

ORDINANCE NO. 2024-4004

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO E-CIGARRETTE/VAPE STORES, MOBILE FOOD SERVICES, OTHER PERSONAL CARE SERVICES/SEXUALLY ORIENTED BUSINESSES, AND PUBLIC NOTICE BY SIGN POSTING; 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 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 for e-cigarette and vape stores within the table established in such section for tobacco and smokers’ supply & cigar stores, which said use classification shall be inserted within such table in the proper numerical sequence, to hereinafter read as follows:

2017 NAICS Code	2017 NAICS Title	**	NC	MS	G	MU	BI	LI	HI
453991	Tobacco and Smokers' Supply Stores (Tobacco & Cigar Stores)		C	C	C	C	C	C	C
453991	Tobacco and Smoker’s Supply Stores (E-Cigarette and Vape Stores)								C

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, “NAICS 722330 - Mobile Food Services” is hereby amended to allow mobile food services as a permitted use in the Main Street (MS) zoning district, which part shall hereinafter read as follows:

2017 NAICS Code	2017 NAICS Title	**	NC	MS	G	MU	BI	LI	HI
722330	Mobile Food Services			P		P		P	P

Section 3: 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 under NAICS 812199 “Other Personal Care Services (except hair, nail, facial, nonpermanent makeup, or non-medical diet and weight reducing services)” and “Other Personal Care Services (sexually oriented businesses)”, which said use classification shall be inserted within such table in the proper numerical sequence, to hereinafter read as follows:

2017 NAICS Code	2017 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
812199	Other Personal Care Services (except hair, nail, facial, nonpermanent makeup, or non-medical diet and weight reducing services)		P	P	P	P	P	P	P
812199	Other Personal Care Services (Sexually Oriented Businesses)								C

Section 4. That Chapter 106, “Zoning,” Division 5. Amendments, Section 106-171 “Amendment Procedures”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by modifying the requirements for notice of public hearings before the city planning and zoning commission, and requirements for public notice by sign posting, to hereinafter read as follows:

“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 300 feet of the property on which the change in classification is proposed, as well as the La Porte Independent School District, and to civic associations whose boundaries are wholly or partly within said 300-foot area, such notice to be given not less than ten (10) 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 fifteen (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 posted on the subject property by the city at least ten (10) days before the public hearing.

2. The applicant shall place public notice sign shall be placed on the property within twenty (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. The sign shall remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall delay the request until the next available meeting.

5. If the sign is damaged, destroyed, or goes missing, the applicant must notify City staff within 24 hours in order to have a new sign placed on the property. Failure to do so will delay the request until the next available meeting.

~~6. The erection of this sign shall not require a permit from the city.~~

4-6. Public notice sign shall include the date, time, place, and purpose of public hearing.

~~5-7.~~ The applicant must return the sign will be picked up by the city within ten (10) days after the appeal period for the public hearing has ended.

(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 fifteen (15) days from the day of such publication.”

Section 5. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 6. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

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

Section 8. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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

PASSED AND APPROVED this the 26th day of AUGUST 2024.

CITY OF LA PORTE, TEXAS

By: _____
Rick Helton, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark Askins, City Attorney