

ORDINANCE NO. 23-039

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 AT ACCESS POINT 1(C):AREA WEST OF THE ISLANDER EAST TO EASTERN BOUNDARY OF STEWART BEACH PARK AND ACCESS POINT 2: STEWART BEACH; 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-005**; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, as provided in the City staff report, attached and incorporated herein as **Exhibit 1**, staff is requesting approval of text amendment to Chapter 29, Article II. "Planning-Beach Access Dune Protection & Beachfront Construction Regulation" to amend regulations related to beach access at Access Point 1 (C): area west of the Islander East to eastern boundary of Stewart Beach Park (hereafter AP 1(C)) and Beach Access Point 2: Stewart Beach, (hereafter AP (2)); 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 which included information on removing the Restricted Use Area at AP 1(C) and AP (2). In addition, the draft plan included information on removing vehicular traffic from AP 1(C) and providing off-beach parking at an existing dedicated pedestrian pathway (dune walkover) for public use; and,

WHEREAS, the GLO responded that a restricted use area needed to be relocated to another area on the east end of the island, for the city to provide a vehicular control plan that demonstrates the method of providing equal or better access to and from the public beach and a vehicular control plan needs to clearly demonstrate the location of the off-beach parking lot and any pedestrian pathways to the beach; and,

WHEREAS, as further provided in the city's Staff report, attached herein for all intents and purpose, the City of Galveston is proposing the removal of the restricted use area as it is not a requirement outlined in the Texas Natural Resource Code (TNRC) 61 or the Texas Administrative Code (TAC) 31. The restricted use area was a suggestion made by Texas General Land Office (GLO) Commissioner Jerry Patterson in 2004 as an alternative to seasonal access restrictions. Since no seasonal access restrictions occur in this area, the City of Galveston is recommending the removal of the restricted use area from the beach access plan; and,

WHEREAS, there is improved parking and a pedestrian walkway (dune crossover) at AP1 (C); 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. Vehicular traffic restrictions at AP 1(C) will not occur until all parking, public walkways, and beach access has been completed for use; and,

WHEREAS, Staff recommends amending Chapter 29, Article II. “Planning - Beach Access Dune Protection & Beach Front Construction Regulation”, as provided in **SECTION 2** 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. 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

AP 1(C): area west of the Islander East to eastern boundary of Stewart Beach Park

On-beach: restricted use area, minimum width of ~~2,640~~ 1,640 linear feet ~~abutting on~~ the eastern end of the park

Off-beach: one parking area providing a minimum of 143 spaces, 1 dedicated pedestrian pathway for public use

Amenities: n/a

AP 2: Stewart Beach

On-beach: parking within Park boundaries; assessed beach user fee

~~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

Amenities: currently provided

SECTION 3. 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 4. 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 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. 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 7. 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 8. 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 May 25, 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 30th day of May, 2023.

Secretary for the City Council
of the City of Galveston