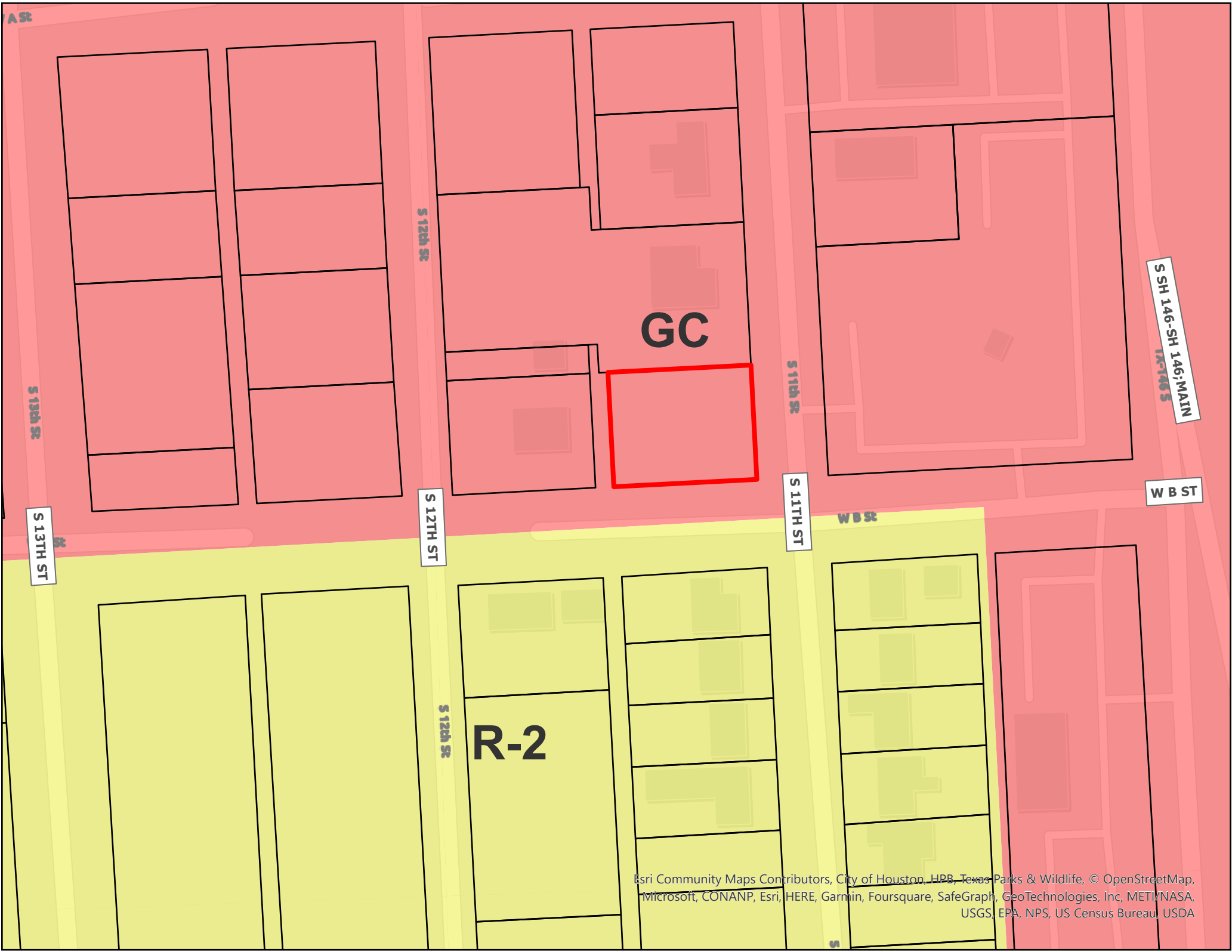


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1 inch equals 100 feet



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# FLUP Map

0 S 11th St.

Parcel Number: 0231650250017

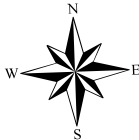
Zone Change #23-92000001

 Subject Tract

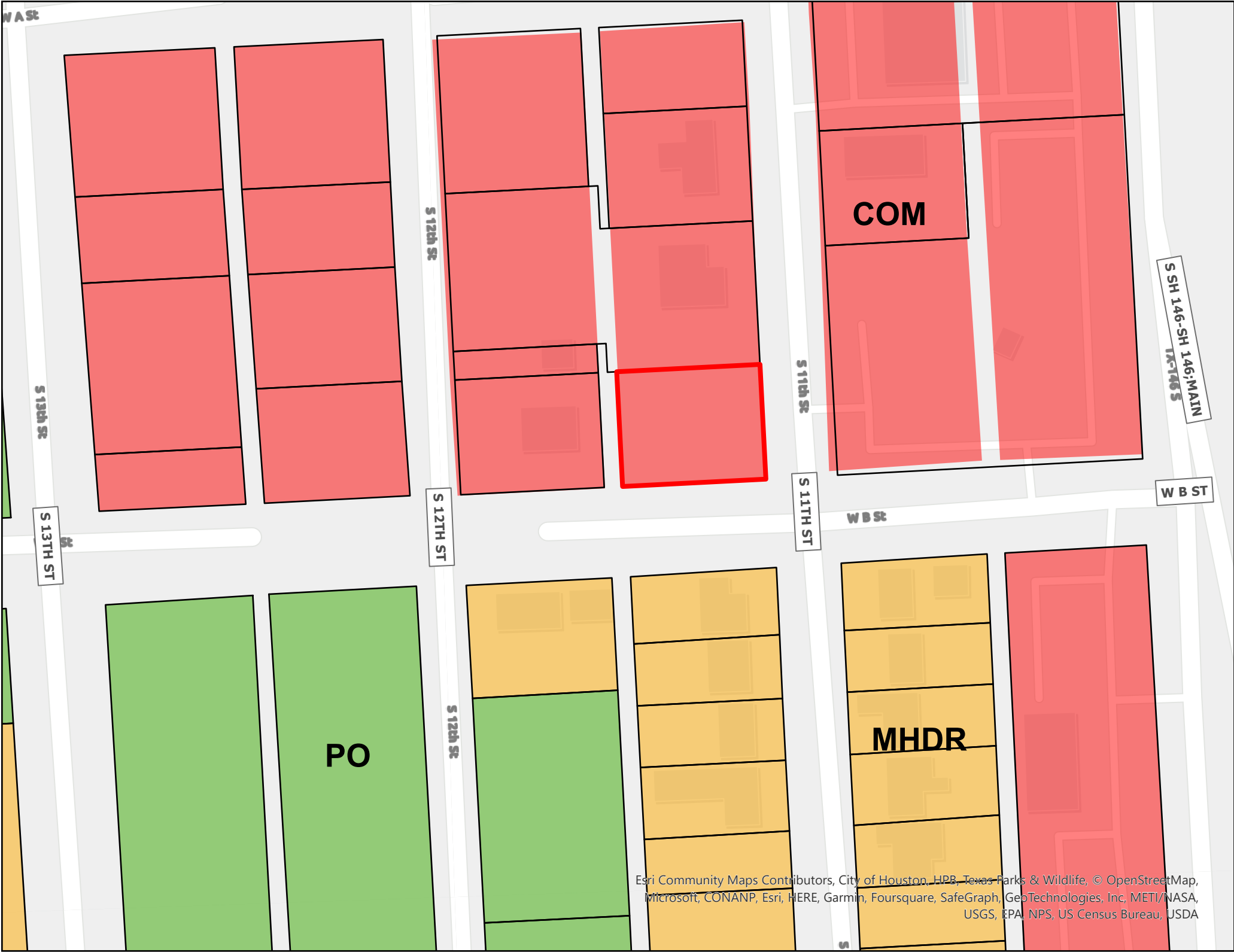


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1 inch equals 100 feet



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# Notification Map

0 S 11th St.

Parcel Number: 0231650250017

Zone Change #23-92000001

-  Subject Tract
-  Noticed Properties



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1 inch equals 183 feet



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**Photo taken on W. B Street looking north towards the site.**





Photo taken on S. 11<sup>th</sup> Street looking south towards the site.





