

ORDINANCE NO. 25 - ____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, CHANGING THE ZONING FROM RESIDENTIAL, SINGLE-FAMILY (R-1) ZONING DISTRICT AND RESIDENTIAL-SINGLE-FAMILY (R-1) ZONING DISTRICT TO RESTRICTED RESIDENTIAL, SINGLE FAMILY (R-0) ZONING DISTRICT ON VARIOUS PROPERTIES WHICH ADDRESSES ARE COMMONLY KNOWN AS **2712 – 2928 11 MILE ROAD**, AND AS PROVIDED IN THE ATTACHED MAP AND WHICH PROPERTIES ARE LEGALLY DESCRIBED AS: ABSTRACT 121 PAGE 48 LOTS 1 THROUGH 11 SEA BREEZE, AND ABSTRACT 121 PAGE 48 NORTH 75 FEET OF LOT 12 (12-1) SEA BREEZE, IN THE CITY AND COUNTY OF GALVESTON, TEXAS. PLANNING CASE NUMBER **25P-004**; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City has received a request to change the zoning on the subject properties from Residential, Single-Family (R-1) zoning district to Restricted Residential, Single-Family (R-0) zoning district. The various property addresses are commonly known as **2712 – 2928 11 Mile Road**. The properties are legally described as: Abstract 121 Page 48 Lots 1 Through 11 Sea Breeze, and Abstract 121 Page 48 North 75 Feet of Lot 12 (12-1) Sea Breeze, in the City and County of Galveston, Texas; and,

WHEREAS, the request is to designate all properties in the subject area as a Restricted Residential, Single-Family (R-0) zoning district. This neighborhood is currently zoned Residential, Single-Family (R-1). The primary distinction between the R-1 and R-0 zoning district is the ability of property owners to legally use their homes as short term rental dwellings. Short term rentals are not permitted in the R-0 zoning district; and,

WHEREAS, the approval of this request will result in the prohibition of short term rental uses within the subject neighborhood; and,

WHEREAS, as set forth in the staff report, attached and fully incorporated herein as **Exhibit 1**, and in accordance with the criteria to establish a Restricted Residential, Single-Family (R-0) zoning district of the City of Galveston’s Land Development Regulations, Staff finds that the rezoning request meets the criteria required, including; but not limited to, the following:

1. 75 percent of the dwellings in the proposed zoning area are single-family owner occupied structures;
2. 75 percent of the property owners initiated a petition to rezone to R-0. The petition was initiated by 83 percent of property owners;
3. Commercial uses and short term rentals are prohibited. (No commercial uses currently in operation. Existing short term rental uses will not be affected by this request);
4. The petition identified the streets, street blocks, and boundary subject to the rezoning;

5. The neighborhood is similar in design and character;
6. Dangerous and dilapidated structures as defined in the Municipal Code are not currently present within the proposed boundary of the R-0 district; and,

WHEREAS, Staff finds that the rezoning request meets the demonstrative criteria required for approval, per Division 13.601 (C), of the Land Development Regulations based on the following findings:

- a. The proposed zoning is preferable to the existing zoning in terms of its likelihood of advancing the goals, objective and policies of the City of Galveston 2011 Comprehensive Plan and other adopted plans;
- b. The proposed zoning is consistent with the future land use map prepared by staff and accompanying the staff report for this case;
- c. The proposed change is consistent with the implementation of existing or planned streets, water, wastewater, other utilities and delivery of public services to the area in which the proposed rezoning is located;
- d. The range of uses and character of development allowed by the proposed zone will be compatible with the properties in the immediate vicinity of the parcel proposed for rezoning and the parcel has sufficient dimensions to accommodate reasonable development that complies with the requirements or the Land Development Regulations including parking and buffering requirements;
- e. The pace of development and/or amount of vacant land currently zoned for comparable development in the vicinity suggests a need for the proposed rezoning in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development; and,

WHEREAS, the request is consistent with the criteria to establish a Restricted Residential, Single-Family (R-0) zoning district, and the neighborhood will remain single-family in orientation, hence not creating any adverse effect or incompatibility issues within the subject area and existing surrounding uses. Staff recommends approval of the proposed change of zoning in order to designate the subject neighborhood as a Restricted Residential, Single-Family (R-0) zoning district; and,

WHEREAS, at its regular meeting of February 4, 2025, the Planning Commission voted to recommend approval of the zoning change request; and,

WHEREAS, after conducting a public hearing, the City Council of the City of Galveston, Texas, finds that the rezoning request meets the demonstrative criteria required for approval, per Division 13.601 (C), of the Land Development Regulations and deems it in the public interest to grant applicant's request for a change of zoning from Residential, Single-Family (R-1) Zoning District to Restricted Residential, Single-Family (R-0), Zoning District.

