

**NOTICE OF LA MARQUE
PLANNING AND ZONING COMMISSION MEETING
BY TELEPHONE CONFERENCE**

In accordance with order of the Office of the Governor issued March 16, 2020, the Planning and Zoning Commission of the City of La Marque will conduct its meeting scheduled for **Tuesday, March 16, 2021 at 4:00 PM by telephone and video conference** in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus/COVID-19. This Notice, the meeting agenda, and the agenda packet can be found online at:

<https://ci.la-marque.tx.us/AgendaCenter>

THERE WILL BE NO PUBLIC ACCESS TO CITY HALL DURING THE MEETING.

The public will be permitted to offer public comments telephonically as provided below during the meeting. A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request. You may submit comments in advance for this meeting by contacting the City Clerk's office.

THE PUBLIC TOLL-FREE DIAL-IN NUMBER TO PARTICIPATE IN THE MEETING IS:

1 (346) 248-7799

ONCE YOU ARE CONNECTED, YOU MUST ENTER THE FOLLOWING:

Meeting ID: 962 5871 4170

Press *6 to mute or unmute your phone line. You may also connect to the meeting on your smartphone, tablet or computer by going to the following internet address:

<https://zoom.us/j/96258714170>

Once you are on the website, you may need to enter the following:

Meeting ID: 962 5871 4170

If you require accommodation to participate in this meeting, contact the City Clerk at 409-938-9259 or cityclerk@cityoflamarque.org at least 48 hours prior to the meeting start time.



1111 Bayou Rd.
La Marque, Texas 77568
409-938-9202

Hugh Cash - Chairperson
Greg Cornett - Vice-Chairperson
Douglas Wayne Hobgood - Commissioner

Alan Waters - Commissioner
Augustino Molis - Commissioner
Stephanie Gordon - Alternate
Chris Colombo - Alternate

**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
Regular Meeting
AGENDA
of
March 16, 2021**

Notice is hereby given that the City of La Marque Planning and Zoning Commission will conduct a Regular Meeting via telephone/video conference hosted through Zoom as provided in the attached notice on Tuesday, March 16, 2021 at 4:00 p.m., for the purpose of considering and taking action on the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) PUBLIC COMMENTS

At this time, any person who wishes to speak on any item on the agenda should speak at this time by giving the Chairperson your name and the item you wish to speak about. Comments are limited to three (3) minutes. In compliance with Texas Open Meetings Act, the Planning and Zoning Commission may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours.

Press *6 to mute or unmute if you are participating by telephone.

(4) MINUTES:

- a. Discussion / possible action to approve January 26, 2021 Meeting Minutes

(5) PUBLIC HEARINGS

- a. Public hearing on a preliminary report on a request to change the zoning district from (R-1) Single Family Residential to (R-2) Two Family Residential for Lots 13 & 14 Wentzel Addition, Abstract 150, located near the end of Briar Lane

(6) NEW BUSINESS

- a. Discussion / possible action to issue a final report and provide a recommendation to City Council on a request to change the zoning district from (R-1) Single Family

Residential to (R-2) Two Family Residential for Lots 13 & 14 Wentzel Addition, Abstract 150, located near the end of Briar Lane

- b. Discussion / possible action to provide a recommendation to City Council regarding adoption on Second and Final Reading of Ordinance No. O-2021-0005, prescribing the type of notice to be given for public hearings on large scale updates and corrections to the City's Zoning Map
- c. Discussion only regarding draft amendments to Chapter 71 of the City's Zoning Regulations (City Code Chapter 71) to replace the Thoroughfare Overlay District with two new zoning districts: (C-3) Corridor Commercial and (C-4) Interstate Commercial - ***public hearing and additional discussion/possible action on the April 20, 2021 meeting of the Planning and Zoning Commission***
- d. Discussion only regarding adoption of an updated Zoning Map for the City of La Marque, including the following changes: (i) parcels zoned "public" changed to either (R-1) Single-Family Residential or (C-1) General Commercial based on existing use and zoning of adjacent parcels; and (ii) parcels currently in the Thoroughfare Overlay District changed to either (C-3) Thoroughfare Commercial or (C-4) Freeway Commercial - ***public hearing and additional discussion/possible action on the April 20, 2021 meeting of the Planning and Zoning Commission***

(7) REQUESTS AND ANNOUNCEMENTS

Requests by Commissioners for items to be placed on future Planning and Zoning agendas and announcements

(8) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas, on or before **March 12, 2021**, before 5:00 p.m.

Robin Eldridge, TRMC
City Clerk



1111 Bayou Rd.
La Marque, Texas 77568
409-938-9202

Hugh Cash - Chairperson
Greg Cornett - Vice-Chairperson
Douglas Wayne Hobgood - Commissioner

Alan Waters - Commissioner
Augustino Molis - Commissioner
Stephanie Gordon - Alternate
Chris Colombo - Alternate

**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
Regular Meeting
MINUTES
for
January 26, 2021**

Notice is hereby given that the City of La Marque Planning and Zoning Commission will conduct a Regular Meeting via telephone/video conference hosted through Zoom as provided in the attached notice on Tuesday, January 26, 2021 at 4:00 p.m., for the purpose of considering and taking action on the following agenda:

- (1) **CALL MEETING TO ORDER**
4:09 pm by Vice Chairperson Greg Cornett
- (2) **ROLL CALL**
Absentees: Hugh Cash, Augustino Molis, Stephanie Gordon
Invocation lead by Greg Cornett
Pledge lead by Greg Cornett
- (3) **PUBLIC COMMENTS**
At this time, any person who wishes to speak on Commission-related business, including any item on the agenda, should speak at this time by giving the Chairman your name and the item you wish to speak about. Comments are limited to three (3) minutes. In compliance with Texas Open Meetings Act, the Planning and Zoning Commission may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours. **Press *6 to mute or unmute if you are participating by telephone.** No public comments were made.
- (4) **MINUTES:**
 - a. Discussion / possible action to approve December 09, 2020 Meeting Minutes
Motion to Approve - Chris Colombo 2nd Alan Waters None Opposed, motion passed.

(5) PUBLIC HEARINGS

Open Public Hearing at 4:13 pm by Greg Cornett

Speakers: Mr. Robert Santini, Mr. Michael Carlson, Ms. Elena attended but declined to comment.

- a. Public hearing on a preliminary report regarding a request to change the zoning district from (R-1) Single Family Residential to PDD for Delany Cove Section 14 Mr. Santini, the developer noted that this 17 acres (36 lots) would have 50' lots with open space. Originally intended to be commercial but due to lack of interest the developer made the decision to request single-family development as an addition to the existing planned development district. Mr. Carlson was a concerned resident but is good with the overview Mr. Santini stated.

Public hearing was closed by Greg Cornett.

(6) NEW BUSINESS

- a. Discussion / possible action to issue a final report and provide a recommendation to City Council on a request to change the zoning district from (R-1) Single Family Residential to Delany Cove Planned Development District and to extend the boundaries of the existing Delany Cove Planned Development District established by La Marque Ordinance O-2019-0026 to include Landing at Delany Cove Section 14.
Motion to Approve Chris Colombo, 2nd Alan Waters. Motion passed unanimously.
- b. Discussion / possible action regarding an application for plat approval for Walgreens La Marque near 1832 FM 1765.
Ms. Purnell noted that this is an existing commercial business that has been built over lot lines. This plat is a correction to the existing situation required for an internal remodel of the existing building. Motion to approve with conditions as presented by Ms. Purnell - Chris Colombo, 2nd Alan Waters. Motion passed unanimously.