Photo taken on S. 11<sup>th</sup> St. looking south at existing single-family homes to the west.





**Photo taken on S. 11<sup>th</sup> St. looking north toward existing single-family homes to the east and west.**





**Photo taken on subject property looking north towards existing single-family homes.**





Photo taken on S. 11<sup>th</sup> St. looking southwest towards existing single-family homes.





**Photo taken on the subject property looking southeast towards existing single-family homes.**





**Photo taken on the subject property looking south towards existing single-family homes**





**Photo taken on the subject property looking north toward the adjacent single-family home**





**Photo taken on W. B Street looking north at existing single-family home adjacent to the subject property to west**





# Zone Change Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

## OVERVIEW

Zoning protects the rights of property owners while promoting the general welfare of the community. The purpose of zoning is to locate particular land uses where they are most appropriate. A property owner may submit an application requesting consideration of a zone change or modification to the zone district that their property is located. Requests for a rezoning are reviewed in accordance with the provisions of Section 106-171 of the City of La Porte Code of Ordinances and the city's Comprehensive Plan. Rezoning requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

## SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- ☒ Completed **application form**.
- ☒ **Application fee** of \$400; nonrefundable.
- ☐ **Site plan, conceptual site plan or general plan**, drawn to scale and dimensioned to depict the development being proposed.
- ☒ **Project description/justification letter** that thoroughly explains what is being requested and why such SCUP should be approved by the Planning and Zoning Commission and City Council.
- ☒ **Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the Planning and Zoning Commission meeting date. Such sign will be provided by the Planning and Development Department.

## PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the zone change request will be scheduled for the next available Planning and Zoning Commission meeting date as a public hearing.
- The Planning and Development Department will provide the applicant with a Notice of Public Hearing sign that must be posted on the property where the zone change is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally, the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the zone change is being requested.



## Zone Change Application

### Planning and Development Department

- The Planning and Zoning Commission public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the City Council on the proposed rezoning. If additional information is requested by the Commission, the public hearing may be continued to a future meeting date.
- The Commission is tasked to review the proposed zone change and offer a recommendation to the City Council for approval, denial, or approval with conditions.
- Following the Commission's public hearing, their recommendation on the proposed rezoning is then forwarded to City Council for consideration.
- For the City Council public hearing, the Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and post notice at City Hall in conformance with legal requirements.
- The City Council public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the City Council will conduct a public hearing and render a decision on the proposed zone change. However, if additional information is requested by the City Council, the public hearing may be continued to a future meeting date.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to zone change requests.

#### CODE REQUIREMENTS

##### Rezoning Requests

##### **Sec. 106-171. - Amendment procedures.**

The city council may from time to time, on its own motion, the motion of the planning and zoning commission, or on petition, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries herein established.

- (1) *Public hearing before the city planning and zoning commission.* Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the city planning and zoning commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the city council.
- (2) *Notice of public hearing before city planning and zoning commission.*
  - a. Written notice of all public hearings before the city planning and zoning commission on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed as well as the La Porte Independent School District, such notice to be given not less than ten days before the date set for hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. At least 15 days notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the city.
  - b. Requirements for public notice by sign posting:
    1. Public notice for procedures requiring public notice by sign posting shall be provided by the city at least 15 days before the public hearing.
    2. The applicant shall place public notice sign on the property within 20 feet of the abutting street.
    3. The sign shall be clearly visible, readable, and not to create hazard to traffic on the public right-of-way abutting the property.
    4. Public notice sign shall include the date, time, place, and purpose of public hearing.
    5. The applicant must return the sign to the city within ten days after the appeal period for the public hearing has ended.
    6. The erection of this sign shall not require a permit from the city.





