

## ORDINANCE 2025-4034

**AN ORDINANCE AMENDING CHAPTER 90 "ENTERTAINMENT" AND CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO PERMITTED CLASSIFICATIONS FOR SEXUALLY ORIENTED BUSINESSES, NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION, USES PERMITTED IN THE MIXED USE (MU) ZONING DISTRICT, USE CLASSIFICATIONS FOR SEXUALLY ORIENTED BUSINESSES IN DESIGNATED ZONING DISTRICTS, AND REMOVING LIVESTOCK REGULATIONS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, THAT:**

**Section 1.** That Chapter 90, "Entertainment," Article II. "Sexually Oriented Businesses", Division 1, "Generally", Section 90-33 "Classifications", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new permitted classifications to Sexually Oriented Businesses, which said use classifications shall be inserted in the proper numerical sequence, to hereinafter read as follows:

**Sec. 90-33. Classifications.**

Adult oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Nude model studios; and
- (8) Sexual encounter centers.
- (9) Adult novelty stores

**Section 2.** That Chapter 106, "Zoning," Division 5. Amendments, Section 106-171 "Amendment Procedures", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by modifying the requirements for notice of public hearings before the city planning and zoning commission, and requirements for public notice by sign posting, to hereinafter read as follows:

**"Sec. 106-171. Amendment procedures.**

The city council may from time to time, on its own motion, the motion of the planning and zoning commission, or on petition, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries herein established.

(1) *Public hearing before the city planning and zoning commission.* Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the city planning and zoning commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the city council.

(2) *Notice of public hearing before city planning and zoning commission.*

a. Written notice of all public hearings before the city planning and zoning commission on proposed changes in classification shall be sent to owners of real property lying within 300 feet of the property on which the change in classification is proposed, as well as the La Porte Independent School District, and to civic associations whose boundaries are wholly or partly within 300-foot area, such notice to be given not less than ten (10) days before the date set for hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. At least fifteen (15) days' notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the city.

b. Requirements for public notice by sign posting:

1. Public notice for procedures requiring public notice by sign posting shall be posted on the subject property by the city at least ten (10) days before the public hearing.
2. The public notice sign shall be placed on the property within twenty (20) feet of the abutting street.
3. The sign shall be clearly visible, readable, and not to create hazard to traffic on the public right-of-way abutting the property.
4. The sign shall remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall delay the request until the next available meeting.
5. If the sign is damaged, destroyed, or goes missing, the applicant must notify City staff within 24 hours in order to have a new sign placed on the property. Failure to do so will delay the request until the next available meeting.
6. Public notice sign shall include the date, time, place, and purpose of public hearing.
7. The sign will be picked up by the city within ten (10) days after the appeal period for the public hearing has ended.

(3) Publication of notice. In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.

(4) Submission of findings and recommendations to city council. The city planning and zoning commission shall forward its final report consisting of written findings of fact and recommendations to city council, within 30 days of the close of the public hearing held in accordance with this section.

(5) Public hearing before city council.

a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.

b. Notice of such hearing shall be given by publication once in a newspaper of general circulation on the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.

(6) Council actions. The city council shall act upon such motion or petition within 60 days from the date the final report of the city planning and zoning commission was submitted to the city council.

(7) Protests.

a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:

1. The area of lots or land covered by the proposed change; or

2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

3. Streets and alleys shall be included when computing the area of land from which a protest may be filed.

(8) Vote to overrule. The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.

(9) Reconsideration. An application for an amendment to the zoning classification of property that is denied by the city council, or which is withdrawn by an applicant after the planning and zoning commission makes a report recommending denial of such amendment, may not be resubmitted by the applicant for filing with the city within six (6) months of the date of filing of the first application.

