



**CITY OF LA MARQUE
CITY COUNCIL
SPECIAL AGENDA
of
February 6, 2024**

Notice is hereby given that the City Council and Planning & Zoning Commission of the City of La Marque, Texas will conduct a **Special Meeting** on **February 6, 2024**, beginning at **5:00 PM** in the **Council Chambers** at **1109-B Bayou Road La Marque, Texas as well as via videoconference hosted through Zoom** (councilzoom.cityoflamarque.org). In accordance with Section 551.127(b) of the Texas Local Government Code the presiding officer and a quorum of the La Marque City Council intend to be and will be physically present at 1109-B Bayou Road, La Marque, Texas. This location will be open to the public and the meeting will be broadcast at this location, on Channel 16, and via YouTube (<https://www.youtube.com/watch?v=L6G8ypjyEDo>).

The Council and Commission will meet for the purpose of considering the following agenda:

1. CALL MEETING TO ORDER
2. ROLL CALL
3. INVOCATION AND PLEDGE OF ALLEGIANCE
4. CITIZENS PARTICIPATION
LIMITED TO THREE MINUTES PER PERSON

Comments from the public will be heard at this time. Any person with city-related business who has signed up may speak to Council (limited to three (3) minutes). If wishing to speak give the Mayor or presiding officer your full legal name and the item you wish to speak about. In compliance with Texas Open Meeting Act, the City 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, press the unmute button if attending via zoom on a smartphone, tablet or computer, or stand if attending in person, and the mayor will call on you in turn.*

5. OLD BUSINESS
 - 5.I. Ordinance No. O-2024-0001
Creation of a Heavy Industrial Zoning District

6. EXECUTIVE SESSION

The City Council for the City of La Marque, Texas reserves the right to adjourn into executive session at any time during this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development)

7. ACTIONS TAKEN FROM EXECUTIVE SESSION

8. ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on February 1, 2024 at 4:00 p.m.

Kierra K. Nance, TRMC
City Clerk



CITY COUNCIL AGENDA FORM

Meeting Date: February 6, 2024

Prepared by: Gus Knebel

Department: Development Services

Agenda Item: 5.I.

Reviewed by: _____

AGENDA ITEM DESCRIPTION:

Creation of a Heavy Industrial Zoning District

STAFF BRIEFING:

The I-3 zoning district is proposed to establish heavy industrial uses, facilitate heavy industrial development and use of the district, and protect such areas from the intrusion of certain incompatible uses that might impede the development and use of such lands for heavy industrial purposes.

HISTORY:

- November 14, 2023 - Planning and Zoning Commission public hearing: this item was tabled.
- December 12, 2023 - Planning and Zoning Commission public hearing: Commission recommended denial of creation of heavy industrial zoning district.
- January 8, 2024 - First Reading by City Council
- January 22, 2024 - Second reading/ Public Hearing - TABLED

FISCAL IMPACT:

N/A

ORDINANCE NO. O-2024-00

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS AMENDING THE CITY’S CODE OF ORDINANCES BY ADDING A HEAVY INDUSTRIAL ZONING DISTRICT AND MAKING PROVISIONS THEREFORE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, The City Council has conducted, in the time and manner required by law, a public hearing on the creation of a new heavy industrial zoning district in the City of La Marque, Texas;

WHEREAS, the City Council finds the proposed zoning district creation is consistent with the City’s comprehensive plan, and a heavy industrial zoning district should be created in the City.

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Section 71-16 is added to the City’s Code of Ordinances to read as follows:

Sec. 71-16. I-3 Industrial

- (a) *Purpose.* The I-3 district is established to accommodate heavy industrial uses, facilitate heavy industrial development and use of the district, and protect such areas from the intrusion of certain incompatible uses that might impede the development and use of such lands for heavy industrial purposes. Environmental Protection Agency and Occupational Health and Safety Administration regulations are enforceable to the extent applicable by law.
- (b) *Buffer Zone.* Uses permitted in the I-3 district are subject to the following conditions:
 - (1) A buffer zone of at least 500 feet must be maintained between a residential district and any use permitted in the I-3 District, unless otherwise provided in this subsection (b).
 - (2) A buffer zone of at least 250 feet must be maintained between a commercial district and any use permitted in the I-3 District, unless

otherwise provided in this subsection (b) but does not apply to any portion of a district separated by a road or highway.

