

## **ORDINANCE NO. 23-071**

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, CHAPTER 29, "PLANNING – BEACH ACCESS DUNE PROTECTION & BEACH FRONT CONSTRUCTION", ARTICLE II. APPENDIX A: BEACH ACCESS AND PARKING PLAN, TO MODIFY REGULATIONS RELATED TO BEACH ACCESS; TO AUTHORIZE THE CITY MANAGER AND OR THEIR DESIGNEE TO SUBMIT THE REQUESTED AMENDMENT TO THE TEXAS GENERAL LAND OFFICE FOR CERTIFICATION AND TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE SAME; PLANNING CASE NUMBER **23PA-009**; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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**WHEREAS**, as provided in the City staff report, attached and incorporated herein as **Exhibit 1**, staff is requesting approval of text amendments to Chapter 29, Article II. "Planning-Beach Access Dune Protection & Beachfront Construction Regulation" to amend regulations related to beach access at various Access Points further delineated in **SECTION 3** below; and,

**WHEREAS**, City Staff had submitted an informal submission, for review, to the Texas General Land Office (GLO) of a draft update to City of Galveston's Beach Access Plan and GLO has responded with additional requested information and amendments; and,

**WHEREAS**, the GLO response included a compliance maintenance plan be prepared which outlines how the city would ensure ongoing compliance; and,

**WHEREAS**, as further provided in the city's Staff report, attached herein for all intents and purpose, this ordinance will update information on parking requirements at several City of Galveston beach accesses. The updated information consists of requirements agreed upon by the City of Galveston and GLO to bring the BAP into compliance. The beach access points to be included in this ordinance update are Access Point (AP) 2: Stewart Beach; AP 3: Stewart Beach Urban Park; AP 6: Pocket Park #1; AP 8: Beachside Village; AP 9: Pocket Park #2, Escapes! Condominiums; AP 12: Bermuda Beach; AP 13: Pocket Park #3; and,

**WHEREAS**, amendments to the City of Galveston's Dune Protection and Beach Access plan must be certified as consistent with state law by the Texas General Land Office before becoming effective, therefore staff is also requesting authorization from City Council to submit the approved text amendments to the Texas General Land Office for consideration and certification; and,

**WHEREAS**, upon approval by the GLO, the updated Dune Protection and Beach Access Plan, and all modifications can be implemented; and,

**WHEREAS**, Staff recommends amending Chapter 29, Article II. "Planning - Beach Access Dune Protection & Beach Front Construction Regulation", as provided in **SECTION 3** below; 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, Article II. "Planning - Beach Access Dune Protection & Beach Front Construction Regulation, as set out below.

**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.** The updated plan will be presented to GLO for review, issuance in the *Texas Register* for 30 days of public notification, and approval after addressing any comments received from the public notification. Once GLO approves the updated Dune Protection and Beach Access Plan, this modification for beach access parking will go into effect.

**SECTION 3.** Chapter 29, Article II. "Planning - Beach Access Dune Protection & Beach Front Construction Regulation, is hereby amended to read and provide as follows:

**APPENDIX A: BEACH ACCESS AND PARKING PLAN**

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***AP 2: Stewart Beach***

On-beach: parking within Park boundaries; assessed beach user fee, free parking available ADA restricted use area, minimum width of 500 linear feet on the western end of the park

~~*AP 2: Stewart Beach*~~ On-beach: parking within Park boundaries for beach user fee free parking available restricted use area, minimum width of 2,640 linear feet on the eastern side of the park

Off-beach: n/a free parking comprised of 550 spaces

Amenities: currently provided

***AP 3: Stewart Beach Urban Park***

On-beach: n/a

Off-beach: 1,993 street parking spaces located on the north and south sides of Seawall Boulevard; minimum of 10% free parking spaces (approximately 230 218 spaces total distributed throughout the Seawall Beach urban Park). There are 300 free beach parking spaces located at Stewart Beach to accommodate the remaining 266 required parking spaces

Amenities: future

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***AP 6: Pocket Park #1***

On-beach: parking via 7 ½ - Mile Road (109<sup>th</sup> Street), minimum width of 1,690 linear feet, designated 200 linear feet of ADA parking

Off-beach: parking lot

Amenities: n/a

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#### ***AP 8: Beachside Village Subdivision***

On-beach: n/a

Off-beach: street parking minimum 148 parking spaces distributed throughout subdivision on Sea Butterfly Street.; 3 dedicated pedestrian access ways for public use

Amenities: n/a future

#### ***AP 9: Pocket Park #2, ~~Escapes!~~ Condominiums***

On-beach: n/a

Off-beach: parking lot, minimum of 325-265 spaces. 63 of the required spaces are located at AP 8. 24 of the required spaces are located at AP 15A. In total, 352 parking spaces are available in these three locations;

1 wheelchair accessible dune walkover for public use;

1 dedicated pedestrian pathway for public use

Amenities: currently provided

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#### ***AP 12: Bermuda Beach***

On-beach: parking via Pabst Road, minimum width of 450 564 linear feet, minimum 124 parking spaces

Off-beach: street parking, minimum of 244 87 parking spaces distributed, throughout subdivision;

2 dedicated pedestrian pathways for public use

Amenities: n/a

#### ***AP 13: Pocket Park #3***

On-beach: n/a parking via 11-Mile Road, minimum of 350 linear feet, 300 linear feet of designated ADA parking

Off-beach: n/a parking lot, minimum of 273 parking spaces; wheelchair accessible dune walkover for public use

Amenities: currently provided n/a

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**SECTION 4.** The City Council of the City of Galveston hereby authorizes the City Manager and or their designee to submit the requested amendment to the Texas General Land Office for certification and to execute all necessary documents for the same.

**SECTION 5.** 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 6.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 7.** All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

**SECTION 8.** 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 9.** 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:

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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 October 26, 2023, 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 27th day of October, 2023.

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Secretary for the City Council

