



PLANNING AND ZONING COMMISSION MEETING AGENDA

Notice is hereby given of a **Regular Meeting** of the La Porte **Planning and Zoning Commission** to be held on **Thursday, February 21, 2019** at 6:00 p.m. at City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS.**
- 3. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. January 17, 2019 Meeting
- 4. PUBLIC HEARING:** Open Public Hearing to receive input on an application for Special Conditional Use Permit (SCUP) #19-91000001, a request by Charles Anders, applicant; on behalf of Bayway Homes, Inc., owner; for an amendment to SCUP 16-91000001, allowing for 2 additional duplex structures and one triplex structure on a total of 0.42 acres of land legally described as Lots 18 and 19, Block 32, Lots 20 and 21, Block 31, and Lots 7-9, Block 32, Beach Park Subdivision.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or question)
 - d. Question and Answer
- 5. ADJOURN PUBLIC HEARING**
- 6. CONSIDERATION:** Consider recommendation to City Council on SCUP #19-91000001
- 7. PUBLIC HEARING:** Open Public Hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, more specifically Section 106-310, Section 106-334, Section 106-444, and Section 106-797.
 - a. Staff Presentation
 - b. Public Comments (for, against, or question)
 - c. Question and Answer
- 8. ADJOURN PUBLIC HEARING**
- 9. CONSIDERATION:** Consider recommendation to City Council on changes to Chapter 106 "Zoning" of the Code of Ordinances.

10. MAIN STREET DESIGN FINDINGS: A request for approval of design drawings or approval of a waiver from the design guidelines in Section 106-948 (f); for proposed single family residential homes to be constructed in the 100 Block of S. Virginia St.

11. DISCUSSION ITEM

a. Commission Training

12. ADMINISTRATIVE REPORTS

13. COMMISSION COMMENTS on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

14. ADJOURN

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

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

CERTIFICATION

I certify that a copy of the Thursday, February 21, 2019, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2019.

Title: _____

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



February 21, 2019

AGENDA ITEM 3

Consider approval of the Meeting Minutes:

- a. January 17, 2019

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

**Planning and Zoning Commission
Minutes of January 17th, 2019**

Commissioners Present: Chairman Hal Lawler, Richard Warren, Nick Barrera, Mark Follis, Wyatt Smith, Christina Tschappatt, Jo Ann Pitzer, Trey Kendrick and Lou Ann Martin

Commissioners Absent: None

City Staff Present: City Attorney Knox Askins, City Planner Ian Clowes, Planning Technician Chase Stewart, Planning Director Teresa Evans, City Engineer Lorenzo Wingate, and City Manager Corby Alexander

CALL TO ORDER: (6:00pm)

Chairman Lawler called the meeting to order at 6:00 p.m.

ROLL CALL OF MEMBERS: (6:03pm)

All members were present for this meeting

Consider Approval of Meeting Minutes:

- a) November 15th, 2018 Minutes

Motion by Commissioner Kendrick to approve the proposed meeting minutes

Second by Chairman Lawler **Motion to approve carried**

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Kendrick, Pitzer, Martin, Warren, and Chairman Lawler

Nays: None **Motion to approve passes, 9-0**

Major Development Site Plan: Consider approval of the major development site plan #18-83000003, Domain at La Porte, an 18.02 acre multi-family development located at 3300 Bay Area Blvd.

Questions and Answer: Commissioner Follis had questions about clerical portions of the site plan that were answered by staff.

Motion by Commissioner Follis to approve Major Development Site Plan #18-83000003.

Second by Commissioner Warren **Motion to approve carried**

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Martin, Pitzer, Warren, Kendrick, Chairman Lawler

Nays: None **Motion to approve passes, 9-0**

5. FINAL PLAT: Consider approval of a Final Plat for the Morgan's Landing Section 1; a single family residential development consisting of 10 lots on 4.6 acres located on Bay Area Blvd.

6. FINAL PLAT: Consider approval of a Final Plat for the Morgan's Landing Section 2; a single family residential development consisting of 24 lots on 6.9 acres located on Bay Area Blvd.

7. FINAL PLAT: Consider approval of a Final Plat for the Morgan's Landing Section 3; a single family residential development consisting of 52 lots on 16.2 acres located on Bay Area Blvd.

8. FINAL PLAT: Consider approval of a Final Plat for the Morgan's Landing Section 4; a single family residential development consisting of 43 lots on 11.0 acres located on Bay Area Blvd.

9. FINAL PLAT: Consider approval of a Final Plat for the Morgan's Landing Section 5; a single family residential development consisting of 36 lots on 7.6 acres located on Bay Area Blvd.

10. FINAL PLAT: Consider approval of a Final Plat for the Morgan's Landing Recreation Center/Detention; a single family residential development consisting of 2 reserves on 26.0 acres located on Bay Area Blvd.

Staff Presentation: City Planner Clowes presented the 6 final plats for the Morgan's Landing subdivision and stated that all 6 meet minimum requirements of Chapter 86 and Chapter 106. None of the plats will be recorded until all public infrastructure is completed and accepted by the city.