## Zone Change Application

Planning and Development Department

- 
- (3) *Publication of notice.* In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
  - (4) *Submission of findings and recommendations to city council.* The city planning and zoning commission shall forward its written findings of fact and recommendations to city council within 15 days of the close of the hearings.
  - (5) *Public hearing before city council.*
    - a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.
    - b. Notice of such hearing shall be given by publication once in a newspaper of general circulation on the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
  - (6) *Council actions.* The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council.
  - (7) *Protests.*
    - a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:
      1. The area of lots or land covered by the proposed change; or
      2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
    3. Streets and alleys shall be included when computing the area of land from which a protest may be filed.
  - (8) *Vote to overrule.* The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.



# Zone Change Application

Planning and Development Department

## PROJECT INFORMATION

Address where zone change is being requested: 0 S 11th Ave  
Legal description where zone change is being requested: LTS 17 18 19 + 20 BLK 25  
HCAD Parcel Number where zone change is being requested: 0231650250017  
Zoning District: General Commercial - C2 Lot area: 12,500 SF

A request for approval of a zone change is hereby made to the City of La Porte.

Description of Request: Requesting a zoning district change from C2 -  
Real, Vacant Commercial to State Category ID A1 -  
Real, Residential, Single Family

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

## PROPERTY OWNER(S) INFORMATION

Name: Jaine + Ranica Vasquez  
Company (if applicable): \_\_\_\_\_  
Address: 303 S. 15th St. / 301 S. 15th St.  
City: La Porte State: TX Zip: 77571  
Phone: 832.339.8649 + 713.483.0140 Email: jmvsg@hotmail.com

## AUTHORIZED AGENT (If other than owner)

Name: Christina Vasquez  
Company (if applicable): \_\_\_\_\_  
Address: 303 S. 15th St.  
City: La Porte State: TX Zip: 77571  
Phone: 832.348.6567 Email: christina.jaine.6303@gmail.com

## OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: Christina Vasquez Date: \_\_\_\_\_

Owner(s)' Signature(s): Jaine Vasquez Date: 6/16/24

### STAFF USE ONLY:

Case Number:

**23-92000001**

Date Application Received:

**06.29.2023**

Receipt#94679





# Zone Change Application

Planning and Development Department

## AFFIDAVIT OF POSTING

### PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS:

0 S 11<sup>th</sup> Street LaPorte Tx 77571

LEGAL DESCRIPTION:

45 17, 18, 19 - 20 Bk 25

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date:

Unknown on 6/29/23

3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

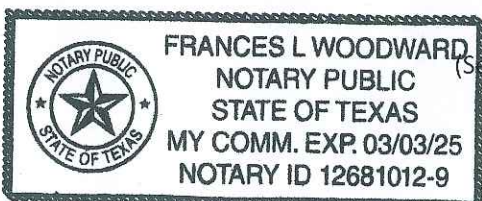
Applicant's Signature

Christine Pasquer

Applicant's Printed Name

Subscribed and sworn before me this 21<sup>st</sup> day of June, 2023, by

Christine Pasquer (Print Applicant's Name)



