

ORDINANCE NO. O-2022-0010

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS AMENDING THE CITY'S ZONING MAP AND COMPREHENSIVE PLAN BY CHANGING THE ZONING REGULATIONS OF THE RESIDENTIAL CANAL ZONE IN THE CITY OF LA MARQUE, TEXAS PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; PROVIDING AND EFFECTIVE DATE; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, The City Council of La Marque, Texas, in response to a citizen request at a duly noticed council meeting directed staff to begin the process of amending the zoning ordinance related to Section 71-29 of the La Marque Code of Ordinances.

WHEREAS, The City Council has conducted, in the time and manner required by law, a public hearing on the proposal to change the zoning for the Property;

WHEREAS, the City Council finds the proposed change in zoning district is consistent with the City's comprehensive plan, and the comprehensive plan and zoning map of the City should be amended.

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 71-29(d) is amended as follows:

- (1) All new or remodeled structures on any lot within a residential canal zone shall be constructed in such a way as to have a zero-drainage impact to any street or adjacent property. Each lot shall be maintained so as to preserve the drainage of the lots and adjacent roadway areas. The erections or placing of any structure or object, or the filling in or excavation of any area of the lot which will prevent free and adequate drainage or allow water to stand on the lot, or adjacent lots, or adjacent waterway, is prohibited:
- (2) Lots in the residential canal zone are subject to the following requirements:

- a. All residential property within the Omega Bay Subdivision shall be exempt from Sections 71-22(b), 71-22(f), 71-22(g), 71-22(h) Residential Off Street Parking Ordinance, unless the addition, enlargement or extension of the existing driveway or sidewalk will have an adverse effect on streets or adjacent properties.
- b. These exceptions do not exempt any property owner or contractor from submitting a site and building plan of the proposed addition, extension or enlargement of any driveway or sidewalk for approval by the City plan reviewer before any construction on any driveway or sidewalk beings.
- c. All driveway and sidewalk additions, enlargements, and extensions must comply with the City Ordinance Sec. 56-6 Standards for Construction of Sidewalks and Sec. 14-390 Physical Specifications for Driveways.
- d. A drainage plan shall be required for any addition that requires site improvements, including but not limited to new construction, renovations, driveways, and patios.
- e. Construction with the Omega Bay Subdivision shall be exempt from impervious cover requirements.

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, AND APPROVED by the City Council of the City of La Marque on First Reading this **28th** day of **JULY, 2022**; and

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on Second and Final Reading this _____ day of _____, **2022**; and

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

ATTEST:

Kierra Nance, TRMC, City Clerk

APPROVED AS TO FORM:

Gus Knebel
Consulting City Attorney