Motion by Commissioner Kendrick to approve Morgan's Landing Final Plats Section 1-5 and Morgan's Landing Recreation/Detention Center Final Plat.

Second by Commissioner Barrera **Motion to approve carried**

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Martin, Pitzer, Warren, Kendrick, Chairman Lawler

Nays: None **Motion to approve passes, 9-0**

11. PRELIMINARY PLAT: Consider approval of a Preliminary Plat for Artesia; a single family residential development consisting of 82 patio home lots on 19.2 acres located on the east side of SH 146

Staff Presentation: City Planner Clowes introduced the Preliminary Plat of Artesia, an 82 lot patio home development. The development has an approved SCUP and was previously referred to as Fairmont Lakes North.

Motion by Commissioner Kendrick to approve the proposed Preliminary Plat for Artesia
Second by Commissioner Smith **Motion to approve carried**

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Martin, Pitzer, Warren, Kendrick, Chairman Lawler

Nays: None **Motion to approve passes, 9-0**

Administrative Reports: Staff presented the Commission with the attendance for all members over the past year. No comments were made by the Commission

Commission Comments: A number of the commissioners commented on how successful the meeting was and stated a desire for future development/meetings. Commissioner Follis and Chairman Lawler commented on how the commission could and should do more planning. This could be achieved through the formation of additional subcommittees to start reviewing the comprehensive plan priorities.

Adjournment of Meeting (6:32pm)

Motion to adjourn Planning and Zoning Commission meeting by Commissioner Warren
Second by Commissioner Smith **Motion to adjourn carried**

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Kendrick, Pitzer, Martin, Warren, and Chairman Lawler

Nays: None **Motion passes, 9-0**

Chairman Lawler adjourned the meeting at 6:32 pm

Respectfully submitted,

Chase Stewart
Planning Technician

Passed and Approved on _____, 2019.

Hal Lawler
Chairman, Planning and Zoning Commission

Trey Kendrick
Secretary, Planning and Zoning Commission

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



February 21, 2019

AGENDA ITEMS 4-6

Consider recommendation on Special Conditional Use Permit #19-91000001, a request by Charles Anders, applicant; on behalf of Bayway Homes, Inc., owner; for an amendment to SCUP 16-91000001, allowing for 2 additional duplex units and one triplex unit on a total of 0.42 acres of land legally described as Lots 18 and 19, Block 32, Lots 20 and 21, Block 31, and Lots 7-9, Block 32, Beach Park Subdivision.

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

ISSUE

Consider a recommendation to the City Council on a request by the applicant Bayway Homes for an amendment to a previously approved SCUP (16-91000001). Special Conditional Use Permit (SCUP) to allow development of 2 additional single family attached duplex homes and 1 triplex home located in Block 32, Beach Park Subdivision located on the northern-most of the “Circles” across from Sylvan Beach Park.

DISCUSSION

Applicant’s Request:

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

Background Information:

The total subject site area is legally described as Lots 7-21 and 22-27, of Block 32 and Lots 20-21, Block 31, Beach Park Subdivision and is generally located on the northern-most “Circle” adjacent to Sylvan Beach Park off Bayshore Drive. The attached Exhibit B is an Area Map showing the location of the subject property.

The lots are zoned MU, Mixed Use, and are currently undeveloped. The attached Exhibit C shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

| | Zoning | Land Use |
|--------------|---------------------------------|---|
| North | MU, Mixed Use | Existing single family residential within the “Circle” |
| South | R-2, Medium Density Residential | Sylvan Beach Park |
| West | MU, Mixed Use | Existing single family residential and minor commercial uses. |
| East | R-2, Medium Density Residential | Sylvan Beach Park |

The attached Exhibit D identifies this parcel on the city's Future Land Use Plan, as adopted in the Comprehensive Plan, as existing and proposed. Currently the site is identified as "Mixed Use" uses.

Notification Requirements:

The public hearing notification requirements outlined in Section 106-171 were performed in accordance with all applicable 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 200 feet of the site within 10 days of the hearing; sign posted on the site within 15 days of the hearing. Additional notice of the public hearing was posted at City Hall and on the City's website in compliance with state law.

Analysis:

There are a number of different considerations staff evaluated during the review of this application. The following describes staff's analysis of those considerations:

House design.

The proposed additional units will mirror the design of the recently completed units as approved under SCUP #16-91000001.

Setbacks.

As previously approved, the proposed development will provide setbacks consistent with the MU district requirements for single family detached development with the exception of the shared property line between each duplex unit. In the case of the shared property line a setback of 0' shall be permitted. The front setback requirement is a 15' minimum to 25' maximum from the property line, the side setback is 5' and the rear setback is 10'.

Site Plan.

No site plan is required for single family residential. The applicant will be required to submit for a building permit consistent with the requirements of the city's residential building codes, fire codes and zoning ordinance. Because the proposed development includes attached units on a property line, the proposed attached units will require a fire wall in compliance with code standards.