(7) DIRECTOR'S REPORT

- a. Permit reports - Greg Cornett stated that he had nothing to report and moved to the next item so no permit reports was given.

(8) REQUESTS AND ANNOUNCEMENTS

Requests by Commissioners for items to be placed on future Planning and Zoning agendas and announcements.

Greg Cornett requested to have in person meetings as soon as deemed safe.

(9) ADJOURNMENT

Motion to Approve-Alan Waters, 2nd Chris Colombo Non Opposed
Meeting closed at 4:26 pm



City of La Marque Planning & Zoning Commission

STAFF REPORT

Meeting Date: March 16, 2021 (rescheduled from February 23, 2021 due to Winter Storm Uri)

Agenda Item: Discussion / possible action to issue a final report and provide a recommendation to City Council on a request to change the zoning district from (R-1) Single Family Residential to (R-2) Two Family Residential for Lots 13 & 14 Wentzel Addition, Abstract 150, located near the end of Briar Lane

Item Type: Zone change

History: None

Standard for Approval: “[E]ither the general welfare of the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.” See City Code Sec. 71-26(k).

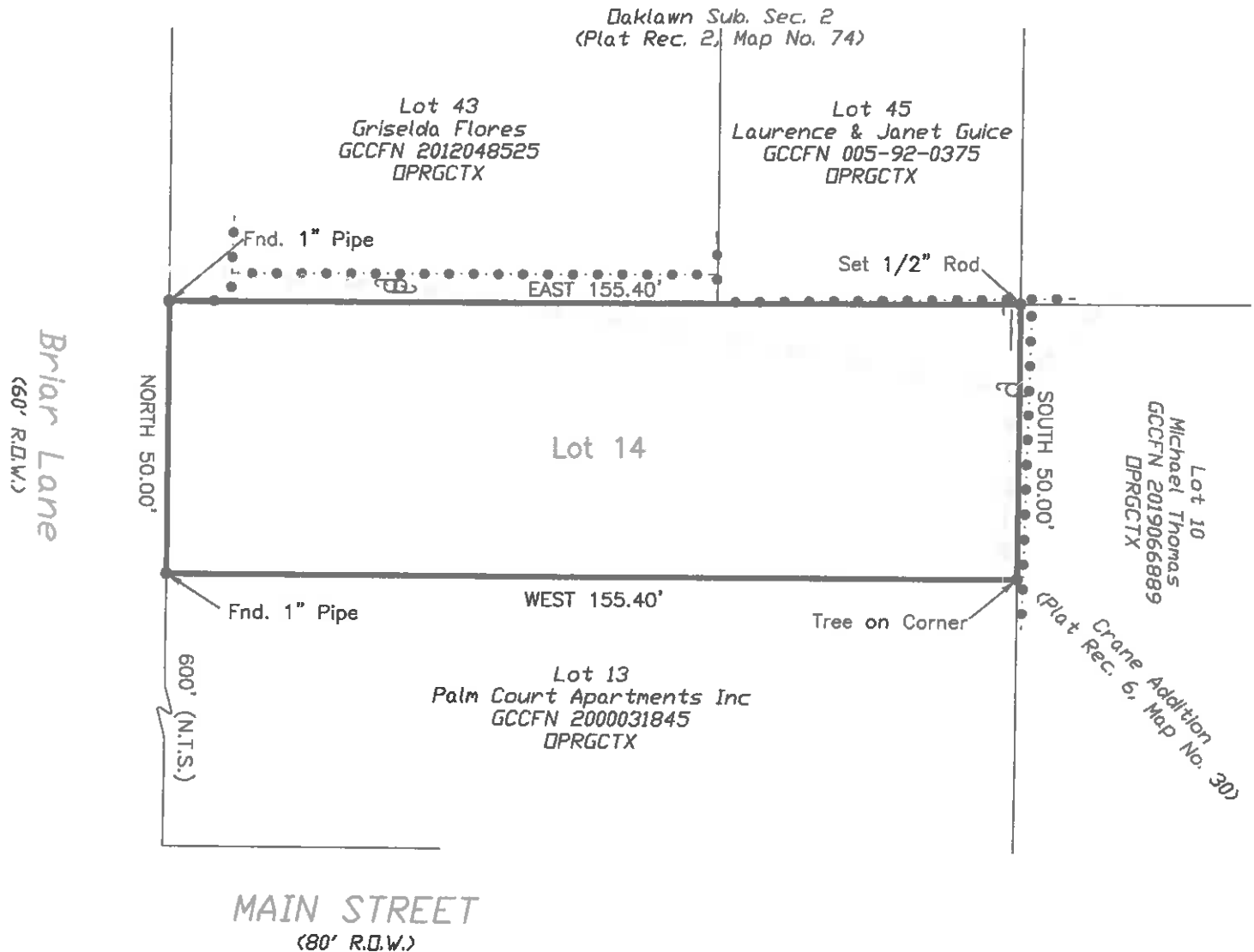
References: City Code Chapter 71;
Chapter 211, Texas Local Government Code

Council approval: Required; Ordinance also required

Public comments: None

Recommendation: Motion to issue a final report and recommend [approval or denial] of a zone change from (R-1) Single Family Residential to (R-2) Two Family Residential