- (3) Any road or highway right of way is included within the calculation of the required buffer zone, even if that right of way is included within a residential or commercial district.
- (4) The outside boundary of the applicable buffer zone, if any, must be fenced and reasonably landscaped with vegetation.
- (5) The following uses are permitted within buffer zones:
 - (i) utilities;
 - (ii) energy transmission lines/pipelines,
 - (iii) after the first 20' of the buffer for a commercial buffer and the first 40' for a residential buffer, employee, customer, or contractor parking is permitted, but limited to passenger vehicle and trucks with a 1 ton capacity or less only for the next 120' ft, and without restriction thereafter (but no storage of vehicles or trailers in a buffer),
 - (iv) ingress and egress appurtenant to any uses permitted in subsection (c), including, but not limited to, automobile, truck or rail access to a site, or public dedicated street to or through a site (but no storage of vehicles, trailers, or rail cars in the buffer),
 - (v) uses permitted in C-2 zoning district or the adjacent zoning district, whichever is more permissive (and then not subject to any other limitation in L-3, but only the limitations in the applicable district);
 - (vi) drainage, including, but not limited to, detention (provided any detention facility must be properly maintained in clean, mowed and sanitary condition);
 - (vii) landscaping; and
 - (viii) signage.

(c) *Uses permitted.* Uses permitted in the I-3 district shall be as follows:

- (1) All uses permitted by right or by conditional use in the C-1, C-2, I-1 and I-2 districts;
- (2) Rail operations, including but not limited to terminals, switching and classification yards, storage yards, repair shops, roundhouses and any related support facilities;
- (3) Wind, solar, battery, nitrogen, and/or hydrogen, energy generation, storage and transmission, or other types of energy generation, storage and transmission approved by Conditional Use Permit pursuant to Sec. 71-6;

- (4) Carbon capture or storage;
 - (5) Oil & gas, hydrocarbon, petroleum or other petrochemical, limited to transportation and storage;
 - (6) Renewable and alternative energy enterprises;
 - (7) Transportation terminal activities, including but not limited to trucking, motor freight, railway or other industrial transportation;
 - (8) Industrial processing, services, manufacturing, fabrication, assembly, refining, warehousing, storage or distribution;
 - (9) Metal fabrication, manufacturing, finishing, treatment, plating, grinding, sharpening, polishing, cleaning, rustproofing, heating, stamping, extrusion, and sales if conducted within enclosed structures;
 - (10) Other industrial, wholesale, manufacturing, construction, or service uses which are similar in character or in furtherance of related operations like those enumerated in this subsection; and
 - (11) Accessory uses for any permitted use, including but not limited to the following: office, laboratories, shops, parking, outside storage of materials, or temporary buildings.
- (d) *Requirements/Performance Standard.* Sections 71-20, schedule of district regulations, and 71-21, supplementary district regulations, shall not apply within the I-3 district, but the following requirements apply:
- a. Max. building height (ft.)- 80*
 - b. Min. side yard (ft.)- 20
 - c. Min. rear yard (ft.)- 20
 - d. Min. front yard (ft.)- 40
 - e. Traffic visibility- Per section 71-21(a)(1-2)
 - f. Off-street loading screening- Per section 71-21(f-g)
 - g. Barbed wire fences- Permitted
 - h. Maximum coverage by permanent structures - 75%
 - i. Maximum coverage by structures, driveways, and parking- 95%
- * Building Height Maximum does not apply to the following:
- Decorative features which do not exceed an additional 8 ft.
 - Antennae or other telecommunication device which does not exceed an additional 20 ft.
 - Chimney or other emission devise which does not exceed an additional 20 ft.

Safety devise or other devise required by applicable law which does not exceed an additional 20 ft.

Water tower

Other accessory structure approved by Conditional Use Permit pursuant to Sec. 71-6.