Off-street Parking.

In conformance with code requirements, the applicant is proposing two car parking spaces or garages on under the units.

Conclusion:

Based on the analysis above, staff finds that if the Planning and Zoning Commission desires to recommend approval of an amendment to the previously approved Special Conditional Use Permit, then the conditions as previously approved should still be met with the addition of allowing a triplex unit to locate on Lots 7-9. The previously approved conditions can be found in the attached Exhibit A.

Section 106-217 of the Zoning Ordinance outlines specific conditions for approval of SCUP applications. There are three different conditions that must be met in order to approve a SCUP. The following table identifies each of the three conditions and staff's finding on each:

| Condition: | Staff Analysis: |
|---|--|
| (1) That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity. | The proposed use of single family attached duplex development will be compatible with the existing development in the area, as each unit will be sold as owner occupied. The development is consistent with applicable development requirements outlined for single family detached residential in the MU district, with the exception of the shared property line between duplex units. |
| (2) That the conditions placed on such use as specified in each district have been met by the applicant. | The applicant, up to this point, has complied with all conditions placed on the development as part of this SCUP and will be reviewed for compliance at the time of additional building permit submittals. |
| (3) That the applicant has agreed to meet any additional conditions imposed, based on specific site constraints, and necessary to protect the public interest and welfare of the community. | The applicant has agreed to all previously recommended conditions and has stated that they are willing to continue complying with said conditions. |

RECOMMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission recommend approval of the proposed SCUP amendment to allow for 4 additional duplex units and permit 1 triplex development in the previously approved Bayway Homes development located on Bayshore Dr.

ATTACHMENTS

- Exhibit A: Previously Approved SCUP
- Exhibit B: Aerial Map
- Exhibit C: Zoning Map
- Exhibit D: Land Use Map
- Exhibit E: SCUP Application and Supplemental Information from the Applicant

ORDINANCE NO. 2016-3637

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 16-91000001 FOR THOSE CERTAIN TRACTS OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF ALLOWING DEVELOPMENT OF NINE (9) SINGLE FAMILY ATTACHED DUPLEX HOMES; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #16-91000001, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the development of nine (9) single family attached duplex homes on property generally located adjacent to Sylvan Beach Park and Bayshore Drive, said property being legally described as Lots 7-17, 20-21, and 22-27, Block 32, Beach Park Subdivision, City of La Porte, Harris County, Texas, within a Mixed Use (MU) zoning district.

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

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

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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

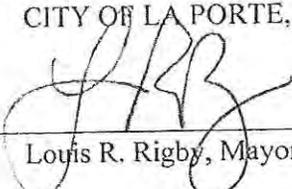
Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable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

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

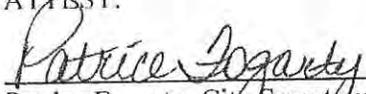
PASSED AND APPROVED this the 25th day of JULY 2016.

CITY OF LA PORTE, TEXAS

By: _____


Louis R. Rigby, Mayor

ATTEST:


Patrice Fogarty, City Secretary

APPROVED:

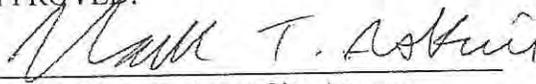

Clark Askins, Assistant City Attorney

EXHIBIT A

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

This permit is issued to: Bayway Homes
Owner or Agent

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

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

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

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

Zoning: MU, Mixed Use

Use: Single family attached duplex homes

Permit Conditions:

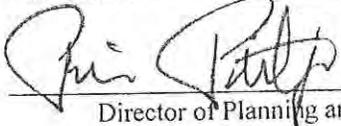
This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