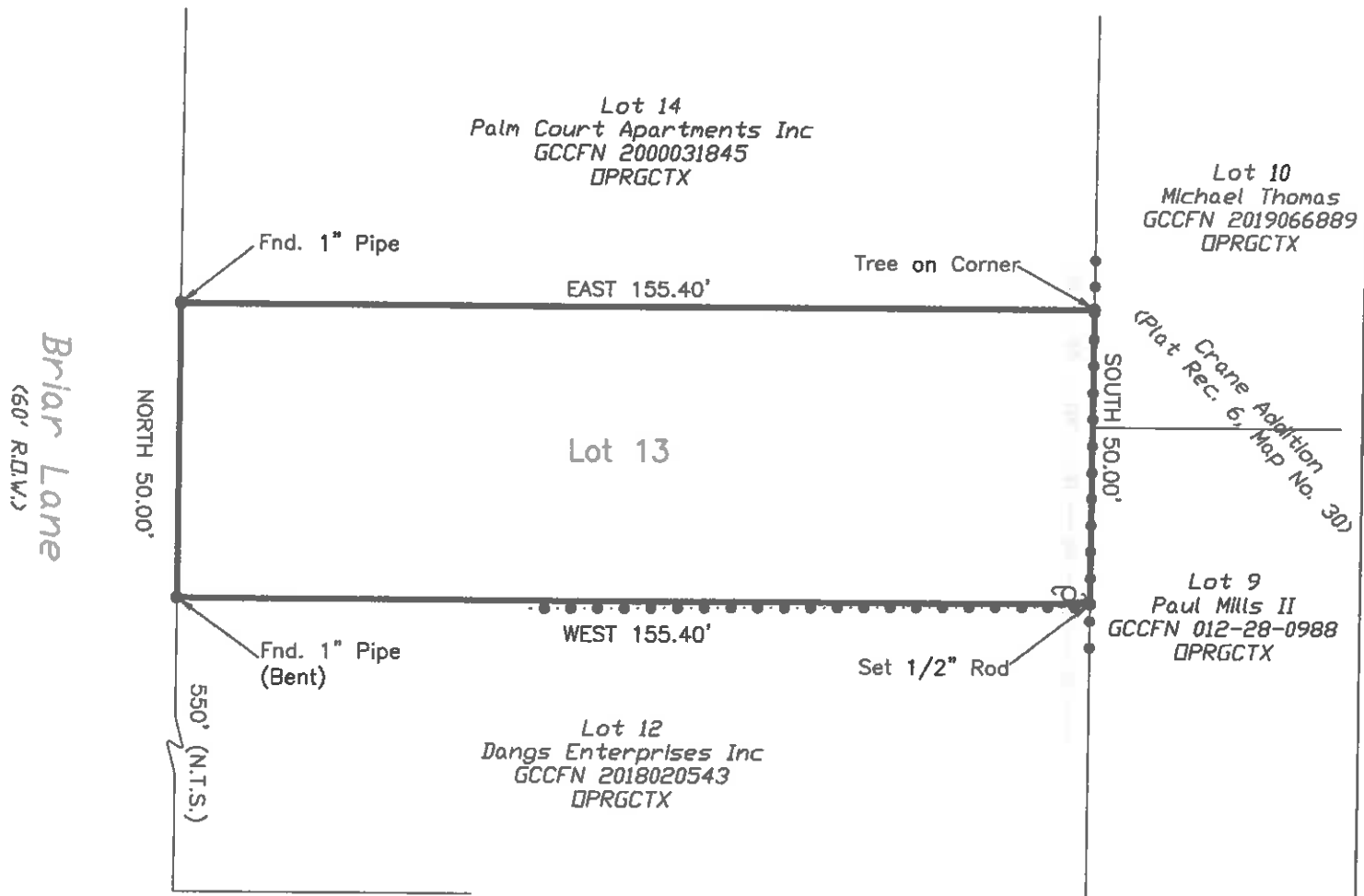


Survey of Lot Fourteen (14), of WENTZEL ADDITION, a subdivision of Galveston County, Texas, according to map or plat thereof recorded in Volume 254-A, Page 60, in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brene Addison
Brene Addison
Registered Professional
Land Surveyor No. 6598





Survey of Lot Thirteen (13), of WENTZEL ADDITION, a subdivision of Galveston County, Texas, according to map or plat thereof recorded in Volume 254-A, Page 60, in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brene Addison
 Brene Addison
 Registered Professional
 Land Surveyor No. 6598





LA MARQUE DEPARTMENT OF BUILDING AND INSPECTIONS

1111 Bayou Road
La Marque, Texas 77568
O. 409.938.9204
F. 409.908.0549

**CITY OF LAMARQUE
PLANNING AND ZONING APPLICATION**

DATE OF APPLICATION February 5, 2021

NAME OF AGENT Johnathon Callery PHONE (832) 802-1715

ADDRESS 22530 Tomball Parkway Houston TX 77070

NAME OF OWNER Palm Court Apartments, Inc. PHONE _____

ADDRESS PO Box 3171, Galveston, TX 77552

PROPERTY DESCRIPTION: Abstract 150, Page 4, Lots 13 & 14 Wentzel Addition

ADDRESS: 2101 and 2103 Briar Lane, La Marque, Texas (unofficial)

PLOT OF AREA ATTACHED Yes METES AND BOUNDS ATTACHED No

PRESENT ZONE R-1

REASON FOR CHANGE: The applicant seeks a change of zoning from R-1 to R-2 to provide for the development of duplexes on the subject site.

This will provide for lower cost, higher quality dwelling units.

DESIRED OUTCOME: Development of two duplexes on the site, reducing the land cost for each unit and ultimately making each dwelling unit less expensive by amortizing the land cost over 4 units instead of 2.

APPLICATION CHECKLIST

**[x] CERTIFIED PROPERTY OWNERS WITHIN 200-FEET OF THE PROPERTY-
LISTS PRINTED MORE THAN TWO WEEKS PRIOR TO APPLICATION SUBMITTAL
MAY NOT BE ACCEPTED**

(CENTRAL APPRAISAL DISTRICT (CAD)- (CENTRAL APPRAISAL DISTRICT (CAD-
9850 Emmett Lowry Expressway Ste. A Texas City, TX 77591 409/935-1980)
409/935-1980)

☒ **SITE PLAN (TO SCALE) WITH EXISTING IMPROVEMENTS, DEVELOPMENTS,
AND PROPERTY LINES [8-1/2X11] IF LARGER THAN 8-1/2X11, PLEASE FOLD TO
APPROPRIATE SIZE)**

☒ **SURVEY (TO SCALE) (2 COPIES)**

☒ **CURRENT TAX RECEIPTS-COUNTY TAX OFFICE, 722 MOODY (766-2481**

☒ **TITLE REPORT (IF LAND WAS PURCHASED WITHIN THE LAST 60 DAYS)**

☒ **NON-REFUNDABLE APPLICATION FEE (PAYABLE TO THE CITY OF LA
MARQUE**

SUBMITTED TO BOARD

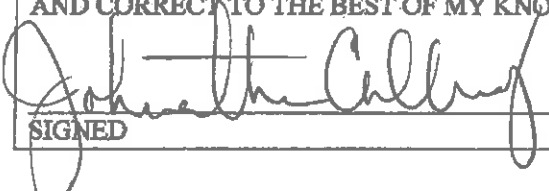
DATE: _____

APPROVED _____ DENIED _____ OTHER _____

COMMENTS _____

APPLICANT'S CERTIFICATE

I AFFIRM THAT MY STATEMENT CONTAINED IN THE APPLICATION ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE.


SIGNED

DATE: 02.05.2021



City of La Marque
1130 1st Street
La Marque, Texas 77568
409.938.9204

**CITY OF LA MARQUE
NOTICE TO PROPERTY OWNERS
OF A REQUESTED REZONE OF PROPERTY WITHIN 200 FEET**

February 25, 2021

Dear Property Owner:

This PUBLIC NOTICE is required by the City of La Marque Code of Ordinances, Section 71-26. An application to rezone property in your area has been received by the Planning and Zoning Commission. Land under your ownership or care, as listed with the Galveston County Appraisal District Tax Records, is located within 200 feet of the property that is being considered for rezoning. Your property is not being rezoned as part of this request.

This is your OFFICIAL NOTICE that the City of La Marque Planning and Zoning Commission will hold a Public Hearing on **Tuesday, March 16, 2021, at 4:00 p.m. by telephone and video conference** regarding:

A preliminary report on a request to change the zoning district from (R-1) Single Family Residential to (R-2) Two Family Residential for Lots 13 & 14 Wentzel Addition, Abstract 150, located near the end of Briar Lane

This hearing was originally scheduled for February 23, 2021, but was rescheduled due the winter storm impact on electric and internet services of many citizens. You may provide comments during the meeting by telephone or video using the following Zoom meeting information: Dial in number: **1 (346) 248-7799; Meeting ID: 962 5871 4170**; Press *6 to mute or unmute your phone line. You may also connect to the meeting on your smartphone, tablet or computer by going to the following internet address: <https://zoom.us/j/96258714170>. The full agenda packet will be available at least 72 hour prior to the meeting on the City's website <https://ci.la-marque.tx.us/AgendaCenter>.

