

ORDINANCE NO. 15-072

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING CHAPTER 29, PLANNING-BEACH ACCESS, DUNE PROTECTION AND BEACH FRONT CONSTRUCTION” OF THE CODE OF THE CITY OF GALVESTON AS AMENDED; ALLOWING CONSTRUCTION OF IN-GROUND GUNITE POOLS WITHIN 1000 FEET FROM MEAN HIGH TIDE; PLANNING CASE NUMBER 15ZA-08; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, on April 10, 2014, City Council adopted Ordinance No. 14-022 regarding an amendment to the City of Galveston Dune Protection and Beach Access Plan, (also known as Section 29-90 of the Galveston Zoning Standards 1991, as amended), regarding construction of in-ground pools. The intent of this amendment was to allow in-ground gunite swimming pools in the area landward of 200 feet from the continuous line of vegetation to 1,000 feet from the mean high tide line; and,

WHEREAS, on July 8, 2015, the Texas General Land Office commented on a previous ordinance adopted by the City Council, regarding the City of Galveston Dune Protection and Beach Access Plan (Section 29-90 of the Galveston Zoning Standards 1991, as amended), and recommends amending the plan regarding in-ground gunite swimming pools; and,

WHEREAS, as further detailed in the Staff Report, attached and incorporated herein as **Exhibit 1**, Staff recommends amending the City of Galveston Dune Protection and Beach Access Plan regarding construction of in-ground gunite pools; and,

WHEREAS, the Planning Commission, at its regular meeting of August 18, 2015, voted unanimously to recommend approval regarding construction of in-ground gunite pools with the condition that a definition for item “C” as defined below be added.

“The square footage of the maximum allowable impervious footprint for any given lot will be determined by the square footage of the lot, minus the dimensions of the rear setback, minus the dimensions of the two side setbacks and minus the dimension of the front setback – plus the dimensions of the allowable driveway. The square footage of the pool, house and driveway must not exceed the square footage of the maximum allowable impervious cover area”; and,

WHEREAS, after public notice and hearing as required by law, the City Council finds that it is in the public’s interest to amend Chapter 29 of the Code of the City of Galveston as set forth below regarding construction of in-ground gunite pools.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 29, “Planning - Beach Access, Dune Protection and Beachfront Construction”, section 29-3 “**Development, Preservation and Protection of Sand Dunes**” is hereby amended to read as follows:

(j) **Prohibitions**

(4) In-ground gunite swimming pools may be constructed provided they meet the following requirements:

- a. Must be located landward of 200-feet of the line of vegetation ~~and or~~ landward of the first paved public road, or ~~30 times the erosion rate; or landward of a large existing concrete structure;~~ parallel to the public beach, whichever is greater, or landward of a large, multi-family concrete structure that existed prior to September 13, 2008.
- b. Must adhere to the Federal Emergency Management Agency Technical Fact Sheet 8.2 *Homebuilder's Guide to Coastal Construction* recommendations and requirements criteria for the construction of decks, pools and accessory structures;
- c. The total amount of impervious cover for the property, which includes ~~including the~~ in-ground gunite swimming pools and related structures (such as decking, gazebos, restrooms, and changing facilities), shall not exceed the combined area of the footprint of the habitable structure and permitted allowable driveway, with the driveway limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. In accordance with the provisions of Section 12 and 13 of Article II of The City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of The Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on September 10, 2015, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2015.

Secretary for the City Council
of the City of Galveston