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

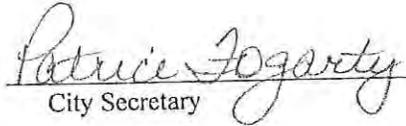
EXHIBIT A

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

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

Validation Date: 7-25-16


Director of Planning and Development



City Secretary



EXHIBIT B

AERIAL MAP

**SCUP
#19-91000001**

**Bayshore Dr.
Beach Park Subdiv.**

Legend

 Subject Parcels



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

1 inch = 86 feet

**FEBRUARY 2019
PLANNING DEPARTMENT**



EXHIBIT C

ZONING MAP

SCUP

#19-9100001

**Bayshore Dr.
Beach Park Subdiv.**

Legend

 Subject Parcels

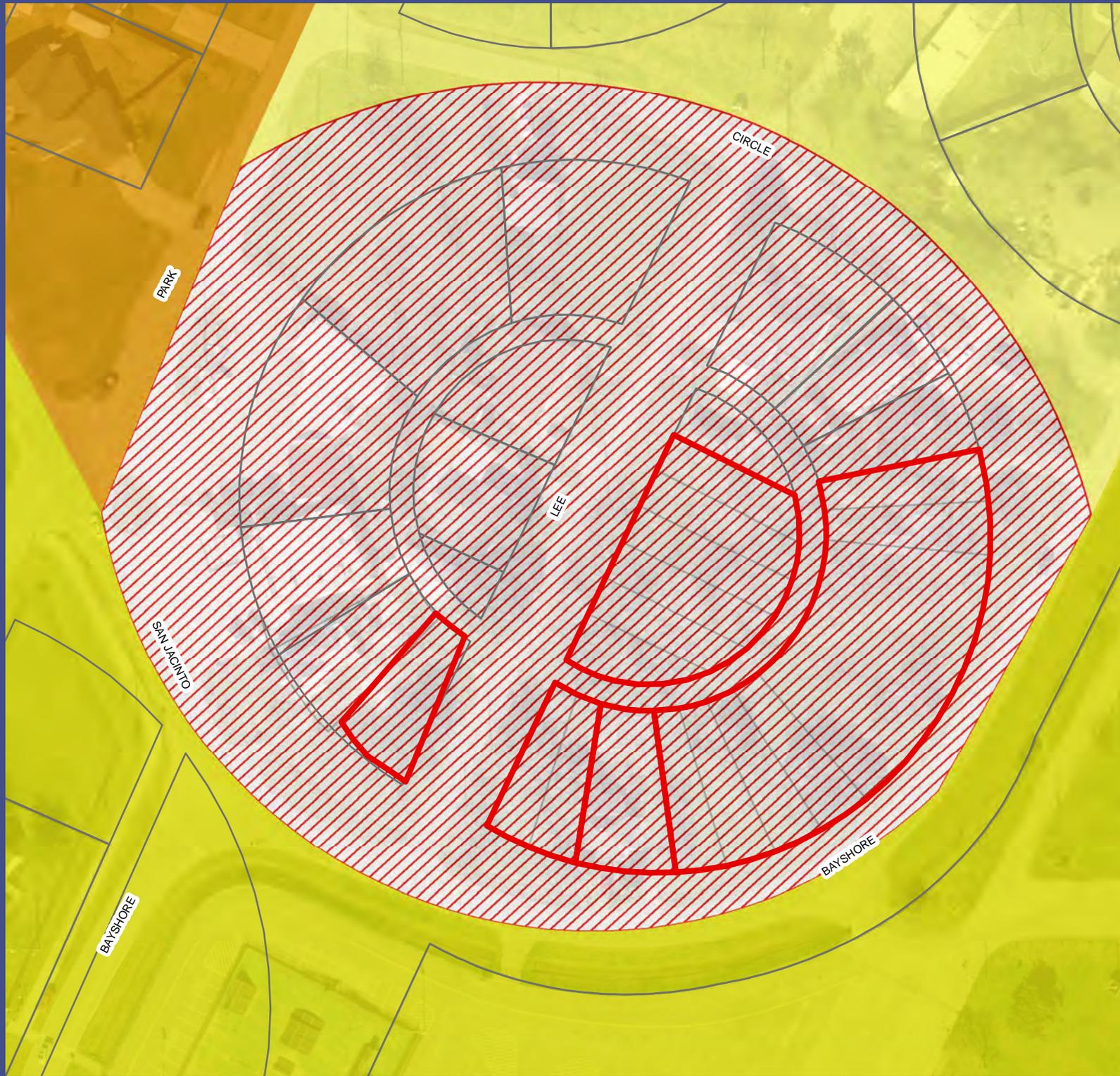


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**FEBRUARY 2019
PLANNING DEPARTMENT**