**Section 3.** That Chapter 106, "Zoning," Article III. "Districts", Division 3, "Commercial District Regulations", Section 106-310 "Table A, Commercial & Industrial Uses", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new permitted use classifications for the Mixed Use (MU) zoning district, and adoption of use classifications for Sexually Oriented Businesses in designated zoning districts; which said use classifications shall be inserted within such table in the proper numerical sequence, to hereinafter read as follows:

**Sec. 106-310. - Table A, Commercial & Industrial Uses.**

| 2017 NAICS Code | 2017 NAICS Title                            | ** | NC | MS | GC | MU | BI | LI | HI |
|-----------------|---|----|----|----|----|----|----|----|----|
| 443             | Electronics and Appliance Stores            |    | P  | P  | P  | P  | P  | P  | P  |
| 5411            | Legal Services                              |    | P  | P  | P  | P  | P  | P  | P  |
| 541211          | Offices of Certified Public Accountants     |    |    |    |    |    |    |    |    |
| 541213          | Tax Preparation Services                    |    |    |    |    |    |    |    |    |
| 6116            | Other Schools and Instruction               |    |    | P  | P  | P  | P  | P  | P  |
| 6117            | Educational Support Services                |    |    |    |    |    |    |    |    |
| 6211            | Office of Physicians                        |    | P  | P  | P  | P  | P  | P  | P  |
| 6212            | Office of Dentists                          |    |    |    |    |    |    |    |    |
| 6213            | Office of Other Health Practitioners        |    |    |    |    |    |    |    |    |
| 624410          | Child Day Care Services                     |    | P  | P  | P  | P  | P  | P  | P  |
| 7225            | Restaurants and Other Eating Places         |    | P  | P  | P  | P  | P  | P  | P  |
| 811211          | Consumer Electronics Repair and Maintenance |    | P  | P  | P  | P  | P  | P  | P  |

| 2017 NAICS Code | 2017 NAICS Title  | ** | NC | MS | GC | MU | BI | LI | HI |
|-----------------|---|----|----|----|----|----|----|----|----|
| 811213          | Communication Equipment Repair and Maintenance  |    | P  | P  | P  | P  | P  | P  | P  |
| 812199          | Other Personal Care Services (except hair, nail, facial, nonpermanent makeup, or non-medical diet and weight reducing services) |    | P  | P  | P  | P  | P  | P  | P  |
| N/A             | Sexually Oriented Businesses  |    |    |    |    |    |    |    | C  |

**Section 4.** That Chapter 106, “Zoning,” Article III. “Districts”, Division 2, “Residential District Regulations”, Section 106-331 “Table A, residential uses”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by removing livestock regulations in residential zoning districts, which said use classifications shall be inserted within such table in the proper numerical sequence, to hereinafter read as follows:

**Sec. 106-331. Table A, residential uses.**

| Uses (NAICS Code #)  | Zones |     |     |    |    |
|--|-------|-----|-----|----|----|
|  | R-1   | R-2 | R-3 | MH | LL |
| Agriculture, Forestry, Fishing and Hunting (111110-111199) | P     | P   | P   | P  | P  |

**Section 5.** That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 2, “Accessory Buildings, Uses, and Equipment”, Section 106-742 “Domestic livestock”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by removing livestock regulations in residential zoning districts.

**Section 6.** Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

**Section 7.** All ordinances or parts of ordinances of the City of La Porte, Texas, in conflict with any provision contained herein is hereby repealed to the extent of any conflict.

**Section 8.** If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance; and it is hereby declared to be the intention of this City Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

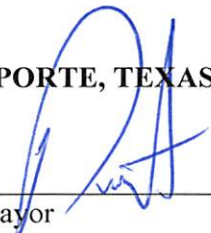
**Section 9.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 10.** This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be

published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

**PASSED and APPROVED** this, the 13<sup>th</sup> day of January, 2025.

**CITY OF LA PORTE, TEXAS**

  
\_\_\_\_\_  
Rick Helton, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Clark T. Askins, City Attorney

ATTEST:

  
\_\_\_\_\_  
Lee Woodward, City Secretary

