

ORDINANCE NO. 16-045

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE 2015 GALVESTON LAND DEVELOPMENT REGULATIONS (LDR'S), ARTICLE 11: "NONCONFORMITIES", BY ADDING TO THE LIST OF EXEMPTIONS, "PLACES OF PUBLIC ASSEMBLY IN AREAS ZONED R-1 TO INCLUDE CHURCH/PLACE OF WORSHIP"; PLANNING CASE NUMBER 16ZA-004; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, on March 5, 2015, City Council adopted the 2015 Galveston Land Development Regulations including, "Article 11: Nonconformities" providing a list of exemptions from nonconformities; and,

WHEREAS, as set out in the Staff Report, **Exhibit 1** (attached and incorporated for all purposes), Staff is requesting a text amendment to Article 11: "Nonconformities" to add an exemption for a Place of Public Assembly in a Residential, Single Family (R-1) zoning district, including a "church/place of worship" land use; and,

WHEREAS, the proposed text amendment request is supported by the Comprehensive Plan, as set forth in the staff report; and,

WHEREAS, the Planning Commission, at its regular meeting of June 7, 2016, voted to recommend approval of the text amendment request; 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 Article 11: Sec. 11.102, "Exemptions" of the 2015 Galveston Land Development Regulations; Planning Case Number 16ZA-004.

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. In accordance with the City of Galveston's 2011 Comprehensive Plan, the City Council of the City of Galveston hereby amends the 2015 Galveston Land Development Regulations by amending Article 11: "Nonconformities" to read and provide as follows:

ARTICLE 11. NONCONFORMITIES **SEC. 11.102 EXEMPTIONS**

A. Exemptions.

4. "Place of Public Assembly" in a Residential, Single Family (R-1) zoning district:

- a. A church/place of worship land use, lot or structure that was legally used, erected, or maintained as a church/place of worship in compliance with the 1991 Zoning Standards on or before March 5, 2015.**

b. Any newly acquired property by a church/place of worship that is within 500-feet of the existing church/place of worship, as long as the church/place of worship complies with Section A. 4(a) herein.

Note: A church/place of worship in a Residential, Single Family (R-1) Zoning District that legally existed under the 1991 Zoning Standards is considered a conforming land use under the 2015 Galveston Land Development Regulations.

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:

MEHRAN JADIDI
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 June 23, 2016, 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 _____, 2016.

Secretary for the City Council
of the City of Galveston