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 adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The zoning classification is hereby changed from Residential, Single-Family (R-1) Zoning District to Restricted Residential, Single-Family (R-0), Zoning District. The various property addresses are commonly known known as **2712 – 2928 11 Mile Road**. The properties are legally described as Abstract 121 Page 48 Lots 1 Through 11 Sea Breeze, and Abstract 121 Page 48 North 75 Feet of Lot 12 (12-1) Sea Breeze, in the City and County of Galveston, and as more detailed in the Staff report attached herein as Exhibit 1.

SECTION 3. As a result of the zoning classification change, there are no known or enumerated properties that have legally non-conforming uses or that may continue to operate the property as a short term rental.

SECTION 4. It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a 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 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. In accordance with the provisions of Sections 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 7. 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
SR. 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 February 27, 2025, 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 _____, 2025.

Secretary for the City Council
of the City of Galveston



25P-004

STAFF REPORT

ADDRESSES:

2712-2928 11 Mile Road

LEGAL DESCRIPTION:

Abstract 121 Page 48 Lots 1 through 11 Sea Breeze and Abstract 121 Page 48 North 75 Feet of Lot 12 (12-1) Sea Breeze, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Development Services Department

PROPERTY OWNER:

Various

ZONING DISTRICT:

Residential, Single-Family (R-1)

REQUEST:

Request for a Change of Zoning in order to designate the area as a Restricted Residential, Single-Family (R-0) zoning district.

STAFF RECOMMENDATION:

Approval

EXHIBITS:

- A – Zoning/Boundary Map
- B – Land Use Comparison

STAFF:

Pete Milburn, Sr. Project Manager
 409-797-3672
 Pmilburn@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
19	4	4	0	0

Per Section 13.808 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

City Department Notification Responses:

- Airport: No Objection
- Building Division: No Objection
- Coastal Resources: No Objection
- Fire Marshal: No Objection
- Fire Chief: No Objection
- Police Chief: No Objection
- Public Works: No Objection

Private Utilities Notification Responses:

- AT&T: No Objection
- Comcast: No Objection
- CenterPoint Energy: No Objection
- Texas Gas Service: No Objection



Executive Summary

The request is to designate the properties shown on the above map as a Restricted Residential, Single-Family (R-0) zoning district. The area is currently zoned Residential,

Single-Family (R-1). The primary distinction between the R-0 and R-1 zoning districts is the ability of property owners to legally use their homes as a short term rental dwelling. Short term rentals are not allowed in the R-0 zoning district.

Interpretation of Use Classification

As changes of zoning are of a permanent nature, regardless of the present proposed land use for the properties, which will remain single-family residential, the Planning Commission and City Council must consider all potential future land uses that will become permitted uses should the request for a change of zoning be approved. Please see Exhibit 'B' for a comparison list of the permitted uses in the Residential, Single Family (R-1) and Restricted Residential, Single-Family (R-0) zoning districts.

Compatibility with Surrounding Land Use and Zoning

No proposed change to present land use, the neighborhood will remain single-family in character. Therefore, this request does not affect compatibility with surrounding uses and zoning.

Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Residential, Single-Family (R-1)	Residential
North	Residential, Single-Family (R-1)	Residential
South	Residential, Single-Family (R-1)	Water
East	Residential, Single-Family (R-1)	Wetlands
West	Water (R-1)	Water

Criteria to Establish R-0 Zoning District

Per the City of Galveston’s Land Development Regulations, the following criteria must be met to establish a Restricted Residential, Single-Family (R-0) zoning district:

Criteria	Proposed District
75 percent of the dwellings in the proposed zoning area must be single-family owner occupied structures.	Per available records, at least 75 percent of the dwellings are owner occupied.
75 percent of the property owners shall initiate a petition to rezone to R-0.	Petition initiated by 83 percent of property owners.
Commercial uses and short term rentals prohibited.	No commercial uses currently in operation. Existing short term rental uses will not be affected by this request.
The petition shall identify the streets, street blocks, and boundary subject to the rezoning.	The petition enumerates all addresses of properties subject to rezoning within the area boundary.
The neighborhood must be similar in design and character.	The neighborhood is very similar in design and character. Lot layouts, setbacks, street layout, and type of construction are consistent throughout the neighborhood.