- (e) *Automobile parking space/loading regulations.* Section 71-22 shall not apply in the I-3 district, but the following requirements apply:

- a. Off-street parking area required: .8 per employee (determined per shift), but

subject to variance by the board of adjustment

Specifications: Min. 175 sq. ft. per space

Parking facilities shall have adequate drainage and an improved surface

- b. Loading dock required: Only if routine heavy truck deliveries occur-

Specifications: Min. 35' length/12' width/15' height

- (f) *Prohibited Uses.* The following uses are specifically prohibited:

- (1) Nuclear power generation operations;
- (2) Waste disposal, storage or recycling operations not appurtenant to a permitted use;
- (3) Concrete or asphalt batch or ready-mix plant operations;
- (4) Rock crushing or aggregate mining operations, but aggregate storage or terminaling for transportation or distribution is permitted;
- (5) Munitions or other designed explosives use, testing or storage;
- (6) Aviation, space port or other similar facilities;
- (7) Mining;
- (8) Junkyard, salvage or wrecking yard operations;
- (9) Hog or chicken farming;
- (10) Meat processing, packing or canning operations, including but not limited to fermenting, canning, slaughtering, rendering, curing, tanning or related processes;

- (11) Biological or viral experimental, research or developmental or testing laboratories;
 - (12) Wood treating or processing plant;
 - (13) Pesticide manufacturing, or storage of pesticides, except storage in rail cars properly classified as goods in transit is permitted; and
 - (14) Open earth storage of petroleum products.
 - (15) Any activity or process that is likely to produce excessive odors, noises, vibrations, fumes, or other conditions which substantially interfere with the use and enjoyment of nearby properties by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy it
- (g) *Preemption.* Notwithstanding anything to the contrary in this Section 71-16, nothing herein shall regulate rail operations with respect to any matter preempted in any way by federal law or regulation.
- (h) *No Overlay District.* Notwithstanding anything to the contrary in this Chapter 71, no overlay district shall apply to the I-3 district, specifically including, but not limited to, the Thoroughfare Overlay District in Section 71-27.

Section 3. The City's comprehensive plan is amended in accordance with this Ordinance.

Section 4. Penalty. As provided by Section 71-3 of the City Code, any person who shall violate any of the provisions of this ordinance or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved hereunder, shall for each violation or noncompliance be deemed guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-7 of the City Code. The owner of that building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder contractor, agent, or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be subject to the penalties herein provided.

Section 5. Repeal. This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 6. Severability. In the event any clause, phrase, provision sentence, or part of this Ordinance or the application of the same to any person or circumstance for any reason be adjudged invalid or held unconstitutional by a court of competent

jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. Publication and Effective Date. This Ordinance shall be effective immediately upon adoption, public hearing in accordance with Section 2.19 of the City Charter, and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Chapter 52 of the Texas Local Government Code and Article II of the City Charter.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on First Reading this ____ day of _____, **2024**; and

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on Second and Final Reading this ____ day of _____, **2024**; and

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

ATTEST:

Kierra Nance, TRMC, City Clerk

APPROVED AS TO FORM:

Gus Knebel
Consulting City Attorney



City of La Marque Planning & Zoning Commission

STAFF REPORT

Meeting Date: December 12, 2023

Agenda Item: Discussion / possible action regarding amending Chapter 71, "Zoning," of the City Code of Ordinances by the adoption of an I-3 "Heavy Industrial zoning district and adopting regulations applicable to this district.

Item Type: ZONING ORDINANCE

Standard for Approval: Section 71-24 (b)

(3) Formulate and recommend to the city council, for its adoption, a city plan for the orderly growth and development of the city and its environs and from time-to-time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.

(4) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in V.T.C.A. Local Government Code § 211.007. All powers granted under said section are specifically adopted and made a part hereof.

References: City Code Chapter 71-1; (71-16; I-3 Industrial)
Chapter 211, Texas Local Government Code

Council approval: Required

Public comments:

Recommendation:

APPROVE: _____ DENY ☒ TABLE _____

VOTE TALLY: _____ APPROVED 4 DENIED _____ TABLED

CHAIR: Alex F. Waters DATE: 12/12/2023



City of La Marque Planning & Zoning Commission

STAFF REPORT

Meeting Date: November 14, 2023

Agenda Item: Discussion / possible action regarding amending Chapter 71, "Zoning," of the City Code of Ordinances by the adoption of an I-3 "Heavy Industrial zoning district and adopting regulations applicable to this district.