If you are unable to attend, and wish to comment, you may also provide comments by email at permits@cityoflamarque.org, or by mail at:

City of La Marque
Development Services Department
1130 1st Street
La Marque, TX 77568

Respectfully,
Derri Purnell
Development Services



City of La Marque
1130 1st Street
La Marque, Texas 77568
409.938.9204

**CITY OF LA MARQUE
NOTICE TO PROPERTY OWNERS
OF A REQUESTED REZONE OF PROPERTY WITHIN 200 FEET**

February 12, 2021

Dear Property Owner:

This PUBLIC NOTICE is required by the City of La Marque Code of Ordinances, Section 71-26. An application to rezone property in your area has been received by the Planning and Zoning Commission. Land under your ownership or care, as listed with the Galveston County Appraisal District Tax Records, is located within 200 feet of the property that is being considered for rezoning. Your property is not being rezoned as part of this request.

This is your OFFICIAL NOTICE that the City of La Marque Planning and Zoning Commission will hold a Public Hearing on **Tuesday, February 23, 2021, at 4:00 p.m. by telephone and video conference** regarding:

A preliminary report on a request to change the zoning district from (R-1) Single Family Residential to (R-2) Two Family Residential for Lots 13 & 14 Wentzel Addition, Abstract 150, located near the end of Briar Lane

You may provide comments during the meeting by telephone or video using the following Zoom meeting information: Dial in number: **1 (346) 248-7799; Meeting ID: 962 5871 4170**; Press *6 to mute or unmute your phone line. You may also connect to the meeting on your smartphone, tablet or computer by going to the following internet address: <https://zoom.us/j/96258714170>. The full agenda packet will be available at least 72 hour prior to the meeting on the City's website <https://ci.la-marque.tx.us/AgendaCenter>.

If you are unable to attend, and wish to comment, you may also provide comments by email at permits@cityoflamarque.org, or by mail at:

City of La Marque
Development Services Department
1130 1st Street
La Marque, TX 77568

Respectfully,
Derra Purnell
Development Services



City of La Marque Planning & Zoning Commission

STAFF REPORT

Meeting Date: March 16, 2021

Agenda Item: Discussion / possible action to provide a recommendation to City Council regarding adoption on Second and Final Reading of Ordinance No. O-2021-0005, prescribing the type of notice to be given for public hearings on large scale updates and corrections to the City's Zoning Map

Item Type: Ordinance recommendation

History: Approved by Council on First Reading March 8th. Planning and Zoning Commission will be considering large-scale (meaning more than 200 notices would be required to property owners within 200 feet of affected parcels) updates and corrections to the zoning map in the near future. The updates to the map being considered will not create any non-conforming uses and are intended to lessen the burden on property owners by updating the map and correcting zoning map errors. In order to consider these updates in a public hearing, state law provides for, and City zoning regulations reference, adoption of alternative notice procedures for these kinds of updates. The proposed ordinance provides for notice by publication and on the City website. The updates to the zoning map will still be required to go through multiple public hearings and be considered by the Planning and Zoning Commission and City Council multiple times in open meetings over the next several months. This is the first step needed to allow consideration and detailed discussion of any proposed large-scale zoning map changes.

Tentative action dates:

3/16/21 - review and approval of ordinance by Planning and Zoning Commission

3/16/21 - tentative preliminary review and report on zoning map updates by Planning and Zoning Commission

4/12/21 - second reading of ordinance by Council, if adopted on first reading

4/20/21 - tentative public hearing before Planning and Zoning Commission on zoning map updates



City of La Marque Planning & Zoning Commission

5/10/21 - tentative first reading of ordinance updating zoning map by City Council, if recommended for approval by Planning and Zoning Commission

Standard for Approval: N/A

References: City Code Chapter 71;
Chapter 211, Texas Local Government Code

Council approval: Required; Ordinance also required

Public comments: None

Recommendation: Motion to recommend approval to City Council of Ordinance No. O-2021-0005

ORDINANCE NO. O-2021-0005

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN FOR PUBLIC HEARINGS ON LARGE SCALE UPDATES AND CORRECTIONS TO THE CITY'S ZONING MAP PURSUANT TO CITY CODE CHAPTER 71 AND TEXAS LOCAL GOVERNMENT CODE SECTION 211.006; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of La Marque, Texas, (the "City") previously adopted Ordinance No. 953, as amended, codified in Chapter 71, Zoning, of the City Code of La Marque Code of Ordinances (the "Zoning Ordinance") that regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations, pursuant to Chapter 211 of the Texas Local Government Code; and

WHEREAS, Section 211.006 of the Texas Local Government Code provides that, in addition to the publication notice required, a home-rule City may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing for changes to zoning regulations and maps; and

WHEREAS, Section 71-26(h) of the Zoning Ordinance provides that the City may from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations established by the Zoning Ordinance and that a public hearing on such amendment, supplemental, or change shall be held by the council following notice given by publication one time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than ten days from the date of publication; and

WHEREAS, large-scale updates and corrections to the City's adopted zoning map may be necessary from time to time; and

WHEREAS, the Planning and Zoning Commission will consider such corrections and updates to the zoning map and is expected to issue a preliminary report on March 16, 2021 in an open meeting, then hold a public hearing on such report at the next Planning and Zoning Commission meeting prior to issuing a final report and recommendation to City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1.

That the required notice for updates and corrections to the zoning map, including modifying the boundaries of the districts established by the Zoning Ordinance, that would require notice to 200 or more persons if notice was sent to every property owner within 200 feet of an affected parcel, shall be given by publication one time in the

official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than ten days from the date of publication and such notice shall be placed on the City's website for at least

Section 2. Effective Date and Publishing

This ordinance shall be effective immediately, except where a later date is expressly provided, upon adoption on second and/or final reading after publication and hearing, as provided in Sections 2.17-2.19 of the Charter of the City of La Marque, and publication in accordance with Section 52.013 of the Texas Local Government Code.

Section 3. Conflict and Repeal

This ordinance is intended to be cumulative and shall not repeal any previous ordinances except to the extent of an irreconcilable conflict.

PASSED, APPROVED, AND ADOPTED on First Reading this 8th day of March, 2021; and
PASSED, APPROVED, AND ADOPTED on Second and Final Reading this ____ day of
_____ 2021.

