
CITY OF PORT LAVACA

MEETING: AUGUST 14, 2023

DATE: 8/02/2023

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DERRICK SMITH, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: PROPOSED ADDITIONS TO Article VII – Group Housing and Commercial Development: Sec. 42-161 Landscaping: ADD *PROTECTION OF LANDSCAPING DURING CONSTRUCTION* AND ADD Section 42-162 *DUMPSTER SCREENING*.

We recently made application to be a Recognized City in the Scenic City Program, but fell short of the required points to qualify. We have identified additional changes needed to our development ordinance in order to obtain the additional points to achieve recognition status. These changes include language requiring *Protection of landscaping during construction* and language requiring a *Dumpster screening* for all new commercial and multi-family construction.

The Scenic City Program has agreed to approve our application contingent upon the adoption of these changes.

COMPREHENSIVE PLAN (2016): Under the top Action item is listed “Develop Landscaping regulations for non-residential and multiple family developments ...”

APPLICABILITY: new development, redevelopment, and substantial improvements

EXCEPTIONS: single family home developments

Attachments:

- Revised Article VII – Group Housing and Commercial Development: Sections 42-161 and Section 42-162

ORDINANCE #G-9-23

AN ORDINANCE OF THE CITY OF PORT LAVACA AMENDING THE CODE OF ORDINANCES, CHAPTER 42 SUBDIVISIONS AND PLATS; ARTICLE VII GROUP HOUSING AND COMMERCIAL DEVELOPMENT, SECTION 42-161 LANDSCAPING, ADDITION OF (d) PROTECTION OF LANDSCAPING DURING CONSTRUCTION; ADDITION OF NEW SECTION 42-162 DUMPSTER SCREENING; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

Section 1. Purpose.

The attached Exhibit A document identifies amendments that are to be made to various Sections of Chapter 42 of the City of Port Lavaca's Code of Ordinances. Text that remains unchanged will be in black-colored letters, text that is new will be identified by red-colored underlined letters and all text to be deleted, if any, will be identified as blue-colored letters with strikethroughs.

Section 2. Severability.

It is specifically declared to be the intention of the City Council that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional or invalid phrase, clause, sentence, paragraph or sections.

Section 3. Repeal.

All ordinances or parts of ordinances conflicting with or not consistent with the provisions of this article are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency or conflict, and in all respects, this article shall be cumulative of all other ordinances of the City of Port Lavaca regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this article shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

Section 4. Effective Date

THAT this ordinance shall become effective on the date of its passage.

FIRST READING this 14th day of August, 2023

Jack Whitlow, Mayor

SECOND AND FINAL READING this 11th day of September, 2023

Jack Whitlow, Mayor

APPROVED AND ADOPTED this 11th day of September, 2023.

Jack Whitlow, Mayor

ATTEST:

Mandy Grant, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

RECORD OF VOTE

	First Reading	Second and Final	Passed and Approved
Councilman Aguirre			
Councilman Dent			
Councilman Tippet			
Councilwoman Padron			
Councilman Ward			
Councilman Barr			

Record of approval by City Council: City Council Minute Records, Volume 3H, Page ____.