Notary Public

My commission expires: 3/3/2025



7:14



Photo

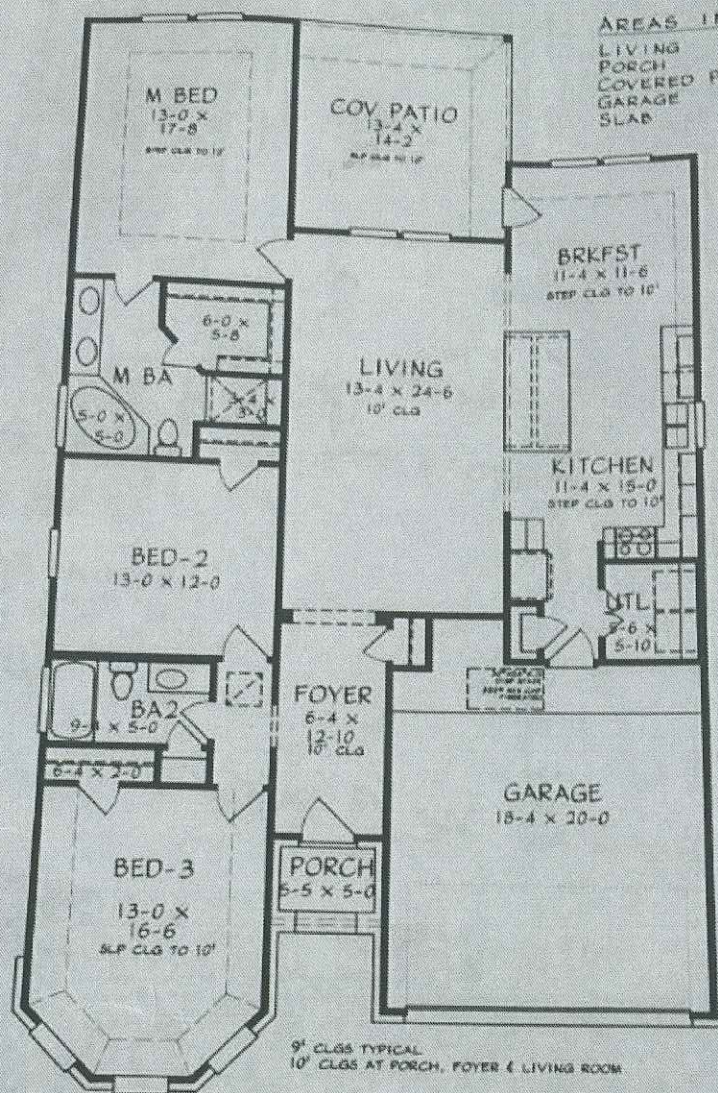
Done

8/8/18 - 4:05PM - SC-3-1823-2C.2 DWG

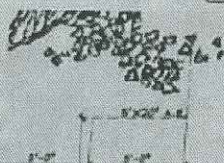
SC-3-1823

6/5/20 - 1:38PM - SR-3-1751-3B - F. MARETH, DWG

SR-3-1751-3B



39'-11" WIDE  
67'-5 1/2" DEEP







PLAN NO.

**SR-3-1751-3B**



**ADAMS  
DESIGNERS**

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[www.adamsd.com](http://www.adamsd.com)  
VOICE 713-473-3303



To whom it may concern,

We would like for the lots 17, 18, 19,  
and 20 Bk 25  
located at O S 11th Street.

to be rezoned from Commercial  
to Residential. This area is  
predominantly residential and we  
would like to build my son a home  
on these lots.

Thank you so much for your time  
and consideration.

Thank you,  
Christina Uy





## **AGENDA ITEM #6**

# **Future Land Use Map Amendment**

## **#23-92000001**

## Planning and Development Department Staff Report FLUP Amendment - #23-92000001

---

### DISCUSSION

#### Location:

The subject property is located at the northwest corner of W. B Street and S. 11<sup>th</sup> St.

#### Background Information:

Staff is presenting for consideration an amendment to the City's Future Land Use Plan in conjunction with a zone change request on approximately 0.27 acres (12,000 square feet) of land to allow for the development of single-family homes.

The City's Future Land Use Plan (FLUP) identifies the 0.27 acres as "Commercial". In order to accommodate the proposed zone change, the FLUP should be amended to allow for "Low Density Residential". The FLUP may be amended from time to time if approved by the City Council, upon recommendation by the Planning and Zoning Commission. The attached Exhibit A demonstrates the existing land use while Exhibit B shows the proposed future land use plan.

