



City of La Porte Planning and Zoning Commission Agenda

Notice is hereby given of a **Special Called Meeting** of the La Porte Planning and Zoning Commission to be held on **Thursday, September 4, 2014, at 6:00 p.m.** at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

1. Call to order.
2. Roll call of members.
3. Presentation of the Chapter 106 (Zoning) Subcommittee's Proposed Modifications to Chapter 106 (Zoning)
4. Administrative reports.
5. Commission comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
6. Adjourn.

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

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

CERTIFICATION

I certify that a copy of the Thursday, September 4, 2014 agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ___ day of _____, 2014.

Title: _____

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



September 4, 2014

AGENDA ITEM 3

Chapter 106 (Zoning) Revisions:
Presentation of the Chapter 106 (Zoning) Subcommittee's
Proposed Modifications to Chapter 106 (Zoning)

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

Planning and Development Department Staff Report

DISCUSSION

The Chapter 106 (Zoning) Subcommittee presented to the Planning and Zoning Commission at the August 21, 2014 regular meeting their proposed recommendations for modifications to the city's Zoning Ordinance. There were three items where staff and the Subcommittee hadn't come to agreement at the time of the meeting. At the conclusion of the meeting, the Commission directed the Subcommittee and staff to further discuss those three items and attempt to come to some resolution on those topics. The following summarizes those discussions by topic.

Nonconforming Lots of Record (Section 106-268):

Section 106-268, Nonconforming lots of record, describes requirements for those lots of record that are nonconforming including requirements for bringing those properties into compliance with the code. This is the first issue where staff partially disagreed with the recommended modifications of the Subcommittee.

Subsection (a) as proposed requires any "new use" for a nonconforming lot of record be subject to review by the Planning Director including, but not limited to, review of parking, loading, vehicular access, landscaping, setbacks, utility availability, and other requirements.

The previous disagreement was with the striking out of the words "but not" and replacing with "and." This resulted in the limitation of just those select items to be up for review when a change in use of a nonconforming lot of record occurred. As discussed at the Commission meeting, staff was concerned that there were other items that were commonly reviewed, as a means of bringing those nonconformities more into compliance with the code. Staff and the Subcommittee agreed that the inclusion of "parking lot surfacing for required parking, dumpster enclosures" provides those common items that are reviewed by staff. As a result, staff and the Subcommittee have come to an agreement on this item.

The following is an excerpt from Section 106-268 of the Code of Ordinances showing the proposed language:

Sec. 106-268. Nonconforming lots of record.

Paragraph (a)

Continuance of nonconforming lots of record. Subject to all limitations herein set forth, any nonconforming lot may continue without change in boundaries and may be utilized or developed provided that the uses and development are otherwise authorized as provided herein. No new structure shall be placed thereon except in conformity with the applicable controls of the district in which the lot is located. No new use or ~~change in occupancy~~ may be undertaken on

nonconforming lots of record, unless said change in use or ~~occupancy as well as "tenant and/or occupant"~~ is first submitted to the planning director for review. The planning director shall review said proposed change in use or ~~occupancy~~, for purposes of insuring ~~maximum~~ compliance with this ~~division~~ chapter, taking into account the particular restraints imposed by the degree of nonconformity of said nonconforming lot of record. The director's review shall include, ~~but not~~ and be limited to **required parking, loading, vehicular access, landscaping, setbacks, utility availability, parking lot surfacing for required parking, dumpster enclosures,** and other requirements as imposed by this ~~division~~ **Chapter**.

Decisions of the planning director made pursuant to provisions contained in this section are subject to appeal to the board of adjustment as provided in [section 106-89](#) (**Appeals to board of adjustment**) of this chapter.

Section 106-874, paragraph a.4, On-premises signs (freestanding signs in the Main Street District):

This item is the second topic where staff and the Subcommittee didn't reach an agreement at the time of the August 21st Planning and Zoning Commission meeting. This section of the code provides an allowance for monument-style ground signs in the Main Street District.

The recommendation by the Subcommittee was to strike out those provisions for freestanding signs in the Main Street District. The reason for this recommendation is because the desired sign in the district should be building-mounted because the proposed design guidelines require new buildings within the Main Street Overlay be built up to the front property line. Staff recommended that language be included allowing for freestanding signs within the Main Street, and was concerned that there were existing structures in the Main Street Overlay where building are set back from the front property line. Staff felt that large pole signs for these areas of significant building setbacks were less desirable than the smaller monument signs.

Staff and the Subcommittee came to agreement on this issue. The agreement was to provide an allowance for a freestanding pole sign for those properties already existing in the Main Street District that are existing and setback from the front property line. The Subcommittee is recommending limiting that sign face to be a maximum total area of 24 square feet in size with a minimum of 10 feet from the bottom of the sign and a maximum of 14 feet from the top of the sign. This would allow for smaller pole signs as opposed to monuments signs.

The following is an excerpt from Section 106-874 of the Code of Ordinances showing the proposed language:

Sec. 106-874. On-premises signs.

Paragraph (a.4)

Any new on-premises freestanding signs, **which shall only be permitted on those properties where a building is already existing and is setback from the front property line,** shall be a ~~monument or ground sign that does not exceed eight feet in width and height from the ground to the top of the sign~~ **is a minimum height of 10 feet from the bottom of the sign and a maximum height of 14 feet to the top of the sign and cannot exceed 24 square feet in area.** (Note: In accordance with [section 106-878](#)(b)(2), sign not exceeding eight feet in height do not have to be engineered.)

Article IX, Design guidelines:

The third and final issue that staff and the Subcommittee did not agree on were design guidelines for the MS and MSO District, specifically relating to single family development. The Subcommittee recommended some redevelopment principles for single family dwellings be included. Staff expressed some concern in including this as they are difficult to enforce. The Subcommittee and staff have come to an agreement on this issue too. Staff has agreed to include these provisions with the stipulation that there is an appeal process established in the event that an applicant did not agree with a staff requirement. This language is identical to those review processes included in the design guidelines for commercial development.

The following is a excerpt from the language added regarding review procedures for design guidelines in the MS and MSO District.

Sec. 106-XXX. Review procedures.

- (a) The provisions of this section shall be reviewed as part of the requirements of Section 106-236 (Certified site plan required).
- (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.