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**CITY OF LA MARQUE  
PLANNING & ZONING COMMISSION  
SPECIAL MEETING AGENDA**

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**TUESDAY, July 26th, 2022  
4:00 PM  
COUNCIL CHAMBERS  
1109-B BAYOU  
LA MARQUE, TX 77568**

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

**TO PARTICIPATE VIA ZOOM:  
PUBLIC TOLL-FREE DIAL-IN NUMBER: 1 (346) 248-7799  
MEETING ID: 92887385489  
<https://zoom.us/j/92887385489>**

Alan Waters	Chairman
Greg Cornett	Vice Chairman
Augustino Molis	Member
Bradley Stephenson	Member
Chris Colombo	Member
Graylan Alexander	Member



**CITY OF LA MARQUE  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
AGENDA  
Of  
July 26, 2022**

Notice is hereby given that the City of La Marque Planning and Zoning Commission will conduct a Regular Meeting in the Council Chambers at 1109-B Bayou Road, La Marque, Texas as well as via teleconference hosted through (ZOOM) on Tuesday, July 26, 2022, beginning at 4:00 p.m., for the purpose of considering and taking action on the following agenda:

- (1) **CALL MEETING TO ORDER**
- (2) **INVOCATION AND PLEDGE**  
Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."
- (3) **ROLL CALL**
- (4) **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, press the unmute button if attending via zoom on a smartphone, tablet, or computer, or stand if attending in person, and the Chairperson will call on you in turn.**
- (5) **MINUTES:**
  - a. Discussion / possible action to approve July 5, 2022, Special Meeting Minutes
- (6) **PUBLIC HEARINGS**  
Conduct Public Hearing to hear public input on:

- a. Amending Section 71.29(d) of The Code of Ordinances, entitled “Residential Canal Zone”, Providing for Discussion of All Residential properties within The Omega Bay Subdivision only will be Exempt from Sec. 71-29(b), (f), (g), & (h) with conditions.

**(7) OLD BUSINESS**

- a. None

**(8) NEW BUSINESS**

- a. Discussion / possible action regarding an Ordinance of the City of La Marque, Texas, Amending Section 71.29(d) of The Code of Ordinances, entitles “Residential Canal Zone”, Providing for Discussion of All Residential properties within The Omega Bay Subdivision only will be Exempt from Sec. 71-29(b), (f), (g), & (h) with conditions.

**(9) DIRECTORS REPORT**

- a. No Report

**(10) REQUESTS AND ANNOUNCEMENTS**

- a. None

**(11) ADJOURNMENT**

**CERTIFICATION:**

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas, on or before **July 22, 2022**, before 5:00 p.m.

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Kierra K. Nance, TRMC  
City Clerk

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. . Please contact the City Clerk’s office at (409) 938-9259, or Fax (409) 935-0401, or e-mail [cityclerk@cityoflamarque.org](mailto:cityclerk@cityoflamarque.org) for further information.



**CITY OF LA MARQUE  
PLANNING AND ZONING COMMISSION  
Special Meeting Minutes  
July 5th, 2022**

**Special Meeting Minutes of the City of La Marque Planning and Zoning Commission held on Tuesday, July 5, 2022, beginning at 4:00 p.m. at 1109-B Bayou Road with the following members present:**

**(1) CALL MEETING TO ORDER, PLEDGE AND INVOCATION**

*4:01 pm by Commissioner Alan Waters - Pledge & Invocation*

**(2) ROLL CALL**

*Absentees: Augustino Molis, Graylan Alexander*

*Present: Alan Waters, Greg Cornett, Brad Stephenson, Chris Colombo*

**OTHER OFFICIALS/STAFF PRESENT:**

*Kathleen Van Stavern, Development Services Director*

*Giovanna Bonsignore, Permit Specialist/Coordinator*

*Dinh Ho, City Engineer with Adico, LLC*

**(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, press the unmute button if attending via zoom on a smartphone, tablet, or computer, or stand if attending in person, and the Chairperson will call on you in turn.**

*None*

**(4) MINUTES:**

- a. Discussion / possible action to approve May 24, 2022, Meeting Minutes

*Motion to Approve*

*1<sup>st</sup> - Greg Cornett 2<sup>nd</sup> Chris Colombo - None Opposed*

**(5) PUBLIC HEARINGS**

- a. None

**(6) OLD BUSINESS**

- a. None

**(7) NEW BUSINESS**

- a. Discussion / possible action regarding a Preliminary Plat application for Ambrose, Section 2, located near Victory Springs & Fleming Road

*Chris Colombo - inquired regarding any conditions.*

*Dinh Ho - explained in our Ordinance PDD, negotiated 50 ft wide lots, recreational facilities, splash pad, other amenities, walking trails. Etc. Currently under construction and plans being reviewed.*

*Ambrose Section 2 & 3 plats were previously approved July 2021 but have expired and resubmitted June 2022 for approval.*

*Concerns regarding water and sewer - infrastructure and if we have enough capacity. City has signed a contract with GCWA for additional water to accommodate the additional capacity needed.*

*Motion to Approve*

*1<sup>st</sup> - Chris Colombo 2<sup>nd</sup> Greg Cornett - None Opposed*

- b. Discussion / possible action regarding a Preliminary Plat application for Ambrose, Section 3, located near Delany Road and F.M. 1765