Keith Bell, Mayor

ATTEST:

Robin Eldridge, City Clerk TRMC

APPROVED AS TO FORM:

Derra Leigh Purnell, City Attorney



City of La Marque Planning & Zoning Commission

STAFF REPORT

Meeting Date: March 16, 2021 (rescheduled from February 23, 2021 due to Winter Storm Uri)

Agenda Item: Discussion only regarding draft amendments to Chapter 71 of the City's Zoning Regulations (City Code Chapter 71) to replace the Thoroughfare Overlay District with two new zoning districts: (C-3) Corridor Commercial and (C-4) Interstate Commercial - *public hearing and additional discussion/possible action on the April 20, 2021 meeting of the Planning and Zoning Commission*

Item Type: Regulation change - discussion only

History: The thoroughfare overlay district was originally created to regulate development more stringently along major corridors to the City. In practice, the "TOD" is so stringent that it may be unnecessarily hindering development, including causing desirable uses and high-quality development to locate in other cities. The TOD regulations are also very confusing for City staff and the public to apply as they do not apply to entire parcel, but only the front 300 feet of the property. The draft regulations are for preliminary discussion and feedback from the Commission to convert the TOD into two new commercial districts. The TOD would be removed from our regulations and replaced with two more clear and tailored commercial districts. The C-3 district would apply to any commercial property that was subject to the TOD under those regulations except properties with I-45 frontage, but would apply to the entire property. The C-4 district would apply to any commercial property with I-45 frontage. Both districts are intended to allow more development flexibility, but with more tailored limits for the specific type of frontage a property has. This means these regulations should be helpful and less burdensome to current property owners, while providing more protection to adjacent residential uses and more specific regulation for future commercial uses.

Standard for Approval: N/A



City of La Marque Planning & Zoning Commission

References: City Code Chapter 71;
Chapter 211, Texas Local Government Code

Council approval: Required; Ordinance also required

Public comments: None

Recommendation: None - Discussion only at this time

DRAFT - FOR DISCUSSION PURPOSES ONLY

Sec. 71-15. - C-3 Corridor Commercial.

- (a) *Purpose.* The C-3 district is established to accommodate those uses that are considered appropriate for major corridors within the City. Design requirements for this district are intended to enhance the appearance of these corridors and promote public and private investment in a manner that encourages unified high-quality development.
- (b) *Generally.*
 - (1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings, except as otherwise provided.
 - (2) The activity and business shall be conducted within completely enclosed buildings, except for retail display yards attached to a main building and completely enclosed by masonry, wrought iron or similar fencing, not to exceed 25% of the total floor area of the main building. Wood fences and chain link shall be prohibited. except when powdercoated chain link with opaque vinyl slats with masonry columns is used.
 - (3) No use hereunder shall be permitted if said use entails storage of inoperable cars or equipment, shipping containers, or any other item storage except that provided in subsection 2, above or accessory to a use authorized by a conditional use permit and subject to specific conditions of the conditional use permit (if a CUP has not been granted showing the storage on the site plan, storage shall not be authorized).
 - (4) All merchandise shall be sold at retail on the premises.
 - (5) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 1½-ton capacity when located within 150 feet of a residential zoning district boundary line.
- (c) *Uses permitted.* The following uses shall be permitted:
 - (1) Multi-family apartment complexes, condominiums or hotels, provided the zoning lot is not less than 2 acres, the number of units is more than 50, and at least two amenities and 2 courtyards, parks or green spaces are provided (this requirement may also be met by means of continuous sidewalk accessible within 500 feet of every unit running continuously to at least two publicly usable parks); Further, these uses shall comply with the same screening, landscaping and miscellaneous requirements as those required in Section 71-16(g)-(j);
 - (2) Neighborhood retail sales and service;
 - (3) Business offices;

DRAFT - FOR DISCUSSION PURPOSES ONLY

- (4) Professional offices, such as, doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;
- (5) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;
- (6) Bakeries, cafes, confectioneries, ice cream shops, and restaurants that prepare foodstuffs for onsite retail sale only;
- (7) Automobile parking lots and structures, if accessory to a primary use;
- (8) Other neighborhood retail sales or service uses, which are similar in character to those enumerated above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property;
- (9) Churches;
- (10) Public utility and public service uses;
- (11) Printer;
- (12) Antique shops;
- (13) Art galleries and museums;
- (14) Banks and financial institutions;
- (15) Camera and photographic supply stores;
- (16) Coin and philatelic stores;
- (17) Department stores;
- (18) Grocery stores;
- (19) Florist shops and conservatories;
- (20) Furniture stores;
- (21) Travel bureaus and transportation ticket offices;
- (22) Household appliance stores including sales and services;
- (23) Leather goods and luggage stores;
- (24) Loan offices;
- (25) Musical instruments sales and repair; office supply stores; optical sales;
- (26) Physical culture and health services and reducing salons;

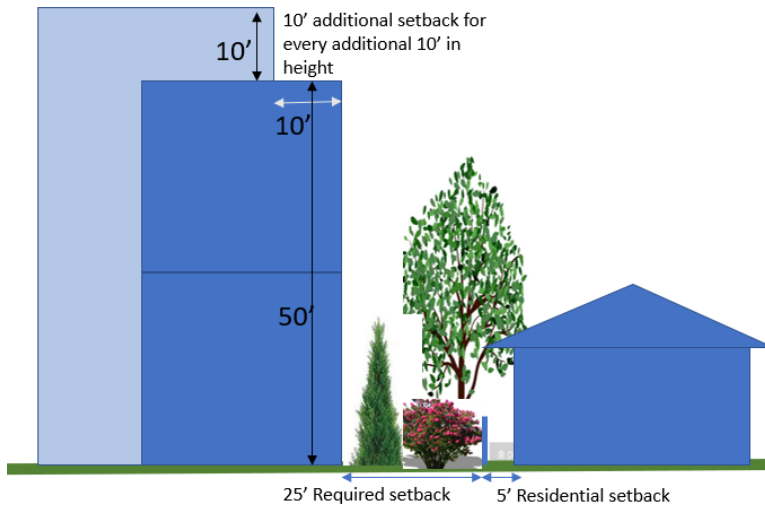
DRAFT - FOR DISCUSSION PURPOSES ONLY

- (27) Picture framing;
- (28) Sporting goods stores;
- (29) Tailor shops;
- (30) Theaters, indoor and outdoor;
- (31) Trade Schools, private testing centers, and learning service providers;
- (32) China and glassware stores;
- (33) Clothing and costume rental stores;
- (34) Employment agencies;
- (35) Upholstery shops;
- (36) Water softener sales and services;
- (37) Indoor boat and RV storage facilities, provided all storage is within enclosed and roofed buildings only
- (38) Drycleaners;
- (39) Recreational vehicle parks;
- (40) Auto body operations;
- (41) Automobile accessory stores;
- (42) Automobile service stations;
- (43) Blueprinting and photostatting establishments;
- (44) Business machine sales and service establishments;
- (45) Carpet and rug stores;
- (46) Catering establishments;
- (47) Theaters, lodges, assembly halls, auditoriums;
- (48) Tire repair shops;
- (49) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
- (50) Package distribution facilities;
- (51) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use;
- (52) Paint and wallpaper stores;

