

ORDINANCE NO. 10-024

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS AMENDING THE GALVESTON ZONING STANDARDS 1991 TO CREATE THE SAN JACINTO NEIGHBORHOOD CONSERVATION DISTRICT (NCD-1) INCLUDING APPLICABLE REGULATIONS AND DESIGN STANDARDS BY AMENDING THE GALVESTON ZONING STANDARDS SECTION 29-23 "ZONING DISTRICTS ESTABLISHED," SECTION 29-50 "SPECIAL DEFINITIONS AND EXPLANATIONS," AND SECTION 29-80 "SPECIAL HISTORIC DISTRICT REGULATIONS; AND AMENDING THE ZONING DISTRICT MAPS OF THE CITY OF GALVESTON TO DELINEATE THE BOUNDARIES OF THE SAN JACINTO NEIGHBORHOOD CONSERVATION DISTRICT; PLANNING CASES NUMBER 10ZA-02 AND 10P-18; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

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WHEREAS, after much study and community discussion, Staff recommends and requests the amendment of Galveston Zoning Standards Section 29-23 "Zoning Districts Established," Section 29-50 "Special Definitions and Explanations," and Section 29-80 "Special Historic District Regulations" subpart (m) (3) "Zoning Authority" to create the San Jacinto Neighborhood Conservation District (NCD-1) and regulations including Design Standards, as set out in the Staff Report for Planning Case 10ZA-02 attached hereto as **Exhibit One** and incorporated herein along with all attachments thereto for all purposes; and,

WHEREAS, Landmark Commission and Planning Commission recommended, and City Council authorized by Resolution 09-20 the initiation of the process for designating the San Jacinto Neighborhood as a Neighborhood Conservation District; and,

WHEREAS, the required notification and public forums in accordance with Zoning Standards 29-80(m) have been held, as set out in **Exhibit One**; and,

WHEREAS, Planning Commission formally initiated the NCD on July 21, 2009 and directed staff to produce the Neighborhood Conservation Plan (NCP) including a history of the neighborhood, identification of the existing character of the neighborhood and a set of design standards to protect the neighborhood's character. The NCP was presented to the neighborhood for review and comment during four public meetings as required; and,

WHEREAS, the NCD planning tool implements the policies of the Comprehensive Plan; and,

WHEREAS, on February 15, 2010 Landmark Commission by vote of six in favor and one in opposition, recommended approval of amending the Zoning Standards with two clarifications set out in **Exhibit One**, and,

WHEREAS, on February 16, 2010, Planning Commission unanimously recommended approval of amending the Zoning Standards with changes to the height allowance from 10% to 20%, and to allow casement windows on the front of structures; and,

WHEREAS, Staff recommends the approval of this request to amend the Zoning Standards as set out in **Attachments A, B, and C of Exhibit One** which incorporate the recommendations of both the Landmark Commission and the Planning Commission; and,

WHEREAS, each NCD must comply with Section 29-80 "Special Historic District Regulations" and conform to the Comprehensive Plan, which requirements are met and set out in the Staff Report for Planning Case 10P-18, attached as **Exhibit Two** and incorporated herein for all purposes. Additionally, each NCD ordinance must set out the boundaries of the NCD created, as required by Section 29-80(m)(3)a. ; and,

WHEREAS, on February 15, 2010 the Landmark Commission voted six in favor and one opposed to recommend approval of the boundaries of the San Jacinto Neighborhood NCD with the adjustments set out in **Exhibit Two**; and,

WHEREAS, on February 16, 2010, the Planning Commission voted unanimously to recommend approval of the boundaries of the San Jacinto Neighborhood NCD with the adjustments set out in **Exhibit Two**; and,

WHEREAS, Staff recommends approval of the boundaries of the San Jacinto Neighborhood NCD *without any adjustments*, as set out in **Attachment A of Exhibit Two**, and noted compatibility with the adjacent overlays set out in **Attachment B of Exhibit Two**; and,

WHEREAS, City Council, after public notice and hearing, finds it in the public interest to approve Planning Case 10ZA-02 as presented by Staff, to amend Galveston Zoning Standards Sections 29-23 "Zoning Districts Established," 29-50 "Special Definitions and Explanations," and 29-80(m) 3. "Special Historic District Regulations" as set out in **Exhibit One** and

WHEREAS, City Council, after public notice and hearing, finds it in the public interest to approve Planning Case 10P-18, to amend the Zoning District Maps of the City of Galveston to delineate the boundaries of the San Jacinto Neighborhood Conservation District, as recommended by Staff in **Attachment A of Exhibit Two**;

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 Galveston Zoning Standards Sections 29-23 “Zoning Districts Established,” is amended as follows:

**Section 29-23: ZONING DISTRICTS ESTABLISHED**

The City of Galveston, Texas, is hereby divided into twenty-five (25) zoning districts and ~~three (3)~~ five (5) overlay development zones. The use, height and area regulations as set out herein are uniform within each district. The twenty-five districts established herein shall be known as:

**Abbreviated**

<b>Designation</b>	<b>Zoning District Name</b>
1F-1	One Family-One Dwelling District
1F-2	One Family-Two Dwelling District
1F-3	One Family-Three Dwelling District
1F-4	One Family-Four Dwelling District
GR	General Residence District
MF-1	Multiple Family-One Dwelling District
MF-2	Multiple Family-Two Dwelling District
I	Institutional District
B	Beach District
RES	Resort District
REC	Recreation District
HIST	Historical District
P	Parking District
O	Office District
NS	Neighborhood Service District
R	Retail District
CB	Central Business District
C	Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
PD	Planned Development District
WA	Water Area District
CP	Central Plaza District
BUF	Buffer District
TND	Traditional Neighborhood District, Section 29-100 (Ord 99-62)
BOZ	Broadway Overlay Zone, Section 29-99
SWDZ	Seawall Development Zone, Section 29-102
GDZ	Gateway Development Zone, Section 29-105
HDDZ	Height and Density Development Zone, Section 29-107
<u>NCD</u>	<u>Neighborhood Conservation District.</u>