The Future Land Use Plan identifies the following surrounding land uses (see the attached Exhibit A):

	<b>Zoning</b>	<b>Land Use</b>	<b>FLUP Designation</b>
<b><i>North</i></b>	General Commercial (GC)	Single-Family Home	Commercial
<b><i>South</i></b>	Medium Density Residential (R-2)	Single-Family Home	Mid-High Density Residential
<b><i>West</i></b>	General Commercial (GC)	Single-Family Home	Commercial
<b><i>East</i></b>	General Commercial (GC)	Goodwill Store & Donation Center	Commercial

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the City's Future Land Use Plan, which was adopted as a component of the Comprehensive Plan. The LGC requires review of the proposed amendment by the Planning and Zoning Commission and consideration by the City Council. A public hearing will be scheduled at the time of City Council review.



**RECOMENDATION**

If the Planning and Zoning Commission recommends approval of the zone change request #23-92000001, then the City's Future Land Use Plan should be amended as described in this item.

**ATTACHMENTS**

- Exhibit A: Current Future Land Use (FLUP) Map
- Exhibit B: Proposed Future Land Use (FLUP) Map

# FLUP Map

0 S 11th St.

Parcel Number: 0231650250017

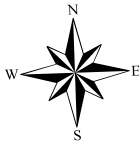
FLUP #23-92000001

 Subject Tract

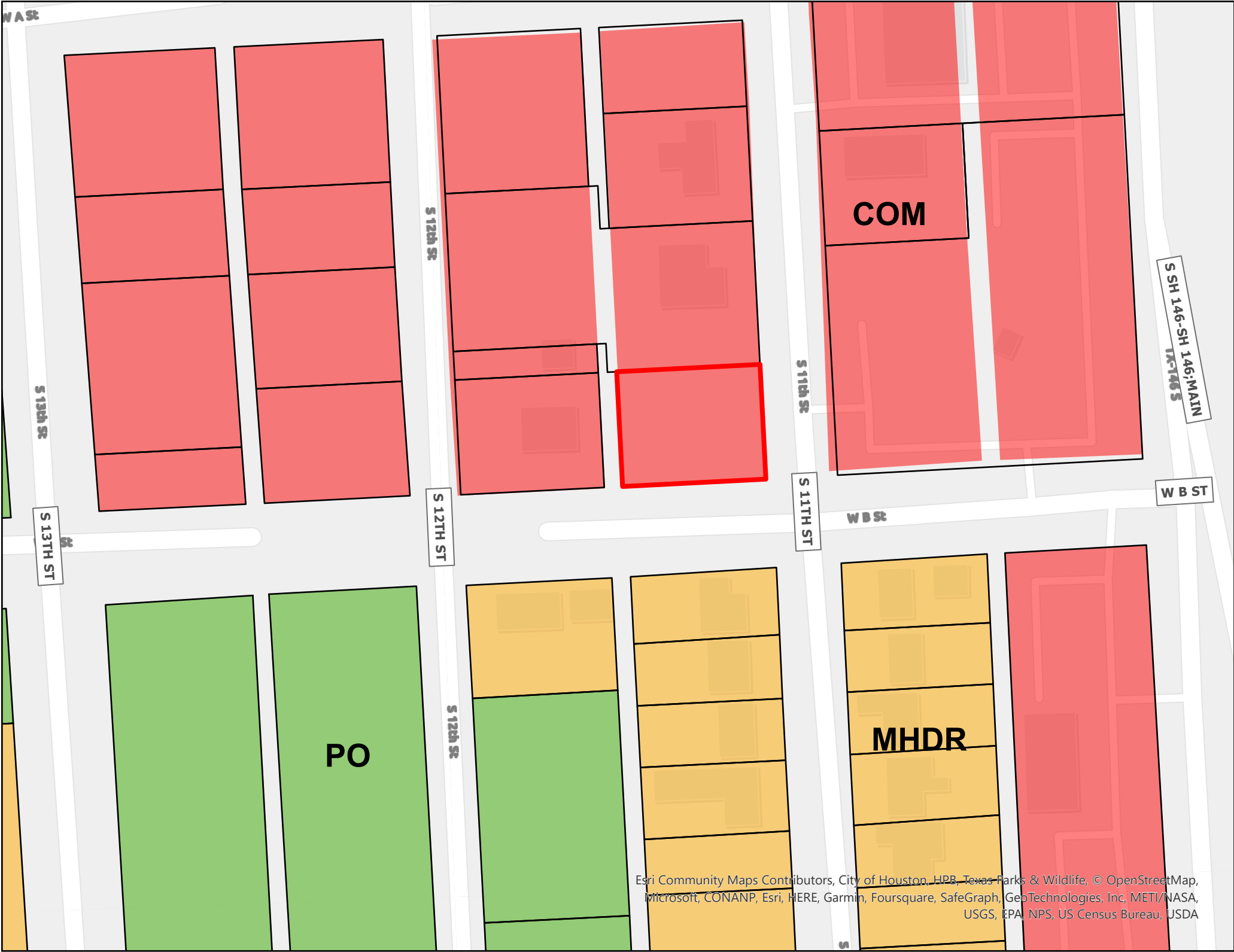


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1 inch equals 100 feet