Dangerous and dilapidated structures as defined in the Municipal Code must not be present within the proposed boundary of the R-0 district.	No dangerous and dilapidate structures currently exist in the area.
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Criteria for Approval

According to Division 13.601 (C) of the Land Development Regulations, the Planning Commission may recommend approval, and City Council may grant the approval of a rezoning request if it is demonstrated that:

1. The proposed zoning is preferable to the existing zoning in terms of its likelihood of advancing the goals, objectives and policies of the City's 2011 Comprehensive Plan and other adopted neighborhood plan, special area plan, redevelopment plan, or other plan applicable to the area;
2. The proposed zoning is consistent with the future land use map of the 2011 Comprehensive Plan (a future land use map amendment may be processed concurrently with the rezoning);
3. The proposed change is consistent with the implementation of existing or pending plans for providing streets, water and wastewater, other utilities and the delivery of public services to the area in which the parcel proposed for rezoning is located;
4. The range of uses and the character of development that is allowed by the proposed zone will be compatible with the properties in the immediate vicinity of the parcel proposed for rezoning, and the parcel proposed for rezoning has sufficient dimensions to accommodate reasonable development that complies with the requirements of these Land Development Regulations, including parking and buffering requirements; and
5. The pace of development and/or the amount of vacant land currently zoned for comparable development in the vicinity suggests a need for the proposed rezoning in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development.

Conformance

Staff finds this request to be consistent with the criteria to establish a Restricted Residential, Single-Family (R-0) zoning district, and the change of zoning approval criteria as prescribed in Section 13.601 (C) of the Land Development Regulations. The neighborhood will remain single-family in orientation, hence not creating any adverse effect or incompatibility issues within the area and existing surrounding uses.

Staff Recommendation

Staff recommends approval of the proposed change of zoning in order to the designate area as a Restricted Residential, Single-Family (R-0) zoning district.

Other Reviews

The Planning Commission reviewed this request at the February 4, 2025 meeting and voted to recommend approval.