DRAFT - FOR DISCUSSION PURPOSES ONLY

- (53) Phonograph, record, sound equipment and sheet music stores;
- (54) Schools for music, dance, business or trade;
- (55) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or enjoyment, or value of, any property, but not including any of the following uses:
 - a. Any use permitted only in an I-1 or I-2 district;
 - b. Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or
 - c. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.
- (d) *Conditional uses.* The following conditional uses may be allowed in the C-3 district subject to the provisions of section 71-6.
 - (1) Dwelling units, exceeding a total gross floor area of 5,000 square feet of dwelling units and located on the second floor or above the ground floor of a commercial building.
 - (2) Any use permitted only in an I-1 district, provided that the lot shall be not less than two acres, is not adjacent to any residential zoning district, and complies with the same screening, landscaping and miscellaneous requirements as those required in Section 71-16(g)-(j).
- (e) *Area; yard; and lot coverage requirement.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum percent of lot coverage, as pertains to this district, shall conform with the provisions of section 71-27, schedule of district regulations, and other applicable provisions of section 71-29 Supplementary district regulations.
- (f) *Height.* Height of buildings shall be limited to 50' plus an additional 10' of allowed height for every additional 10' of setback provided from the nearest property line beyond the required setback in section 71-27; provided, however:
 - (i) required residential landscaping and screening buffers shall not be treated as providing additional setback; and
 - (ii) where landscaping and screening buffers are required due to adjacent residential uses or zoning districts, additional setbacks provided to increase allowed building height shall be measured from the nearest required screening or landscaping buffer inner edge. Height limitations shall not apply to decorative elements of buildings that do not include any air conditioned floorspace.

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- (g) *Automobile parking space regulations.* For parking space regulations, see section 71-22.

Sec. 71-16. - C-4 Interstate Commercial.

- (a) *Purpose.* The C-4 district is established to provide for more intense non-residential mixed-use development that provides a pedestrian oriented environment. The district is intended to include uses such as retail, commercial, professional offices, entertainment, hospitality, and service businesses for both the City and the region that benefit from location along Interstate Highway -45 (IH-45) and service the community. The purpose of this zoning category is to guide new development and redevelopment along the IH-45 by establishing enhanced standards that increase the quality of development and minimize impacts on abutting residential uses.
- (b) *Generally.*
- (1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings, except as otherwise provided.
 - (2) The activity and business shall be conducted within completely enclosed buildings, except for retail display yards attached to a main building and completely enclosed by masonry, wrought iron or similar fencing, not to exceed 25% of the total floor area of the main building. Wood fences and chain link shall be prohibited.

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- (3) No use hereunder shall be permitted if said use entails storage of inoperable cars or equipment, shipping containers, or any other item storage except that provided in subsection 2, above.
- (4) All merchandise shall be sold at retail on the premises.
- (c) *Uses permitted.* The following uses shall be permitted:
 - (1) Department and grocery stores;
 - (2) Neighborhood retail sales and service, not including sales of vehicles, trailers or heavy equipment of any kind;
 - (3) Business offices;
 - (4) Professional offices, such as, doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;
 - (5) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;
 - (6) Bakeries, cafes, confectioneries, ice cream shops, and restaurants that prepare foodstuffs for onsite retail sale only;
 - (7) Automobile parking lots and structures if accessory to a primary use and used for customer and employee parking only;
 - (8) Banks and financial institutions;
 - (9) Leather goods and luggage stores;
 - (10) Loan offices;
 - (11) Musical instruments sales and repair; office supply stores; optical sales;
 - (12) Florist shops and conservatories;
 - (13) Picture framing;
 - (14) Sporting goods stores;
 - (15) Tailor shops;
 - (16) Indoor theaters;
 - (17) Travel bureaus and transportation ticket offices;
 - (18) Trade Schools, private testing centers, and learning service providers;
 - (19) Automobile service stations, provided that in addition to parking requirements for a particular use, additional parking equal to three times the number of service bays is provided;

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- (20) Carpet and rug stores;
 - (21) Catering establishments;
 - (22) China and glassware stores;
 - (23) Clothing and costume rental stores;
 - (24) Employment agencies;
 - (25) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use;
 - (26) Paint and wallpaper stores;
 - (27) Schools for music, dance, business or trade;
 - (28) Water softener sales and services;
 - (29) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
 - (30) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or enjoyment, or value of, any property, but not including any of the following uses:
 - a. Any use permitted only in an I-1 or I-2 district;
 - b. Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or
 - c. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.
- (d) *Conditional uses.* The following conditional uses may be allowed in the C-4 district subject to the provisions of section 71-6.
- (1) Uses allowed in the C-3 zoning district, provided such use would not require a conditional use permit to be allowed in the C-3 district.
- (e) *Area; yard; and lot coverage requirement.* The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of section 71-27, schedule of district regulations, and other applicable provisions of section 71-29, Supplementary district regulations.
- (f) *Height.* Height of buildings shall be limited to 50' plus an additional 10' of allowed height for every additional 10' of setback provided from the nearest

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property line beyond the required setback in section 71-27; provided, however: (i) required residential landscaping and screening buffers shall not be treated as providing additional setback; and (ii) where landscaping and screening buffers are required due to adjacent residential uses or zoning districts, additional setbacks provided to increase allowed building height shall be measured from the nearest required screening or landscaping buffer inner edge. Height limitations shall not apply to decorative elements of buildings that do not include any air conditioned floorspace.

(g) Screening requirements.

- (1) Outside storage shall be screened on all sides by a solid opaque brick or stone wall of not less than six feet in height measured at the highest finished grade, constructed in accordance with general design standards of the city.
- (2) Trash receptacle shall be visually screened on three sides by a solid, opaque brick or stone wall not less than six feet in height, measured at the highest finished grade. The height of the trash receptacle shall not exceed the height of the screening. Screening shall not be required on the side used for access by garbage collection services. Such side shall not face less than 45 degrees from any adjacent street. Trash receptacles already enclosed by a solid, opaque brick or stone wall of at least six feet in height measured at the highest finished grade shall not be required to provide additional screening.
- (3) Any fencing, required or otherwise shall be a solid, brick or stone wall or wrought iron wall of not more than eight feet in height, measured at the highest finished grade.
- (4) Rooftop screening: Roof mounted equipment including but not limited to, storage tanks, compressor units, satellite dishes, vent stacks greater than four inches in diameter, and elevator machinery, shall be integrated into the building design and screened from view from the adjacent streets and public facilities. Rooftop screening shall use building materials similar to the facade of the building to which such items are located, to create a smooth, clean, integrated appearance. For purposes of this section, a highway or interstate frontage road shall be designated as an adjacent street. Any existing building or structure which becomes diminished 50 percent or more in assessed value due to fire, storms or other calamity shall, if rebuilt or repaired, be done so in compliance with this section.

(h) Landscaping requirements

- (1) Front yard landscaping for non-residential and multifamily developments: A minimum of one shade tree (minimum diameter of two-inch caliper measured at six inches above ground level at the time of planting) shall be planted for each 30 linear feet of landscape buffer. A minimum of ten shrubs (a minimum of three feet tall at the time of

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planting) shall be planted for each 30 linear feet of landscape buffer. All other areas within the landscape buffer shall be covered with grass, or another solid vegetative cover approved at the time of site plan approval.

(2) Screening for parking lots

Require landscaping to screen the parking areas along major thoroughfares and collectors when nonresidential parking areas are located on the nonresidential lot such that they are adjacent to such roadways (i.e., there is no building between the parking area and the lot line adjacent to the roadway). In such cases, parking areas should be screened by a continuous hedge of shrubs that are maintained at a height of no more than thirty-six inches (36") nor less than twenty-four inches (24") as measured from the surrounding soil line and at a minimum thirty-six inch (36") spacing.