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# Proposed FLUP Map

0 S 11th St

Parcel Number: 0231650250017

FLUP #23-92000001

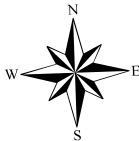
 Subject Tract

 Proposed Land Use

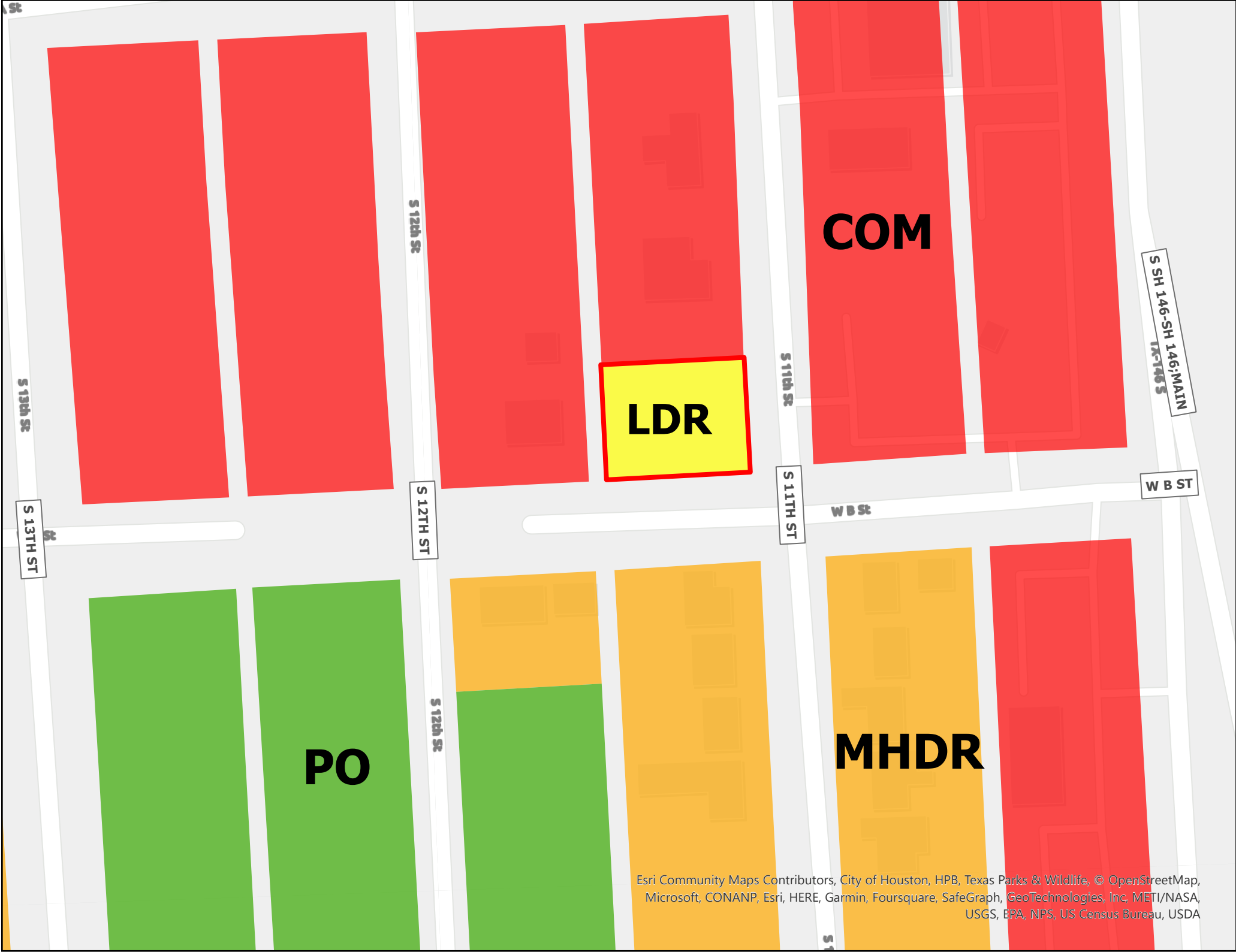


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## **AGENDA ITEM # 7**

### **Chapter 106 “Zoning” Amendments**

### **Short Term Rental (STR) Use**





## **STAFF REPORT**

### **Chapter 106 “Zoning” Amendment: 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.

An updated ordinance of the proposed amendments to Chapter 106 “Zoning” to allow the City of La Porte to permit STRs in designated zoning districts within the city limits is attached. The proposed Chapter 106 amendments seek to permit STR use in the Residential (R-1, R-2, R-3), Manufactured Housing (MH), Large Lot (LL), Main Street (MS), and Mixed Use (MU) zoning districts. The Chapter 106 Subcommittee met on June 8, 2023, to discuss this proposal prior to the full Commission’s review. On July 20, 2023, the Planning and Zoning discussed this item in a regular meeting and directed staff to proceed with scheduling a public hearing to formally consider the item. Since the July 20<sup>th</sup> review, the City Attorney has added language to include footnotes regarding licensing requirements and prohibition on STR use in structures utilized for commercial purposes and on first floor of the Main Street Overlay. Also attached is a copy of the DRAFT Ordinance to regulate STRs, to be presented to the City Council at a later date.

#### **RECOMMENDATION**

Approve or deny a recommendation to amend Chapter 106- Zoning to permit short term rental (STR) use in designated zoning districts 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) (Except hotels, motels, casino hotels and bed & breakfast inns)	P(d)	P(d)	P(d)	P(d)	P(d)

**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 by adding new Footnote 21, to hereinafter read as follows:

2017 NAICS Code	2017 NAICS Title	**	NC	MS	GCMU	B	I	L	I	H
721199	Short-Term Rentals (Except hotels, motels, casino hotels and bed & breakfast inns)			P <sub>21</sub>		P <sub>21</sub>				

21 Operation of Short-Term Rentals subject to necessary governmental permits and licenses with evidence of such placed on record with the city. Short Term Rental Use prohibited in



structures utilized for commercial purposes. In Main Street Overlay, Short-Term Rental use authorized only on second floor.

**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:

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Lee Woodward, City Secretary

APPROVED AS TO FORM:

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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 31<sup>st</sup> 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