Respectfully Submitted,

Pete Milburn

Pete Milburn, Sr. Project Manager

2-19-2025

Date

Cathy

Catherine Gorman, AICP
Assistant Director/HPO

02-19-2025

Date

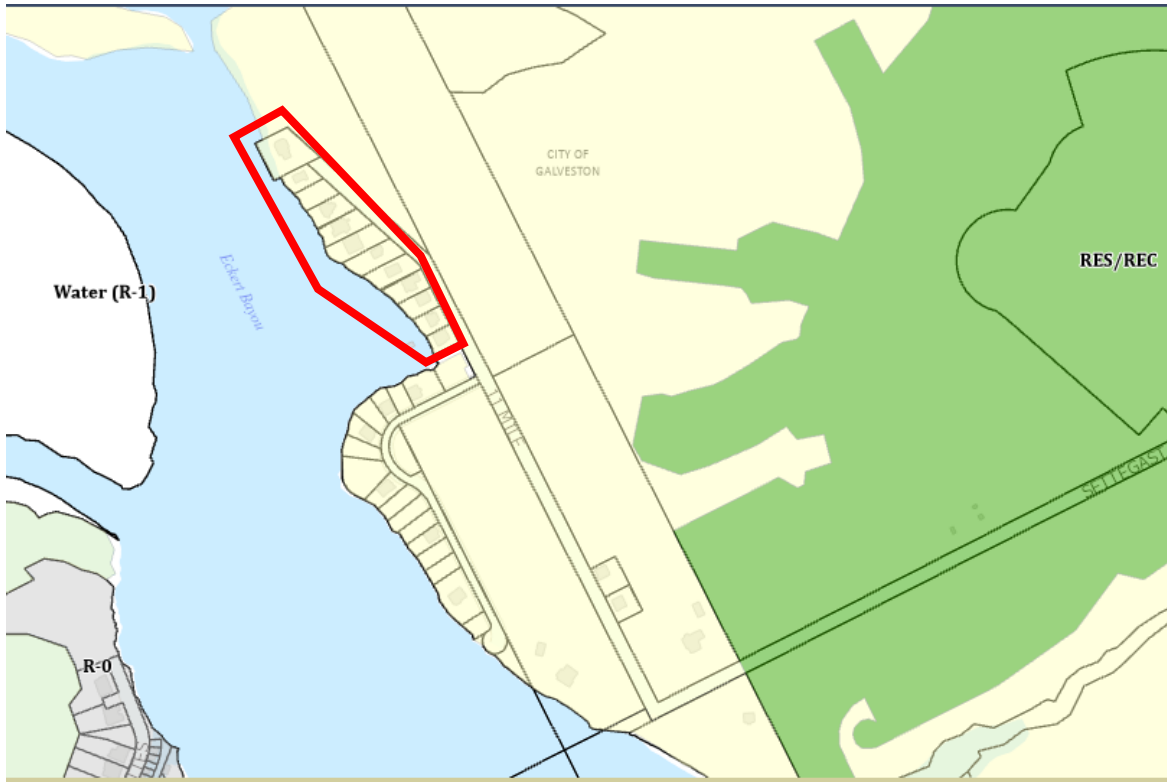


Exhibit B

Agricultural Land Use	R-0	R-1
Agricultural Support	-	-
Agriculture/Urban Farming	-	L
Commercial Stable	-	-
Residential Stable	-	-
Veterinarian, Large Animal	-	-
Residential Land Uses	R-0	R-1
Accessory Dwelling Unit	L	L
Bed and Breakfast	-	-
Boarding House, Dormitory, Fraternity or Sorority	-	-
Child Care Facility, Residential (Day Care)	-	-
Community Garden	-	L
Cottage Food Production	P	P
Home Based Business	-	-
Home Based Occupation	L	P
Hospital House Establishment	-	-
Live-Work Unit	-	-
Condominium	-	-
Duplex	-	-
Multi-Family Residential	-	-
Residential Land Uses	R-0	R-1
Personal Care Homes (DADS)	P	P
Short Term Rental Residential Dwelling	-	P
Single-Family Detached	P	P

Exhibit B

Townhouse	-	-
Commercial Land Uses	R-0	R-1
Adult Day Care	-	-
Adult Use (SOB)	-	-
Alcoholic Beverage Sales, Liquor Store or Package	-	-
Arena / Stadium	-	-
Auto Service/Fueling or Charging Station	-	-
Bar	-	-
Boat Repair Facility	-	-
Boat Sales or Rental	-	-
Child Care Facility, Day Care (Commercial)	-	-
Cleaning / laundry pick-up station	-	-
Cleaning / laundry-mat self service	-	-
College / University / Vo-Tech	-	-
Commercial Land Uses	R-0	R-1
Commercial Amusement, Indoor	-	-
Commercial Amusement, Outdoor	-	-
Commercial Lodging (Hotel)	-	-
Commercial Warehousing and Logistics	-	-
Correctional or Rehabilitation Facility	-	-
Credit Access Business	-	-
Family Care Facility	-	-

Exhibit B

Flea Market	-	-
Golf Carts, Sales and Service	-	-
Gun Shop	-	-
Heavy Vehicle, Manufactured Home, Watercraft or Aircraft Sales or Rental	-	-
Homeless Shelter	-	-
Hospital	-	-
Kennel	-	-
Library	-	-
Medical Office / Clinic / Lab	-	-
Fine Arts Instruction	L	L
Nursery or Greenhouse, Retail	-	-
Nursing / Convalescent Home	-	-
Office	-	-
Outdoor Storage	-	-
Commercial Land Uses	R-0	R-1
Parking Lot, Commercial Surface Parking Area	-	-
Parking Structure or Lot Incidental to Main Use	-	-
Parking Structure – Mixed Use	-	-
Passenger Motor Vehicle Sales or Rental	-	-
Pawn Shop	-	-
Personal Fitness	-	-
Pet Grooming Services	-	-
Place of Private Assembly	-	-

Exhibit B

Place of Public Assembly	-	-
Private Club	-	-
Professional Services, Instruction/Counseling	-	-
Public Safety Facility	-	-
Recreation Indoor	-	L
Recreation Outdoor	-	L
Recycling Center	-	-
Restaurant, Drive-In / Through	-	-
Restaurant, No Drive-In / Through	-	-
Retail - Big Box	-	-
Retail - Commercial	-	-
RV Park	-	-
School: Private	-	-
Self Storage	-	-
Commercial Land Uses	R-0	R-1
Short Term Rental Residential Dwelling	-	P
Small Scale Food And Beverage Production	-	-
Substance Abuse Facility	-	-
Vehicle Wash	-	-
Vending Kiosk/ATM	-	-
Veterinarian, Small Animal	-	-
Wholesale	-	-
Industrial Land Use	R-0	R-1
Automotive Wrecking and Salvage Yard; Junkyard; Recycling Business	-	-
Excavation	L	L

Exhibit B

Heavy Industry	-	-
Light Industry	-	-
Mining / Extraction	-	-
Research and Testing Laboratory	-	-
Parking and/or Multimodal Transportation Facility	-	-
Power Generation	-	-
Public Utility Facility, Neighborhood	-	-
Industrial Land Use	R-0	R-1
Towing Service Facility	-	-
Uses involving Radioactive Material, not including uses related to diagnosis and treatment of illness; and, construction applications; and, academia and scientific research	-	-
Public/Private Land Uses	R-0	R-1
Airport	-	-
Cemetery	-	-
Heliport	-	-
Helistop	-	-
Marina	-	-
Public Utility Plant	-	-
Rail Yard	-	-
Port and Harbor Facilities	-	-
Wireless Telecommunication Facility	-	-