*Motion to Approve*

*1<sup>st</sup> - Greg Cornett 2<sup>nd</sup> Chris Colombo - None Opposed*

**(8) DIRECTORS REPORT**

- a. No Report

**(9) REQUESTS AND ANNOUNCEMENTS**

- a. None

**(10) ADJOURNMENT**

*Motion to Adjourned*

*1<sup>st</sup> - Alan Waters 2<sup>nd</sup>- Brad Stephenson @ 4:17 pm*

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Alan Waters, Chairman  
Planning & Zoning Commission



# City of La Marque Planning & Zoning Commission

## STAFF REPORT

**Meeting Date:** July 26, 2022

**Agenda Item:** Discussion / possible action to issue a final report and provide a recommendation to City Council on a request Amending Section 71.29(d) of The Code of Ordinances, entitled “Residential Canal Zone”, Providing for Discussion of All Residential properties within The Omega Bay Subdivision only will be Exempt from Sec. 71-29(b), (f), (g), & (h) with conditions.

**Item Type:** Amending Ordinance

**Standard for Approval:**

“The city may from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplemental, or change shall be held by the council. Notice of council hearing 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. No such amendment, supplement, or change shall be considered unless and until the commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.” *See City Code Sec. 71.26(h)*

**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 recommend approval

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## Sec. 71-29. Residential canal zone.

- (a) That Omega Bay Subdivision, located within the city limits of the city is hereby recognized as a residential canal zone.
- (b) That any and all roads within the designated canal zone may be no less than 20 feet in width and shall conform to all current city Code of Ordinance requirements.
- (c) (1) New construction and improvements require the approval of the governing authority of the residential canal zone and a city building permit.
- (2) Premises shall not be used for anything other than residential purposes and shall not be used directly or indirectly for the conduct of any business whatsoever, commercial or otherwise.
- (3) Within a residential canal zone, the following shall apply:
- Only one residence is permitted per lot; no duplexes are allowed.
  - Where lots are 60 feet or less in width, residences shall be a minimum of 1,000 square feet. For lots greater than 60 feet in width, residences shall be a minimum of 1,200 square feet.
  - Building setbacks are 20 feet from roads and canals and five feet on sides adjacent to other lots. Fences are allowed in the five-foot setbacks but prohibited in the 20' setbacks.
  - The outside finish on all residences and other accessory buildings must be of acceptable materials and shall be kept in good repair and in a neat and clean condition and shall be cleaned or painted when necessary to preserve attractiveness.
  - Construction shall be completed within 120 days from date of issuance of a building permit.
  - No temporary building, tent, house trailer, or any other form of shelter shall be placed upon the lot during construction or at any other time.
- (d) 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.
- (1) **Exception:**
- All residential properties within Omega Bay Subdivision will be exempt from Sec. 71-22(b), (f) (g) (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.
- (2) This does not exempt any property owner or contractor from submitting a site/building plan of the proposed addition, extension or enlargement of any driveway or sidewalk for approval by the City plan reviewer and HOA before any construction on any driveway or sidewalk begins.
- (3) All driveway or sidewalk additions, enlargements or extensions must comply with the city ordinance Sec. 56-6 Standards for construction of sidewalks and Sec.14-390 Physical Specifications for driveways.
- (4) A drainage plan shall be required for any addition that requires site improvements, including but not limited to new construction, renovations, driveways, patio, etc.
- (5) Construction within the Omega Bay Subdivision shall be exempt from impervious cover requirements.

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- (e) That any accessory to buildings, attached or detached, such as sheds and decks, shall be erected in accordance with section 71.21(b) this Code and be consistent with the style and outside finish of the residence and be constructed only upon approval of the governing authority of the residential canal zone and subsequently submitted to the city for permit.
  - (f) That any privacy fence shall not be located within the 20-foot setback from any canal (navigable waterway) and conform with section 71.21(a)(3) of this Code and be constructed only upon approval of the governing body of the residential canal zone and subsequently submitted to the city for permit.
  - (g) A permit application with engineered plans shall be submitted to the governing authority of the residential canal zone and upon approval submitted to the city for permit approval prior to the commencement of construction of any boat house/vessel docks and shall require final inspection. Further, any boat house/vessel dock shall not extend more than 12 feet into a navigable waterway. With approval from the governing body of the residential canal zone, a variance allowing an additional two feet may be requested.
  - (h) No livestock, poultry or other domestic or exotic animals of any kind whatsoever other than cats or dogs shall be placed, allowed or kept on any lots and permitted pets must be kept and maintained so as not to constitute an annoyance or nuisance to the other lots in the subdivision. Permitted pets shall be licensed and in conformance to Galveston County Animal Control Regulations.
  - (i) In the event any clause, phrase, provision, sentence, or part of this section or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this section as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the city council of the city, 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.
  - (j) *Savings and repealing clause.* All provisions of any ordinance in conflict with this section are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.
  - (k) Any violation of this section or subsection, shall be a misdemeanor and subject to punishment as described in section 1-7 of this Code.

(Ord. No. O-2016-0021, § 2, 11-14-2016)

Editor's note(s)—Ord. No. O-2016-0021, § 2, adopted Nov. 14, 2006, added provisions intended for use as § 71-A. In order to maintain Code format and to allow for future expansion of the Code, said provisions have been redesignated as § 71-29 as set out herein, at the editor's discretion.