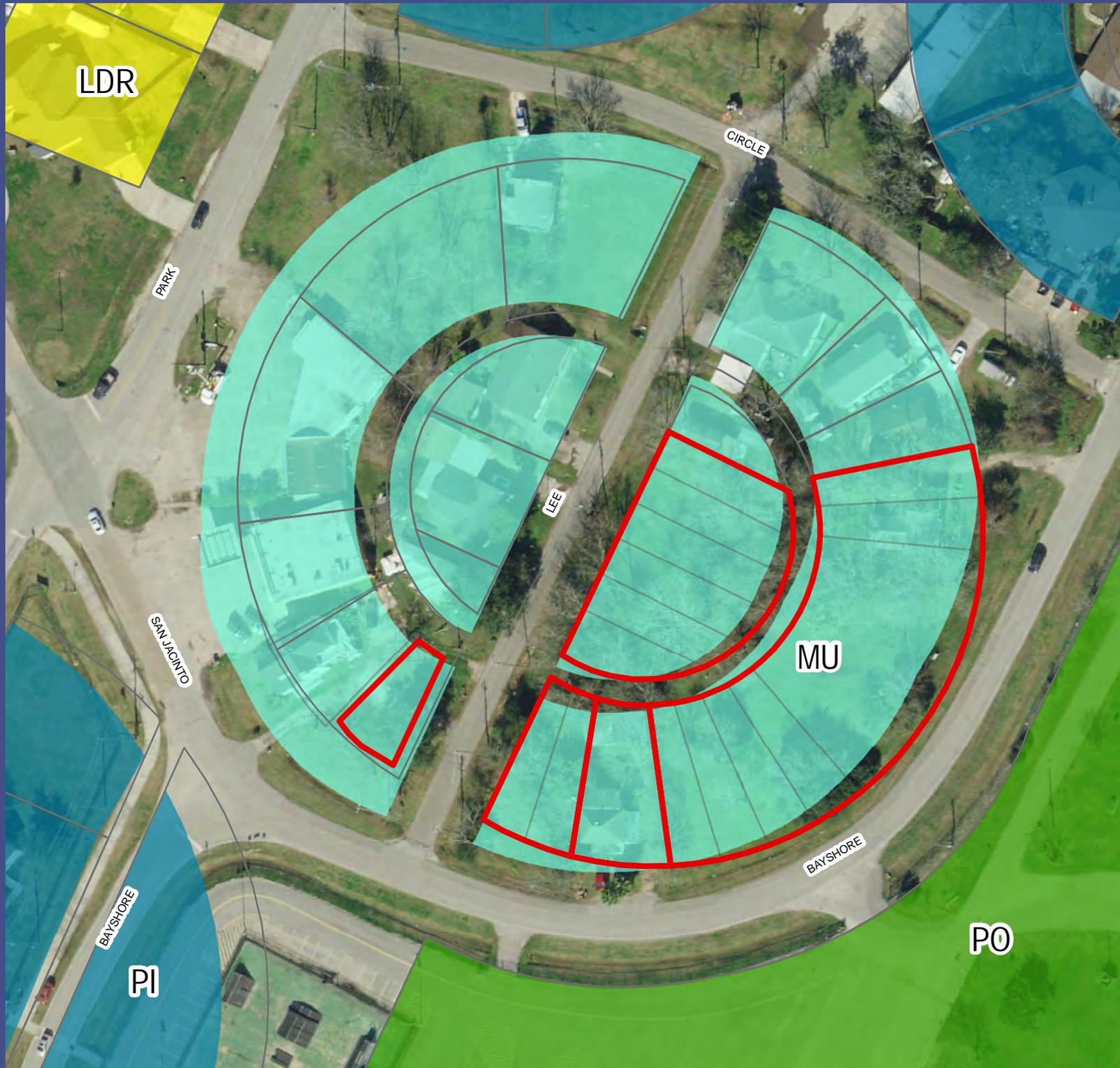


EXHIBIT D

FLUP MAP

SCUP

#19-91000001

**Bayshore Dr.
Beach Park Subdiv.**

Legend

 Subject Parcels



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1 inch = 86 feet

**FEBRUARY 2019
PLANNING DEPARTMENT**





Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: 705,707 Bayshore Dr 0 San Jacinto St.

Legal description where SCUP is being requested: Lots 18,19 Blk 32 Lots 20,21 Blk 31 BEACH PARK

HCAD Parcel Number where SCUP is being requested: 0070040000018 0070030000026

Zoning District: MU Lot area: 3068 Sq Ft.

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

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

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

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

PROPERTY OWNER(S) INFORMATION

Name: Bayway Homes Inc.

Company (if applicable): _____

Address: PO Box 1244

City: Friendswood State: Texas Zip: 77549

Phone: 8322769609 Email: canders@baywayhomes.com

AUTHORIZED AGENT (If other than owner)

Name: Charles Anders

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: 8322769609 Email: canders@baywayhomes.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: *Charles Anders* Date: 1-14-2019