SECTION 3. The Galveston Zoning Standards Section 29-50 “Special Definitions and Explanations” is amended to add the definition of “Blockface” as follows:

**Section 29-50 “Special Definitions and Explanations”**

Certain words in this ordinance not heretofore defined are defined as follows :

Words used in the present tense include the future: words in the singular number include the plural number and words in the plural number include the singular number: the word "BUILDING" INCLUDES the word "STRUCTURE": the word "LOT" includes the words "PLOT" or "TRACT": The word "SHALL" is MANDATORY and not DISCRETIONARY.

**Accessory Use** - A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

**Alley** - A public space or thoroughfare, which affords only secondary means of access to property abutting thereon.

**Apartment** - A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a dwelling unit by a single family, individual or group of individuals.

**Area of the Lot** - The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

**Basement** - A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

**Block** - Area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets, which intersect, said street on the said side.

**Blockface**—That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets and between the alley and the closest parallel street..

**Board** - The Zoning Board of Adjustment established in Section 25-20....

SECTION 4. The Galveston Zoning Standards Galveston Zoning Standards Section 29-80(m) "Neighborhood Conservation District (NCD)", part (3) "Zoning Authority," subpart "a." is amended as follows:

**(3) Zoning Authority**

- a. Separate ordinances are required to designate each Neighborhood Conservation District. Ordinances designating each district shall identify the designated boundaries and shall include as exhibits the applicable designation criteria, design standards for that district, and consistency with any existing Neighborhood Plans and/or Community Plans. Adopted neighborhood conservation district plans are referenced herein by their title and date of adoption are:

1. San Jacinto. "NCD-1", [insert date of adoption]

SECTION 5. In accordance with Section 29-80(m) "Neighborhood Conservation District (NCD)", part (3) "Zoning Authority" subpart "a," the designated boundaries for the San Jacinto NCD-1 are adopted as recommended by Staff and attached hereto as **Attachment A of Exhibit Two**, and shall be delineated upon the existing zoning maps of the City of Galveston, additionally the proposed design standards for the San Jacinto

NCD-1 attached hereto as **Attachment C of Exhibit One**, as amended by **Attachment B of Exhibit One** are adopted by this Council.


SECTION 6. 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, sentence, paragraphs and sections of this Ordinance.

SECTION 7. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

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:

  
BARBARA TOBY BARUCH  
ASSISTANT CITY ATTORNEY

I, Barbara S. Lawrence, 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 a regular meeting held on the 11<sup>th</sup> day of March, 2010, as the same appears in the records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 16<sup>th</sup> day of March, 2010.



  
Secretary for the City Council  
of the City of Galveston

**Exhibit ONE**

## **Exhibit TWO**

CITY COUNCIL AGENDA ITEM SIGNATURE PAGE  
 DATE RECEIVED IN CITY MANAGER'S OFFICE 2-26-10

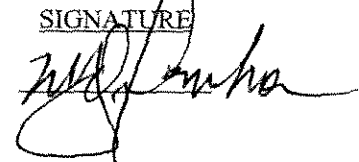
TITLE OF ITEM AS IT IS TO APPEAR ON CITY COUNCIL AGENDA

Public Hearing and request for Ordinance, request to amend the Galveston Zoning Standards in order to create the San Jacinto Neighborhood Conservation District (NCD) and regulations including Designs Standards including Section 29-23 "Zoning Districts Established"; 29-50 "Special Definitions and Explanations"; and Section 29-80 "Special Historic District Regulations".

Applicant: Department of Planning and Community Development  
 Planning Case: 10ZA-02

AGENDA DATE REQUESTED: March 11, 2010

IS AN ORDINANCE OR RESOLUTION REQUIRED? X YES        NO

<u>STAFF REVIEW</u>	<u>DATE</u>	<u>APPROVED</u>	<u>SIGNATURE</u>
DEPARTMENT HEAD REQUESTING ITEM	<u>2/25/2010</u>	<u>✓</u>	
ARE OTHER DEPARTMENTS AFFECTED?	<u>      </u> YES	<u>X</u> NO	

IF YES, LIST AND OBTAIN THEIR APPROVAL:

	<u>YES</u>	<u>NO</u>	
_____	_____	_____	_____
_____	_____	_____	_____

FINANCE DIRECTOR: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

CITY ATTORNEY: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

<u>ASSISTANT CITY MANAGER:</u>	<u>yes</u>	<u>✓</u>	<u>ATB</u>
COMMENTS:	_____	_____	_____

<u>CITY MANAGER:</u>	<u>3/8/10</u>	<u>✓</u>	<u>SS</u>
COMMENTS:	_____	_____	_____

NAME OF COUNCIL MEMBER DISTRICT IS AFFECTED: All Districts  
 IF NECESSARY, HAVE YOU NOTIFIED        YES X NO  
 FISCAL POLICY STATEMENT ATTACHED? X YES        NO  
 HAS ALL APPROPRIATE ADVERTISING BEEN COMPLETED? X YES        NO



10ZA-02 Request to amend the Galveston Zoning Standards in order to create the San Jacinto Neighborhood Conservation District (NCD) and regulations including Designs Standards including Section 29-23 "Zoning Districts Established"; 29-50 "Special Definitions and Explanations"; and Section 29-80 "Special Historic District Regulations".