(3) Parking lot landscaping:

A minimum of one shade tree (minimum diameter of two-inch caliper measured at six inches above ground level at the time of planting) shall be planted for every fifty (50) parking spaces. Each tree shall be planted on an island that is a minimum dimension of six (6) feet.

(i) Buffer requirements

A nonresidential or multifamily use adjacent to a single-family use or zone shall provide a minimum twenty (20) feet landscape buffer adjacent to the property line of the residential use or residentially zoned property. A nonresidential use that is adjacent to a multifamily development shall provide a minimum of ten-foot landscape buffer adjacent to the property line of such residential use or residentially used property. Industrial uses shall be required to install a 40-foot buffer when adjacent to all residential uses or zones (R-1, R-2, and R-3 properties).

In addition to the above-mentioned landscaping, a six-foot solid masonry (brick, stone, precast concrete or similar) screening fence shall be provided behind the landscaping buffer that abuts residential uses and zones.

(j) Miscellaneous requirements.

- (1) All areas used for outside display or storage in conjunction with any use involving storage or display of motor vehicles, manufactured homes, trailers or boats, regardless of whether such areas are screened from public view, shall have a concrete surface, constructed in accordance with the standards prescribed by the city.
- (2) Utilities: All utilities within 200 feet of the property line, which will serve parcel, shall be installed underground, except for any transmission line or feeder lines, either existing or proposed; provided that, such transmission

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- or feeder lines shall be located within a designated paved easement or alleyway provided by the property owner.
- (3) Any renovation of an existing building or structure which adds 50 percent or more of either: (i) assessed value to such building or structure as shown by the Galveston County Appraisal District, or (ii) 30% more floor area to such building or structure, shall be in compliance with this section, including compliance of the parcel with all landscaping, fencing and screening requirements.
 - (4) Landscaping shall cover a minimum of 15 percent of the of the total land area of any property.
 - (5) Masonry content: Structures regardless of structure height, shall meet the following masonry requirements: 100 percent of the total exterior walls, front and side walls, which may be seen from any public thoroughfare, excluding doors, windows and window walls, shall be constructed of brick, stone, masonry or precast concrete panels.
 - (6) Area, setback, and height regulations:
Requirements in Sec 71-27. - Schedule of district regulations will apply, unless otherwise stated herein.
- (k) *Automobile parking space regulations.* For parking space regulations, see section 71-22.

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Sec 71-27. - Schedule of district regulations. *(excerpt for discussion only - full chart to remain in zoning regulations)*

	TOD	R-1	C-1	C-2	C-3	C-4
Maximum height (ft.)		35	50	40	stepped setbacks	stepped setbacks
Minimum side yard (ft.)	25 feet or equal to the height of the building facing the side yard, whichever is greater	5*	5	5	5, except adjacent to residential	5, except adjacent to residential
Minimum rear yard (ft.)	25 feet or equal to the height of the building facing the rear yard, whichever is greater	10	10	10	10, except adjacent to residential	10, except adjacent to residential
Minimum front yard (ft.)	40	20	20	20	30, can be reduced to 20' if 10' landscape buffer used.	30, can be reduced to 20' if 15' landscape buffer used and parking on rear or side
Minimum lot area (sq. ft.)		6,000	A	A	7,500	7,500
Minimum building size (sq. ft.)		1,000	0	0	1,000	1,000
Masonry and roofing		C	A	C	A	C
Minimum lot width (ft.)		60	A	60	60	60
Minimum lot depth (ft.)		120	A	120	120	120
Maximum building area (%)	65% lot coverage 85% by structures, driveways, and parking	75	A	A	75% by structures, driveways and parking	75% by structures, driveways and parking
Min. distance between structures	15 feet between detached structures	As per building and fire codes	As per building and fire codes	As per building and fire codes	As per building and fire codes	As per building and fire codes

DRAFT - For initial discussion purposes only

Notes:

- A None required except where a nonresidential use abuts a residential lot the requirement shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this chapter.
- B Minimum building size shall be for one bedroom unit: 650 square feet; two bedroom: 780 square feet; three bedroom: 930 square feet.
- C Masonry requirements shall mean the entire front facade (wall) for non-corner lots and the two street-facing facades for corner lots. The material can be brick, stone, glass, wood, or similar materials, but shall not be metal. Roofing materials shall be composition shingles, wood shingles, tile, or similar materials, but shall not be metal.
- D Refer to Ordinance 945 and amendments for additional manufactured home district regulations.

* For corner lots, 10 feet from the side street property line.

The schedule of district regulations notwithstanding, the exterior of additions and/or modifications to existing nonmasonry single-family residential structures and accessory buildings to such structures may consist of materials consistent with the exterior of the existing structure.



City of La Marque Planning & Zoning Commission

STAFF REPORT

Meeting Date: March 16, 2021 (rescheduled from February 23, 2021 due to Winter Storm Uri)

Agenda Item: Discussion only regarding adoption of an updated Zoning Map for the City of La Marque, including the following changes: (i) parcels zoned “public” changed to either (R-1) Single-Family Residential or (C-1) General Commercial based on existing use and zoning of adjacent parcels; and (ii) parcels currently in the Thoroughfare Overlay District changed to either (C-3) Thoroughfare Commercial or (C-4) Freeway Commercial - *public hearing and additional discussion/possible action on the April 20, 2021 meeting of the Planning and Zoning Commission*

Item Type: Zoning map change - discussion only

History: This is the first discussion of some zoning map changes, consisting of two categories of changes only:

- 1) Changing any parcel zoned “public” to either R-1 or C-1, depending on the current use and adjacent uses; and
- 2) Changing any C-1 parcel that is currently affected by the thoroughfare overlay district to either C-3 or C-4.

The public zone does not match any existing zoning district, so any parcel currently zoned public requires a zone change before the existing use can be changed. This is burdensome on property owners and may stifle desirable development or redevelopment. The suggested zoning map changes will correct this issue, which may have been an error when it was done, to conform the map to the existing use. This change should not create any new nonconforming uses. Landowners can still request a zone change if they choose at any time, but would not be required to for uses that are compatible with the adjacent zoning districts.

The zoning map change for the thoroughfare overlay district conversion to the two new commercial districts is a companion change to the C-3 and C-4 regulations draft. These changes are also not intended to create any new nonconforming uses - however, even if a nonconforming use is created in rare



City of La Marque Planning & Zoning Commission

instances by these changes, the change in regulations applicable to the properties will allow better chances for the current property owners to sell their property that the current regulations. The change in regulations and map will not keep an existing property owner from continuing the current use, even if the property changes ownership.