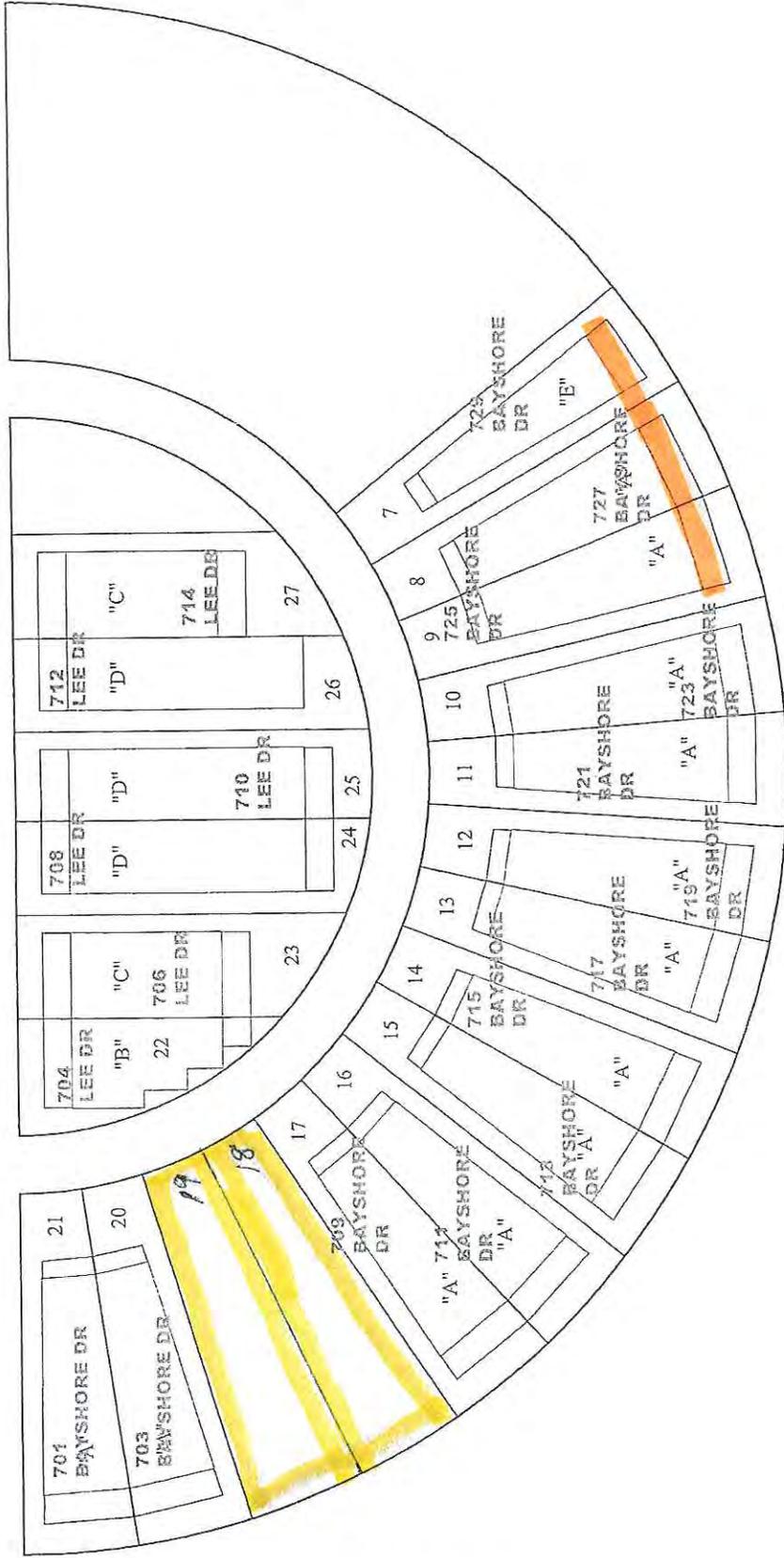
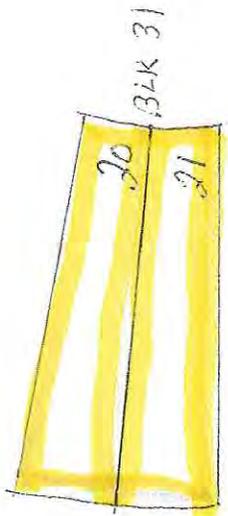
Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:
19-91000001

Date Application Received:
1/15/19

| | | | |
|---|----------------|---------------------------|-----------------------------------|
| Bayway Homes © COPYRIGHT 2016 | | Subdivision Beach Park | City/Jurisdiction La Porte, TX |
| Title BEACH PARK SCUP LOTS 7-17 AND 20-27 | | Buyer Signature | |
| Plan Number | Date 5-17-2016 | | |



LOT LAYOUT

ADD LOTS
TRIPLEX

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



February 21, 2019

AGENDA ITEMS 7-9

Proposed amendments to Chapter 106 "Zoning" Ordinance

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Planning and Development Department Staff Report

BACKGROUND

At the most recent review of Chapter 106 “Zoning,” the Chapter 106 subcommittee, along with staff support, addressed a number of items that were identified for possible amendments within the code. Below are a list of the subject items and the sections of the code that are proposed for amending.

1. Regulation of merchant wholesaler uses (distribution centers) throughout the industrial zoning districts – Section 106.310.
 - a. Proposed additional language to the land use table restricting merchant wholesaler uses by requiring a SCUP in BI zoning districts and limiting it to 40,000 square feet and 5 acres in LI and HI or permitting larger via a SCUP.
2. Regulation of shipping containers being used for residential construction – Section 106-334
 - a. Proposed additional language stating that homes constructed out of shipping containers must be clad with materials on the façade so as to hide all portions of the shipping container structure.
3. Regulation of hotel/motel use throughout the city in all zoning districts – Section 106-44 and 106-310
 - a. No changes proposed at this time.
 - b. The subcommittee agreed to revisit the Hotel/Motel use requirements at the annual review of Chapter 106 to begin later this summer.
4. Changes to language regarding fence height for fences with barbed wire – Section 106-797
 - a. Change existing language to meet standard construction regulations.

Attached is the draft language proposed by the subcommittee for each item listed above. All proposed changes are shown in red.

REQUESTED ACTION

The Chapter 106 Subcommittee recommends the Planning and Zoning Commission recommend approval of the proposed amendments to Chapter 106 as presented.