Item Type: ZONING ORDINANCE

Standard for Approval: Section 71-24 (b)

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References: City Code Chapter 71-1; (71-16; I-3 Industrial)
Chapter 211, Texas Local Government Code

Council approval: Required

Public comments:

Recommendation:

APPROVE: _____ **DENY** _____ **TABLE** 3 _____

VOTE TALLY: _____ **APPROVED** _____ **DENIED** 3 _____ **TABLED.**

CHAIR: *Alene Z. Watson* **DATE:** 11/14/2023

[Proposed new industrial district following the format of La Marque's I-2 zoning district]

Sec. 71-16. I-3 Industrial

- (a) *Purpose.* The I-3 district is established to accommodate heavy industrial uses, facilitate heavy industrial development and use of the district, and protect such areas from the intrusion of certain incompatible uses that might impede the development and use of such lands for heavy industrial purposes. Environmental Protection Agency and Occupational Health and Safety Administration regulations are enforceable to the extent applicable by law.
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 - (2) A buffer zone of at least 250 feet must be maintained between a commercial district and any use permitted in the I-3 District, unless otherwise provided in this subsection (b) but does not apply to any portion of a district separated by a road or highway.
 - (3) Any road or highway right of way is included within the calculation of the required buffer zone, even if that right of way is included within a residential or commercial district.
 - (4) The outside boundary of the applicable buffer zone, if any, must be fenced and reasonably landscaped with vegetation.
 - (5) The following uses are permitted within buffer zones:
 - (i) utilities;
 - (ii) energy transmission lines/pipelines,
 - (iii) after the first 20' of the buffer for a commercial buffer and the first 40' for a residential buffer, employee, customer, or contractor parking is permitted, but limited to passenger vehicle and trucks with a 1 ton capacity or less only for the next 120' ft, and without restriction thereafter (but no storage of vehicles or trailers in a buffer),
 - (iv) ingress and egress appurtenant to any uses permitted in subsection (c), including, but not limited to, automobile, truck or rail access to a site, or public dedicated street to or through a site (but no storage of vehicles, trailers, or rail cars in the buffer),
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- (3) Wind, solar, battery, nitrogen, and/or hydrogen, energy generation, storage and transmission, or other types of energy generation, storage and transmission approved by Conditional Use Permit pursuant to Sec. 71-6;
 - (4) Carbon capture or storage;
 - (5) Oil & gas, hydrocarbon, petroleum or other petrochemical, limited to transportation and storage;
 - (6) Renewable and alternative energy enterprises;
 - (7) Transportation terminal activities, including but not limited to trucking, motor freight, railway or other industrial transportation;
 - (8) Industrial processing, services, manufacturing, fabrication, assembly, refining, warehousing, storage or distribution;
 - (9) Metal fabrication, manufacturing, finishing, treatment, plating, grinding, sharpening, polishing, cleaning, rustproofing, heating, stamping, extrusion, and sales if conducted within enclosed structures;
 - (10) Other industrial, wholesale, manufacturing, construction, or service uses which are similar in character or in furtherance of related operations like those enumerated in this subsection; and
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 - f. Off-street loading screening- Per section 71-21(f-g)
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 - h. Maximum coverage by permanent structures - 75%
 - i. Maximum coverage by structures, driveways, and parking- 95%
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- (5) Munitions or other designed explosives use, testing or storage;
- (6) Aviation, space port or other similar facilities;
- (7) Mining;
- (8) Junkyard, salvage or wrecking yard operations;
- (9) Hog or chicken farming;
- (10) Meat processing, packing or canning operations, including but not limited to fermenting, canning, slaughtering, rendering, curing, tanning or related processes;
- (11) Biological or viral experimental, research or developmental or testing laboratories;
- (12) Wood treating or processing plant;
- (13) Pesticide manufacturing, or storage of pesticides, except storage in rail cars properly classified as goods in transit is permitted; and
- (14) Open earth storage of petroleum products.
- (15) Any activity or process that is likely to produce excessive odors, noises, vibrations, fumes, or other conditions which substantially interfere with the use and enjoyment of nearby properties by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy it

- (g) *Preemption.* Notwithstanding anything to the contrary in this Section 71-16, nothing herein shall regulate rail operations with respect to any matter preempted in any way by federal law or regulation.

- (h) *No Overlay District.* Notwithstanding anything to the contrary in this Chapter 71, no overlay district shall apply to the I-3 district, specifically including, but not limited to, the Thoroughfare Overlay District in Section 71-27.