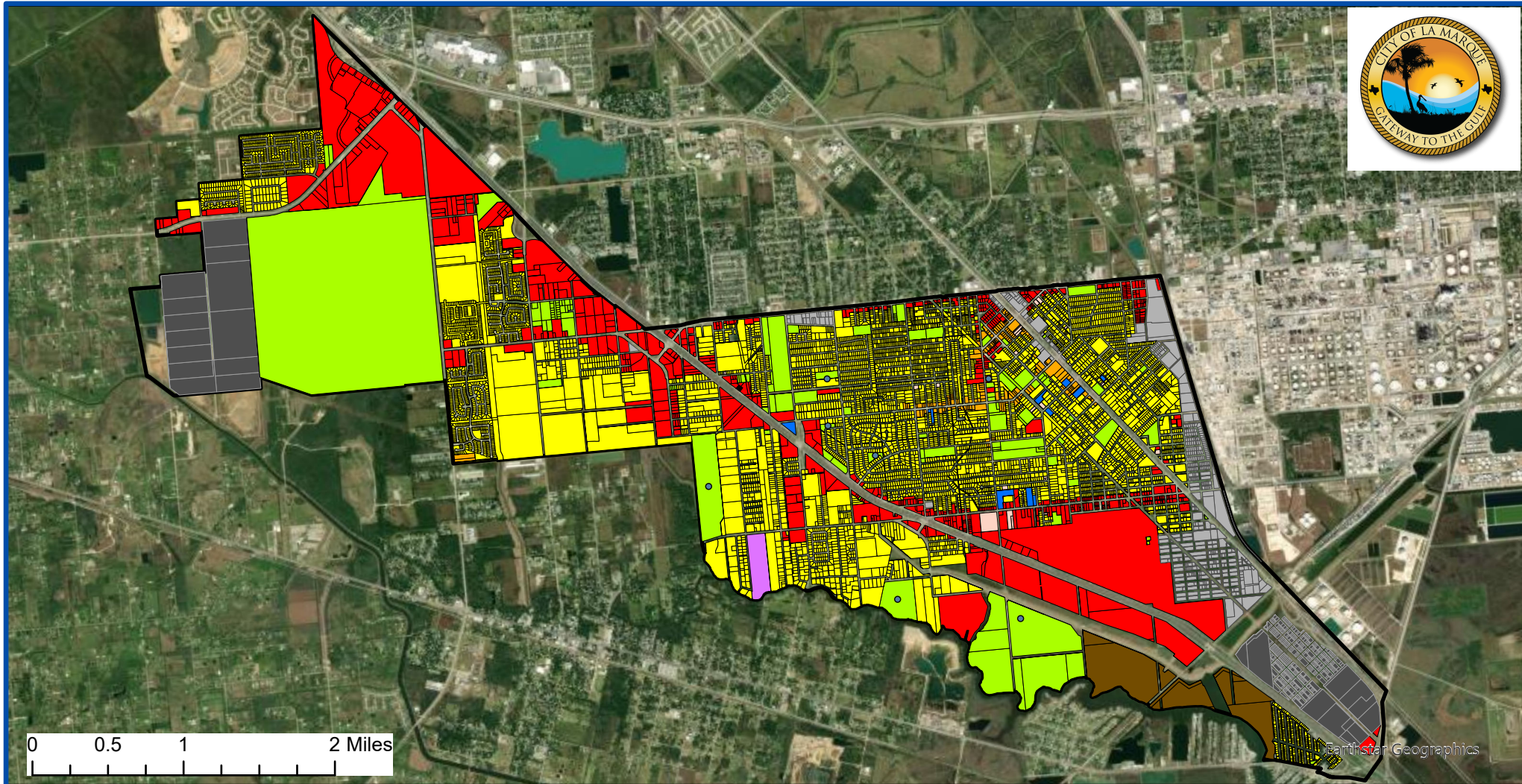
Standard for Approval: N/A

References: City Code Chapter 71;
Chapter 211, Texas Local Government Code

Council approval: Required; Ordinance also required

Public comments: None

Recommendation: None - Discussion only at this time



City of La Marque Zoning Map

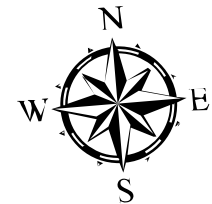
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ZONING

- AGRICULTURAL DISTRICT
- GENERAL COMMERCIAL

- INDUSTRIAL
- LIGHT INDUSTRIAL
- MANUFACTURED HOME PARK DISTRICT
- MULTIPLE FAMILY RESIDENTIAL
- PLANNED DEVELOPMENT
- PUBLIC
- RESTRICTED COMMERCIAL
- SINGLE FAMILY RESIDENTIAL

- City of La Marque City Limits
- City of La Marque Parks



Extraterritorial Jurisdiction Boundaries based on Texas Local Government Code Sec. 42.021(a): The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants. This map is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey, but only the approximate relative location of property boundaries. (TEX. GOV'T CODE § 2051.102) The City obtains its data from a variety of sources and makes no representation as to its accuracy or completeness. Any person using the information obtained from this map does so at his or her own risk; in no event shall the City or its officers or employees be liable for any damages arising from the use of this map. The City of La Marque shall have no other liability with regard to the maps.

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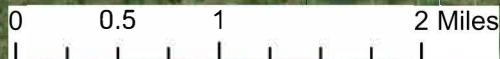
Sources: Galveston County Appraisal District (2021), City of La Marque (2021)

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Zoning Category	Parcel Count	Acres	Acres (% of Total)
SINGLE FAMILY RESIDENTIAL	8,083	11,570.17	61.89%
GENERAL COMMERCIAL	1,161	4,592.70	24.57%
INDUSTRIAL	354	994.72	5.32%
LIGHT INDUSTRIAL	436	701.66	3.75%
AGRICULTURAL	23	436.86	2.34%
RESTRICTED COMMERCIAL	297	211.84	1.13%
MULTIPLE FAMILY RESIDENTIAL	53	76.90	0.41%
MANUFACTURED HOME PARK	38	76.52	0.41%
PLANNED DEVELOPMENT	2	33.31	0.18%
Total	10,447	18,694.68	100.00%



City of La Marque Zoning Map

Legend

ZONING

- AGRICULTURAL DISTRICT
- GENERAL COMMERCIAL
- INDUSTRIAL

LIGHT INDUSTRIAL

MANUFACTURED HOME PARK DISTRICT

MULTIPLE FAMILY RESIDENTIAL

PLANNED DEVELOPMENT

PUBLIC

RESTRICTED COMMERCIAL

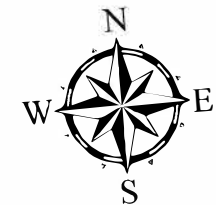
SINGLE FAMILY RESIDENTIAL

C3 = CORRIDOR COMMERCIAL

C4 = INTERSTATE COMMERCIAL

City of La Marque City Limits

City of La Marque Parks



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City of La Marque Zoning Map

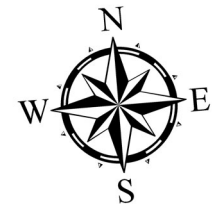
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ZONING

- AGRICULTURAL DISTRICT
- GENERAL COMMERCIAL
- INDUSTRIAL

- LIGHT INDUSTRIAL
- MANUFACTURED HOME PARK DISTRICT
- MULTIPLE FAMILY RESIDENTIAL
- PLANNED DEVELOPMENT
- PUBLIC
- RESTRICTED COMMERCIAL
- SINGLE FAMILY RESIDENTIAL
- C3

- C4
- City of La Marque City Limits
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