Merchant Wholesaler

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

| 2017 NAICS Code | 2017 NAICS Title | ** | NC | MS | GC | MU | BI | LI | HI |
|-----------------------|---|-----------|----------------|----------------|----------------|----------------|--------|-----------------|-----------------|
| | Artisan shops with a retail component (1,000 sq ft max) | | P ³ | | | P ³ | | | |
| | Artisan shops with a retail component (2,500 sq ft max) | | | P ³ | P ³ | C | | | |
| | Offices only for any use code | | | P | P | | P | P | P |
| | All uses permitted or/accessory in R-3 zone, except single-family detached and special lot, duplexes, quadrplexes, townhouses, and multi-family | | P | P ¹ | P | P | | | |
| | Single-family detached | | | P ² | | P | | | |
| | All Conditional uses in R-3 zone | | C | C | C | C | | | |
| 11 | Agriculture, Forestry, Fishing & Hunting | ** | | | | | | | |
| 21 | Mining | ** | | | | | | | |
| 22 | Utilities | ** | | | | | | | |
| 23 | Construction | | | | | | | | |
| 236 | Construction of Buildings | | | P | P | | P | P | P |
| 237 | Heavy and Civil Engineering Construction | | | | | | P | P | P |
| 2381 | Foundation, Structure, and Building Exterior Contractors | | | | | | | | |
| 2382 | Building Equipment Contractors | | | P | P | | P | P | P |
| 2383 | Building Finishing Contractors | | | | | | | | |
| 238910 | Site Preparation Contractors | | | | C | | P | P | P |
| 42 | Wholesale Trade | ** | NC | MS | GC | MU | BI | LI | HI |
| 4231 | Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers | | | | | | | | |
| 4232 | Furniture and Home Furnishing Merchant Wholesalers | | | | | | | | |
| 4233 | Lumber and Other Construction Materials Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 4234 | Professional and Commercial Equipment and Supplies Merchant Wholesalers | | | | | | | | |
| 42351 | Metal Service Centers and Other Metal Merchant Wholesalers | | | | | | | | |
| 42352 | Coal and Other Mineral Merchant Wholesalers | | | | | | | | P ¹⁹ |
| 4236 | Household Appliances and Electrical and Electronic Goods Merchant Wholesalers | | | | | | P C | | |
| 4237 | Hardware, and Plumbing and Heating Equipment and Supplies Wholesalers | | | | | | | P ¹⁹ | P ¹⁹ |
| 4238 | Machinery, Equipment, and Supplies Merchant Wholesalers | | | | | | | C | P ¹⁹ |

| | | | | | | | | | |
|--------|--|--|--|---------|---------|--|-------------|-----------------|-----------------|
| 423910 | Sporting and Recreational Goods and Supplies Merchant Wholesalers | | | P 18 | P 18 | | P C | P ¹⁹ | P ¹⁹ |
| 423920 | Toy and Hobby Goods and Supplies Merchant Wholesalers | | | P 18 | P 18 | | P C 4 | P ¹⁹ | P ¹⁹ |
| 423930 | Recyclable Material Merchant Wholesalers | | | | | | | | P ¹⁹ |
| 423940 | Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 423990 | Other Miscellaneous Durable Goods Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 4241 | Paper and Paper Product Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 4242 | Drugs and Druggists' Sundries Merchant Wholesalers | | | | | | | | |
| 4243 | Apparel, Piece Goods, and Notions Merchant Wholesalers | | | | | | | | |
| 4244 | Grocery and Related Product Merchant Wholesalers | | | | | | | | |
| 4245 | Farm Product Raw Material Merchant Wholesalers | | | | | | | P ¹⁹ | P ¹⁹ |
| 424610 | Plastics Materials and Basic Forms and Shapes Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 424690 | Other Chemical and Allied Products Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 424710 | Petroleum Bulk Stations and Terminals | | | | | | | P ¹⁹ | P ¹⁹ |
| 424720 | Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals) | | | | | | C | P ¹⁹ | P ¹⁹ |
| 424810 | Beer and Ale Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 424820 | Wine and Distilled Alcoholic Beverage Merchant Wholesalers | | | | | | P C | P ¹⁹ | P ¹⁹ |
| 424910 | Farm Supplies Merchant Wholesalers | | | | | | | C | P ¹⁹ |
| 42492 | Book, Periodical, and Newspaper Merchant Wholesalers | | | | | | C | | |

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

temperature processes such as combustion or welding shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights which casts light on residential property shall not exceed 0.4 foot-candles (meter reading) as measured from such property.