Applicant: Department of Planning and Community Development

Advertisement:

Landmark and Planning Commissions: February 6, 2010  
City Council: February 11, 2010

City Department Notifications:

Airport: No Objection  
Building Dept: No Objection  
Fire Chief: No Objection  
Fire Marshal: No Objection  
Police Department: No Objection  
Public Works Dept: No Objection

Private Utility Notifications:

A T & T: Pending  
CenterPoint Energy: No Objection  
Comcast: Pending  
Texas Gas Service: Pending

**ANALYSIS**

At the May 14, 2009 City Council meeting, the Council passed Resolution 09-020 that authorized the City to institute the process designating the San Jacinto Neighborhood as a Neighborhood Conservation District (NCD). The resolution was also passed by the Landmark Commission and Planning Commission.

The NCD Section of the Zoning Standards (29-80(m)) requires that before a City entity can initiate an NCD, two mailings to all affected property owners must be sent and two public forums must be held. The required mailings were sent June 26<sup>th</sup> and July 1<sup>st</sup>. The Public Forums were held July 8<sup>th</sup> and 11<sup>th</sup> at Gulf Breeze, 1211 21<sup>st</sup>.

The Planning Commission voted to formally initiate the NCD through an Action Item on the July 21, 2009 agenda and directed staff to produce the Neighborhood Conservation Plan (NCP). The NCP is required by the Zoning Standards and includes a history of the neighborhood, identification of the existing character of neighborhood, and a set of design standards that are structured to protect the neighborhood's character.

The NCP was presented to the neighborhood for review and comment during four public meetings held November 10<sup>th</sup> and 14<sup>th</sup>, 2009 and January 12<sup>th</sup> and 16<sup>th</sup>, 2010. The meetings were attended by neighborhood residents and property owners and members of City Council, Planning Commission and Landmark Commission.

**COMPREHENSIVE PLAN**

The Neighborhood Conservation District planning tool implements the following policies of the Comprehensive Plan:

1. Expand the availability of quality, affordable housing to meet the needs of a diverse population, build strong neighborhoods and enhance community character (Housing and Neighborhoods Goal 3.1);
2. Guide reinvestment to revitalize and enhance the livability of urban and historic district neighborhoods (Objective HN-2);

3. Development guidelines for compatible infill ensure that development will be complimentary and consistent with the character and scale of the surrounding neighborhood (Strategies and Actions HN-2.3 and Objective LU-1.1.2);
4. Promote an island-wide appreciation for aesthetics in all revitalization and development that enhances economic development, civic pride and quality-of-life for all Galvestonians (Community Character Goal 3.3);
5. Guide public reinvestment to revitalize and beautify urban and historic district neighborhoods (Objective CC-2);
6. Protect, stabilize and revitalize existing neighborhoods (Objective LU-1.1);
7. Additional "District" Designations specifically indicates Neighborhood Conservation Districts as a tool for neighborhood preservation (Strategies and Actions LU-1.1.5);
8. Prepare specific plans for focal areas with unique development opportunities and constraints (Objective LU-4.3);
9. Promote public appreciation of the Island's heritage and encourage the preservation and revitalization of historic resources for the educational, cultural and economic benefit of all residents of the community (Historic Preservation Goal 3.5);
10. Recognize the inherent value of historic preservation at all levels of City Government and functions (Objective HP-1);
11. Consider the use of additional preservation tools to further protect the City's historic resources (Objective HP-4);
12. Neighborhood Conservation Districts are an appropriate tool to preserve neighborhood character and to protect neighborhoods from inappropriate change (Strategies and Actions HP-4.1); and
13. Increase the attractiveness of Galveston's historic neighborhoods as places where people will choose to live and raise families (Objective HP-8).

### **LANDMARK COMMISSION**

The Landmark Commission recommended approval of this code amendment request at their regular meeting of February 15, 2010 with the following change:

1. Clarify definition of "new construction" and clarify which Design Standards apply to new construction vs. existing construction.

The Landmark Commission vote was six in favor and one in opposition.

### **PLANNING COMMISSION**

The Planning Commission recommended approval of this code amendment request at their regular meeting of February 16, 2010 with the Landmark Commission's recommendation and the following changes:

1. To change the height allowance from 10 percent to 20 percent.
2. To allow casement windows on the front of structures.

The Planning Commission vote was unanimous.

### **STAFF RECOMMENDATION**

Staff recommends approval of this request as submitted in Attachments "A", "B", and "C".

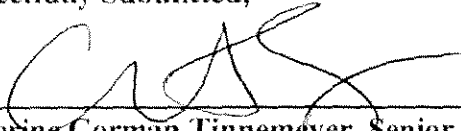
### **ATTACHMENTS**

"A" - Proposed code amendments

"B" - Updated pages to reflect the recommendations of the Landmark and Planning Commissions

"C" - San Jacinto Neighborhood Conservation District Plan

Respectfully Submitted,



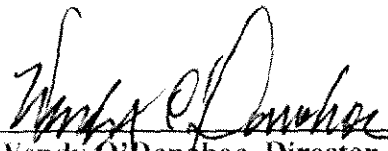
Catherine Gorman Tinnemeyer, Senior Planner/Asst. HPO  
Department of Planning and Community Development

2-24-10  
Date



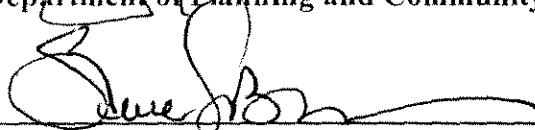
Lori Feild Schwarz, Planning Division Head/HPO  
Department of Planning and Community Development

2/25/10  
Date



Wendy O'Donohoe, Director  
Department of Planning and Community Development

2/25/10  
Date



Steve J. LeBlanc, City Manager

3/5/10  
Date

**FISCAL NOTES STATEMENT**

**Source of Request:** 10ZA-02 Request to amend the Galveston Zoning Standards in order to create the San Jacinto Neighborhood Conservation District (NCD) and regulations including Designs Standards including Section 29-23 "Zoning Districts Established"; 29-50 "Special Definitions and Explanations"; and Section 29-80 "Special Historic District Regulations".  
Applicant: Department of Planning and Community Development

**Amount of Expenditure:** Minimal administrative costs associated with processing request.

**Estimated Revenue:** No revenue will be realized.

**Vendor History:** Not applicable.

**Section 29-23: ZONING DISTRICTS ESTABLISHED**

The City of Galveston, Texas, is hereby divided into twenty-five (25) zoning districts and ~~three (3)~~ five (5) overlay development zones. The use, height and area regulations as set out herein are uniform within each district. The twenty-five districts established herein shall be known as:

<b>Abbreviated Designation</b>	<b>Zoning District Name</b>
1F-1	One Family-One Dwelling District
1F-2	One Family-Two Dwelling District
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BOZ	Broadway Overlay Zone, Section 29-99
SWDZ	Seawall Development Zone, Section 29-102
GDZ	Gateway Development Zone, Section 29-105
HDDZ	Height and Density Development Zone, Section 29-107 (Ord 08-019)
<u>NCD</u>	<u>Neighborhood Conservation District</u>

**Section 29-50: SPECIAL DEFINITIONS AND EXPLANATIONS**

Certain words in this ordinance not heretofore defined are defined as follows :

Words used in the present tense include the future: words in the singular number include the plural number and words in the plural number include the singular number: the word "BUILDING" INCLUDES the word "STRUCTURE"; the word "LOT" includes the words "PLOT" or "TRACT"; The word "SHALL" is MANDATORY and not DISCRETIONARY.

**Accessory Use** - A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

**Attachment A**

**Alley** - A public space or thoroughfare, which affords only secondary means of access to property abutting thereon.

**Apartment** - A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a dwelling unit by a single family, individual or group of individuals.

**Area of the Lot** - The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

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**Blockface** - That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets and between the alley and the closest parallel street

**Board** - The Zoning Board of Adjustment established in Section 25-20.

Section 29-80 (m) Neighborhood Conservation District (NCD)

**(3) Zoning Authority**

- a. Separate ordinances are required to designate each Neighborhood Conservation District. Ordinances designating each district shall identify the designated boundaries and shall include as exhibits the applicable designation criteria, design standards for that district, and consistency with any existing Neighborhood Plans and/or Community Plans. Adopted neighborhood conservation district plans are referenced herein by their title and date of adoption are:

1. San Jacinto, "NCD-1", [Insert Date of Adoption].

**Attachment B to Exhibit ONE**

\* Adopted by Galveston City Council on March 11, 2010

## The City of Galveston

### City Council Members:

Lyda Ann Thomas, Mayor  
Tarris L. Woods, District 1  
Linda Colbert, District 2  
Elizabeth Beeton, District 3  
Susan Fennewald, District 4  
Danny L. Weber, District 5  
Karen Mahoney, District 6

### Planning Commissioners:

Willy Gonzalez, Chairperson  
Joseph Rozier, Vice Chairperson  
Elizabeth Beeton, Ex Officio  
Terry Conrad  
David Miller  
Dominick Sasser  
Johnny Smecca  
Nathaniel Wilson  
\* Craig Brown  
\* Debra Conrad  
\* Chula Ross Sanchez

### Landmark Commissioners:

Joseph Rozier, Chairperson  
Michael Culpepper, Vice Chairperson  
Lyda Ann Thomas, Ex Officio  
Jeffrey Kaler  
Gregory Lewis  
Heidi Lutz  
Shane McDermott  
Beverly Ramirez  
Nelson Smelker  
Linda Strevell  
\* David Barker

\* Former Commission Members

### City Staff Members:

Steve Le Blanc, City Manager  
Susie Green, City Attorney

### Department of Planning and Community Development:

Wendy O'Donohoe, Director  
Lori Feild Schwarz, AICP, Planning Division Head/HPO  
Catherine Gorman Tinnemeyer, Senior Planner/Assistant HPO  
Leslie Matlock Price, AICP, Planner II  
Pete Milburn, Planner I  
Libby Stone, Planner I  
Athena Petty, Planning Staff Assistant

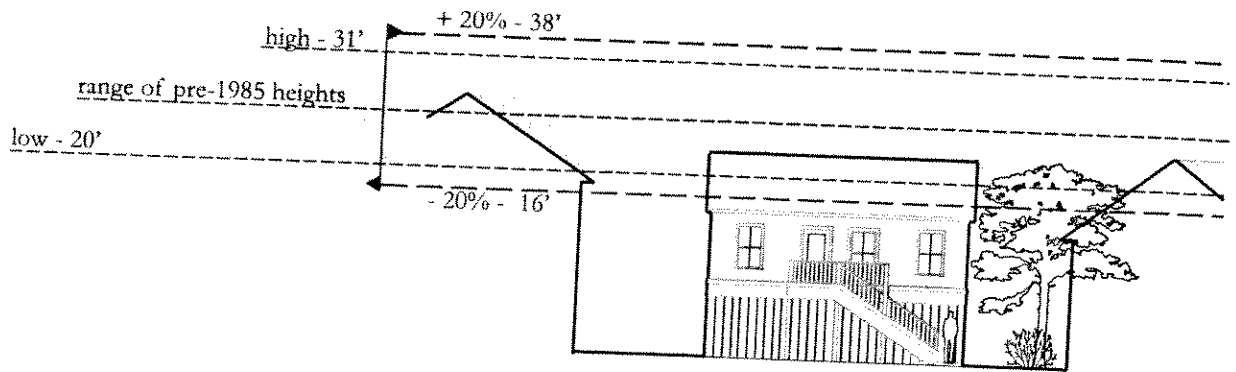
Community rehabilitation seems to call first for drastic steps to stimulate the community interest  
of every citizen by letting him **participate** actively

*walter gropius*

Special Thanks to Margaret Doran for writing the San Jacinto Neighborhood history

Catherine Gorman Tinnemeyer, Senior Planner / Assistant HPO  
Department of Planning and Community Development

Brax Easterwood AIA, LEED AP

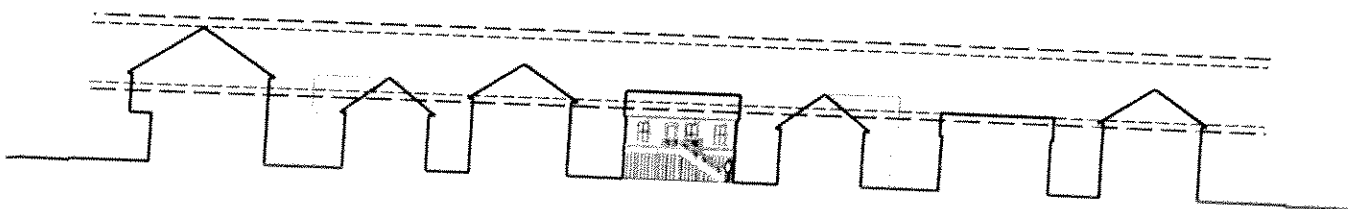


### Building Height for New Construction and Elevations

The building height of new residential construction in the San Jacinto neighborhood should relate to the heights of neighboring structures. The height regulation allows for construction within 20% from the full range of pre-1985 structures' height on both block faces. In the case of properties at the district boundary, the height sampling may include all properties on the subject block.

Because most incompatible heights of structures are from recent construction, those structures that do not qualify the district for designation (post 1985) shall be removed from the block sampling. In the example shown, the range of heights is between 20 and 31 feet. Therefore a new residential structure may be built to a height between 16 and 38 feet.

For safety and sustainability, property owners are encouraged to elevate their houses to meet base flood elevations and conform to windstorm requirements.



\* In some instances Federal Flood Plain requirements may apply. In such cases conformance with FEMA regulations supercede, although the intent of this standard must be met to the greatest extent possible

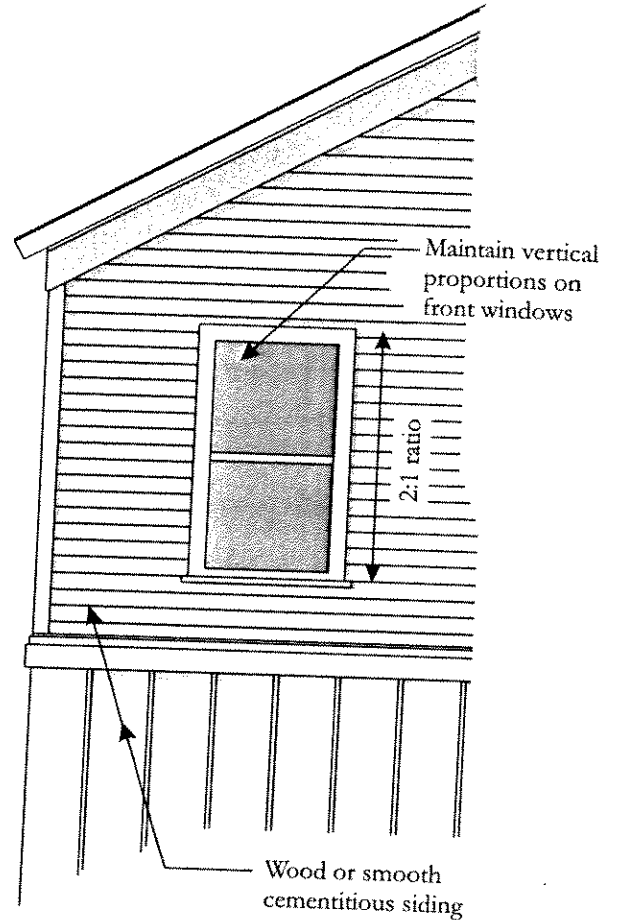
## Windows and Materiality

Door and window openings contribute to the front of residences in the San Jacinto neighborhood. The regulations are intended to encourage designs with active fronts and to maintain the window patterns and proportions consistent with the architecture of the district.

The facades of a residential structure visible from the right of way built in San Jacinto must accommodate a minimum of 25% of the area with openings. The area of skirting does not contribute to the square footage requirement. Additionally, the window proportions must be vertical, requiring a 2:1 ratio minimum.

In keeping with the most commonly used materials in the neighborhood, the use of wood, or smooth cementitious siding is recommended.

Should the NCD design regulations conflict with the requirements of Windstorm, Energy Code or Life Safety Codes, then these standards must be met to the greatest extent possible.



The San Jacinto NCD will be administered by the staff of the Department of Planning and Community Development through the building permit process. No extra steps or applications are required, with the exception of demolition requests, which require application to the Landmark Commission. Staff will review requests in the NCD for conformance with the Design Standards and will issue an approval when found to be in conformance.

The Design Standards' intent is to guide new construction appropriately without dictating style, material or taste. Activities which constitute ordinary repair and maintenance are exempt from regulation, i.e., using the same material and design.

New construction is considered to be a previously unoccupied structure on a new foundation. For the purposes of the NCD, relocated structure shall be considered new construction.

If the applicant disagrees with staff's determination of compliance with the Design Standards, then the applicant can appeal staff's determination to the Landmark Commission. The person requesting the appeal must submit a written request for appeal to the Director of Planning and Community Development not later than the 10th day following the date of the Director's decision.

It may be that there is a need or a desire to modify the Design Standards in the future. Modifications to the Design Standards for a designated Neighborhood Conservation District can be initiated through a process including public discussion and open hearings.

Design Standards	New Construction	Existing Construction
Building Height	<input checked="" type="checkbox"/>	
Building Setback	<input checked="" type="checkbox"/>	
Lot Size and Assemblage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Driveways and Curb Cuts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Demolition		<input checked="" type="checkbox"/>
Relocation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Front Porches and Entries	<input checked="" type="checkbox"/>	
Windows	<input checked="" type="checkbox"/>	
Materiality	<input checked="" type="checkbox"/>	

**Attachment C to Exhibit ONE**

## Exhibit TWO

CITY COUNCIL AGENDA ITEM SIGNATURE PAGE  
 DATE RECEIVED IN CITY MANAGER'S OFFICE 2-26-10

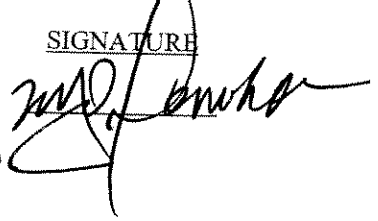
TITLE OF ITEM AS IT IS TO APPEAR ON CITY COUNCIL AGENDA

Public Hearing and request for Ordinance, request for a recommendation regarding the creation of the San Jacinto Neighborhood Conservation District (NCD-1). The creation of NCD-1 will include properties generally located south of Broadway Boulevard, west of 8th Street, north of Seawall Boulevard, and east of 23rd Street, and identified on the provided district boundary map.

Applicant: Department of Planning and Community Development  
 Planning Case: 10P-18

AGENDA DATE REQUESTED: March 11, 2010

IS AN ORDINANCE OR RESOLUTION REQUIRED? X YES        NO

<u>STAFF REVIEW</u>	<u>DATE</u>	<u>APPROVED</u>	<u>SIGNATURE</u>
DEPARTMENT HEAD REQUESTING ITEM	<u>2/25/2010</u>	<u>✓</u>	
ARE OTHER DEPARTMENTS AFFECTED? IF YES, LIST AND OBTAIN THEIR APPROVAL:	<u>      </u> YES	<u>X</u> NO	

	<u>YES</u>	<u>NO</u>	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

FINANCE DIRECTOR:

COMMENTS: \_\_\_\_\_

CITY ATTORNEY:


<u>Yes</u>	<u>✓</u>	
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COMMENTS: \_\_\_\_\_

ASSISTANT CITY MANAGER:

COMMENTS: \_\_\_\_\_

CITY MANAGER:

<u>✓</u>	<u>3/5/10</u>	
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COMMENTS: \_\_\_\_\_

NAME OF COUNCIL MEMBER DISTRICT IS AFFECTED: All Districts

IF NECESSARY, HAVE YOU NOTIFIED        YES X NO

FISCAL POLICY STATEMENT ATTACHED? X YES        NO

HAS ALL APPROPRIATE ADVERTISING BEEN COMPLETED? X YES        NO



**10P-18** Request for a recommendation regarding the creation of the San Jacinto Neighborhood Conservation District (NCD-1). The creation of NCD-1 will include properties generally located south of Broadway Boulevard, west of 8th Street, north of Seawall Boulevard, and east of 23rd Street, and identified on the provided district boundary map.

Applicant: Department of Planning and Community Development

**Property Owner Notification as of March 11, 2010:**

Sent	Returned	In Favor	In Opposition	No Comment
1,687	139	100	35	4

Advertisement Date:

Planning Commission: February 6, 2010  
 City Council: February 11, 2010

City Department Notifications:

Airport: No Objection  
 Building Department: No Objection  
 Fire Chief: No Objection  
 Fire Marshal: No Objection  
 Police Department: No Objection  
 Public Works Department: No Objection

Private Utility Notifications:

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

**ANALYSIS**

The request is to create the San Jacinto Neighborhood Conservation District (NCD-1). Section 29-30: Special Historical District Regulations, of the Galveston Zoning Standards, specifies the following criteria for qualification as a "Neighborhood Conservation District."

To be designated as a Neighborhood Conservation District, the area must meet the following criteria:

- a. Size requirements:
  1. Contain a minimum of three (3), contiguous, full city blocks or six (6), contiguous, blockfaces. Blockface is defined as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets and between the alley and the closest parallel street;
- b. At least 75% of the land area in the proposed district was improved at least 25 years ago. Improved is defined as the construction of a main habitable structure and is not defined as an accessory structure, fence, swimming pool or other similar item; and

- c. Possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association:
  1. Scale, size, type of construction, or distinctive building materials;
  2. Spatial relationships between buildings;
  3. Lot layouts, setbacks, street layouts, alleys or sidewalks;
  4. Unique natural or streetscape characteristics, such as parks, gardens or street landscaping;
  5. Land use patterns, including mixed or unique uses or activities; or
  6. Abuts or links designated historic landmarks and/or districts.

The San Jacinto NCD, as proposed, meets the designation criteria listed above. The proposed district consists of approximately 75 contiguous city blocks and 91% of the area was improved prior to 1985. The proposed district possesses all of the required distinctive features.

The designation of property within a Neighborhood Conservation District places such property in a new zoning overlay classification and all procedures and requirements for zoning/rezoning must be followed. The review procedure is the same as a standard zoning change request with review and recommendations by the Landmark and Planning Commissions and final decision by City Council.

**Interpretation of Use Classification:**

The request is to establish the San Jacinto Neighborhood Conservation District (NCD-1). Neighborhood Conservation Districts are designed as overlays to the base zoning districts and do not affect land use. Land use is regulated by the base zoning district. The NCD-1 Design Standards are included in the Neighborhood Conservation Plan and will be reviewed under case 10ZA-02.

**Compatibility with surrounding land use and zoning:**

The proposed district abuts many of the City of Galveston's existing overlay districts. The NCD-1 is bounded at the north by the East End Historic District, Lost Bayou Historic District, and the Broadway Overlay Zone; to the west by the Silk Stocking Historic District; and to the south by the Seawall Development Zone and the Height and Density Development Zone. Please see Attachment "B" for a map of the adjacent overlay districts.

**Substantial relationship to health, safety, morals, or general welfare or protect and preserve historical, cultural and environmental places and areas:**

The NCD-1 will protect and preserve the historical and cultural integrity of the area by providing standards for demolition and new construction. There should be no adverse impact to the health, safety morals, or general welfare of the area by the establishment of the NCD-1.

**CONFORMANCE WITH THE 2001 COMPREHENSIVE PLAN:**

The Neighborhood Conservation District planning tool implements the following policies of the Comprehensive Plan:

1. Expand the availability of quality, affordable housing to meet the needs of a diverse population, build strong neighborhoods and enhance community character (Housing and Neighborhoods Goal 3.1);

2. Guide reinvestment to revitalize and enhance the livability of urban and historic district neighborhoods (Objective HN-2);
3. Development guidelines for compatible infill ensure that development will be complimentary and consistent with the character and scale of the surrounding neighborhood (Strategies and Actions HN-2.3 and Objective LU-1.1.2);
4. Promote an island-wide appreciation for aesthetics in all revitalization and development that enhances economic development, civic pride and quality-of-life for all Galvestonians (Community Character Goal 3.3);
5. Guide public reinvestment to revitalize and beautify urban and historic district neighborhoods (Objective CC-2);
6. Protect, stabilize and revitalize existing neighborhoods (Objective LU-1.1);
7. Additional "District" Designations specifically indicates Neighborhood Conservation Districts as a tool for neighborhood preservation (Strategies and Actions LU-1.1.5);
8. Prepare specific plans for focal areas with unique development opportunities and constraints (Objective LU-4.3);
9. Promote public appreciation of the Island's heritage and encourage the preservation and revitalization of historic resources for the educational, cultural and economic benefit of all residents of the community (Historic Preservation Goal 3.5);
10. Recognize the inherent value of historic preservation at all levels of City Government and functions (Objective HP-1);
11. Consider the use of additional preservation tools to further protect the City's historic resources (Objective HP-4);
12. Neighborhood Conservation Districts are an appropriate tool to preserve neighborhood character and to protect neighborhoods from inappropriate change (Strategies and Actions HP-4.1); and
13. Increase the attractiveness of Galveston's historic neighborhoods as places where people will choose to live and raise families (Objective HP-8).

### **LANDMARK COMMISSION**

The Landmark Commission recommended approval of this request at their regular meeting of February 15, 2010 with the addition of the residential properties in the 1800 block of Avenue P – 1812 through 1828 Avenue P and 1812 and 1816 19<sup>th</sup> Street. The Landmark Commission vote was six in favor and one opposed.

### **PLANNING COMMISSION**

The Planning Commission recommended approval of this request at their regular meeting of February 16, 2010 with the addition of the residential properties in the 1800 block of Avenue P – 1812 through 1828 Avenue P and 1812 and 1816 19<sup>th</sup> Street, as recommended by the Landmark Commission. The Planning Commission vote was unanimous.

### **STAFF RECOMMENDATION**

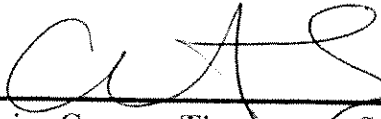
Staff recommends approval of this request as submitted.

### **ATTACHMENTS**

"A" – Map of Proposed District

"B" – Map of Adjacent Overlays

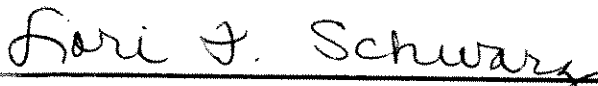
Respectfully Submitted,



Catherine Gorman Tinnemeyer, Senior Planner/Asst. HPO  
Department of Planning and Community Development

2-24-10

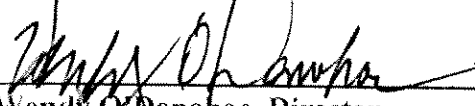
Date



Lori Feild Schwarz, Planning Division Head/HPO  
Department of Planning and Community Development

2/25/10

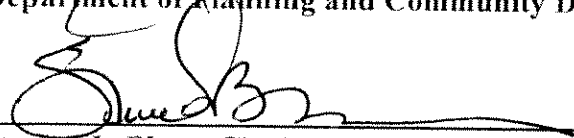
Date



Wendy O'Donohoe, Director  
Department of Planning and Community Development

2/25/10

Date



Steve J. LeBlanc, City Manager

3/5/10

Date

**FISCAL NOTES STATEMENT**

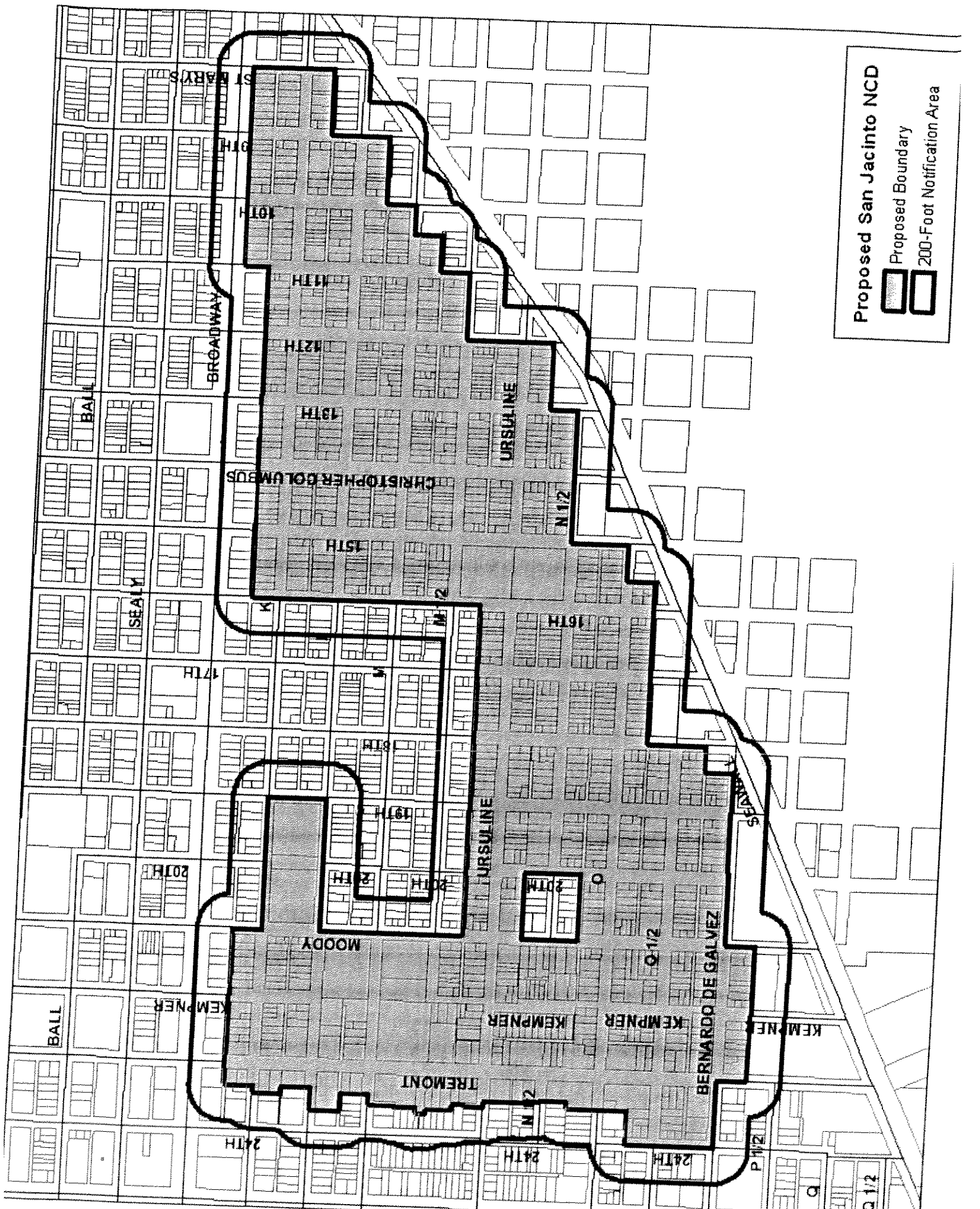
**Source of Request:** **10P-18** Request for a recommendation regarding the creation of the San Jacinto Neighborhood Conservation District (NCD-1). The creation of NCD-1 will include properties generally located south of Broadway Boulevard, west of 8th Street, north of Seawall Boulevard, and east of 23rd Street, and identified on the provided district boundary map.  
Applicant: Department of Planning and Community Development

**Amount of Expenditure:** Minimal administrative costs associated with processing request.

**Estimated Revenue:** No revenue will be realized.

**Vendor History:** Not applicable.

Proposed San Jacinto NCD



# Adjacent Overlays

Proposed San Jacinto NCD

**Proposed Boundary**

**Overlays**

- Broadway Overlay Zone
- Height and Density Development Zone
- Seawall Development Zone

**Historic Districts**

- East End
- Lost Bayou
- Silk Stacking