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

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

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

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

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

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

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

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

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

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

Shipping Container Homes

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

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

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

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

- (3) All required developed open space must be operated and maintained by a homeowners association, subject to the conditions established in sections 106-676 (Property controls), 106-677 (Public services), 106-678 (Public services), and 106-679, with all documentation required to be submitted for filing in conjunction with the final plat.
 - (4) The density bonus shall only be permitted per designated open space or major outdoor recreational facilities in excess of the requirements established in section 12.00 et seq., of the subdivision ordinance, on file in the city secretary's office, including the credit given in section 12.02 for land dedicated by a developer within a development or subdivision for compensating open space on an acre per acre basis.
- (i) *Bed and breakfast* (as defined in sections 106-1 (Definitions) and 106-744 (Bed and breakfast)):

- (1) Bed and breakfast shall be operated in accordance with the bed and breakfast and home occupation requirements of section 106-749 (Home occupation).
 - (2) Additional required parking shall not be provided in any required front or side yard.
 - (3) Bed and breakfasts shall comply with the boardinghouse requirements of the currently adopted edition of the Standard Housing Code and Life Safety Code (NFPA 101).
- (j) *Additional multi-family regulations.*
- (1) *Screening.* A ten-foot opaque screen consisting of a combination of shrubs, fencing, and/or masonry wall must be created between multi-family residential developments adjacent to single-family residential developments.
 - a. *Location.* The required screen shall be located within the first ten feet of the building setback adjacent to the single-family residential district.
 - b. *Planting.* At the time of planting, the shrubs must be between four to six feet tall and create an opaque screen within one growing season.
 - i. All shrubs must be approved by planning department officials.
 - (2) *Fencing.* Every multi-family development within the city shall have a perimeter fence located along all sides abutting or facing the right-of-way, as well as along all sides abutting or facing single-family residential developments.
 - a. *Construction, maintenance of fence or wall.* Every fence or wall herein shall be constructed and maintained as follows:
 - i. All fences shall be constructed of wood, masonry, or wrought iron.
 - ii. All fences or walls shall extend downward to within three inches of the ground and shall test plum and square at all times.
 - iii. All fences or walls shall be constructed in compliance with all applicable provisions of the building codes of the city.
 - b. *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to said multiple-family development shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall set forth in this section.
 - (3) *Recreational areas, facilities, and open space.*
 - a. The open space requirements for townhouses, quadraplexes and multi-family developments shall include a combination of the following:
 - i. Trails,
 - ii. Playgrounds (except in the case of "Senior Only" developments),
 - iii. Clubhouses, and/or
 - iv. On-site detention pond areas (Playgrounds are not to be located in the detention pond areas.).
 - (4) *Controlled access gates, if utilized:*
 - a. Shall be constructed set back from the street far enough to prevent traffic congestion from any vehicle traveling on the right-of-way adjacent to such controlled access gate, and
 - b. Must provide 24-hour access to emergency vehicles, including fire department, EMS, police department and utility company vehicles.
- (k) Group care facilities (aka community homes, residential personal care homes, living centers, assisted living centers and similar uses as identified in NAICS group #623 (Nursing and Residential Care Facilities)).

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

Barbed Wire Fence Height

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

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

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



February 21, 2019

AGENDA ITEM 10

A request for approval of design drawings or approval of a waiver from the design guidelines in Section 106-948 (f); for proposed single family residential homes to be constructed in the 100 Block of S. Virginia St

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Planning and Development Department

Staff Report

BACKGROUND

Section 106-948 (f) of the City Code of Ordinances specifies certain criteria for the construction of single family homes within the Main Street (MSD) zoning district. Enforcement of these provisions are granted to the Director of Planning and Development or their designee.

Staff has recently received a request for design approval for two separate single family homes to be located in the 100 Block of S. Virginia St. These lots are both zoned MSD and thus must meet the requirements of Section 106-948 (f).

Sec. 106-948. - Architectural design guidelines

(f) Redevelopment principles for single-family dwellings.

- (1) Homes shall be no more than two stories in height.
- (2) Houses should be designed to incorporate characteristics in pre-1930's residential construction. Colors common during the time should be utilized.
- (3) The primary material (minimum of 90%) shall be brick, stone, stucco, block, wood siding or synthetic wood (such as Hardiplank).
- (4) Sheet metal siding, plywood, and EIFS (Exterior Insulation Finishing System), synthetic stucco, and burglar bars shall not be used.
- (5) Where original doors and/or windows were blocked or covered, those openings should be restored to their original appearance.
- (6) The use of aluminum window frames is prohibited.

Staff has reviewed the attached elevation drawings (Exhibits A and B) and is requesting review by the Planning and Zoning Commission. The Commission, upon reviewing Section 106-948 (f) can either approve or deny the drawings as is, or approve a waiver of the design guidelines as permitted in Secyion 106-947 (b)

Sec. 106-947. - Review procedures.

- (b) Any waivers to the provisions of this section require approval by the Planning and Zoning Commission. The Planning and Zoning Commission may approve a waiver request subject to the following findings:
- (1) The project as designed is consistent with the general spirit and intent of the City of La Porte's Comprehensive Plan.
 - (2) The proposed building will result in an attractive contribution to the community

REQUESTED ACTION

Staff requests the Planning and Zoning Commission consider the design proposal as submitted to determine whether the design guidelines of Section 106-948 (f) of the City Code of Ordinances have been met.



PLANS Linda Wingeier - Own
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EXHIBIT B



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



February 21, 2019

AGENDA ITEM 11

DISCUSSION ITEM

- a. Future Planning & Zoning Commission Training

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas*