

MEMORANDUM

TO: Terrilyn Tarlton, Chair and Commissioners
Galveston Planning Commission

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

DATE: July 11, 2006

RE: Discussion: Building Height Regulations for New Development

Background

At the workshop meeting of May 2, 2006, the Planning Division Staff presented information relating to the regulation of height for new development in the City of Galveston. Specifically, Staff discussed the recommendations from the West End Land Use Policy Committee (WELUPC) regarding definitions for low-, mid-, and high-rise structures, as well the recommendation that high-rise developments be considered only with a specific use permit. The Planning Commission discussed options for the creation of new regulations throughout the City, along with the associated timeline to complete the respective process.

Following public comment on the topic of height regulations, the Commission discussed various issues associated with high-rise structures. From the comments, Staff created a list of issues mentioned for consideration. A copy of the list was provided to the Planning Commission at their June 6, 2006, meeting.

In addition, Staff provided research to date regarding height regulations in other communities, along with a list of the heights of various existing buildings in Galveston. As requested by the Planning Commission, Staff also prepared a map of the existing height regulations, which are regulated by the underlying zoning category. Please note, however, the City's electronic version of the zoning maps has not been updated since 1999, therefore, specific property information should be verified with the City's Planning Division staff.

Existing Height Regulations

A map has been created by Staff that illustrates the portions of the City in which the height of structures are regulated. The map is based on the underlying zoning districts, some of which contain restrictions on maximum heights. As requested by the Planning Commission, Staff has also indicated the locations of some of the existing mid-rise and high-rise structures within the City. The high-rises are shown with red dots, mid-rises with yellow dots, and low-rises with green dots.

Additionally, Staff has compiled a list of all sections of the Galveston Zoning Standards, which regulate height. Please review Attachment A for the applicable sections.

Process

As previously discussed, members of the community and members of the Planning Commission have expressed a desire to create a process whereby taller structures can be considered through a public hearing process. Currently, no review process exists for mid-rise or high-rise buildings in most zoning categories.

For discussion purposes, Staff has compiled the following for consideration as an interim process, until a height master plan is initiated and completed:

A. Definitions

One of the charges of the West End Land Use Policy Committee was to develop definitions for low-, mid-, and high-rise structures. After discussion at several meetings, WELUPC proposed the following definitions:

Low-rise for Single-Family Detached: three (3) stories or less from Base Flood Elevation with a maximum height of forty-five feet (45') from Base Flood Elevation (including roof peak, chimney, cupola, widow walk, etc.).

Low-rise for Single-Family Attached and Commercial: three (3) stories or less from Base Flood Elevation with a maximum height of fifty-five feet (55') from Base Flood Elevation.

Mid-rise: four (4) to eight (8) stories from Base Flood Elevation with a minimum height of fifty-feet (50') and a maximum height of one hundred twenty-five feet (125') from Base Flood Elevation.

High-rise: greater than eight (8) stories from Base Flood Elevation with a minimum height of one hundred twenty-five feet (125').

In conjunction with the ongoing height regulation discussions, Planning Staff has conducted additional research relating to the proposed definitions, specifically with regard to the point of measurement commonly utilized for consistency.

After further review, mean sea level (MSL) is often used as the base point of measure, rather than base flood elevation (BFE) or natural grade. Since the location of mean sea level does not require interpretation, it is used as the standard base point in most engineering and surveying practices.

Please be advised, Staff is considering modifying the proposed definitions to use mean sea level (MSL) as the base point of measure. However, if changed, the number of stories and corresponding heights will also be modified in order to define the structure in a comparable manner.

B. Geographic boundaries

Staff reviewed the various areas of the City relating to land use, development and traffic patterns, as well as existing zoning categories, for the purpose of establishing an interim review process for taller buildings. Based on review of these issues to date, Staff has identified the following geographic boundaries for consideration in conjunction with the interim regulations:

- Area A:** All of Pelican Island, all of East End Flats and the area south of Seawall Boulevard and east of Condo Road/eastern boundary of Stewart Beach.
- Area B:** All property located west of the East Ends Flats/Condo Road and east of 8-Mile Road.
- Area C:** All property located west of 8-Mile Road.

C. *Specific Use Permit Process*

The WELUPC’s recommendations include the use of a Specific Use Permit process as a tool for reviewing potential high-rise structures. Based on comments *to date* from members of the public, the Specific Use Permit process can be applied as indicated below:

- Area A:** **XXX** permitted or as regulated by underlying zoning district, whichever is stricter
XXX structures require a Specific Use Permit or as regulated by underlying zoning district, whichever is stricter
- Area B:** **XXX** permitted or as regulated by underlying zoning district, whichever is stricter
XXX structures require a Specific Use Permit or as regulated by underlying zoning district, whichever is stricter
- Area C:** **XXX** permitted or as regulated by underlying zoning district, whichever is stricter
XXX structures require a Specific Use Permit or as regulated by underlying zoning district, whichever is stricter

D. *Criteria for consideration of mid- and high rise structures*

In order to review projects through a Specific Use Permit process, criteria whereby projects can be consistently measured are necessary. From the various discussions by the Planning Commission, members of the public, and Planning Division Staff, the following have been recommended as criteria items:

- (1) The proposed uses and layout shall be compatible with adjacent uses. The building shall be oriented in such a manner that view opportunities are maximized for all properties. Increased open space shall be provided. Open space shall be contiguous to open space on adjacent properties.
- (2) Organize the mass of the building to provide solar access to the beach and adjacent residential properties. Setbacks from single-family residential uses shall prevent the negative impact of shadows. The setback from a property line abutting or adjacent to a residential use shall be increased by 1 foot for each additional 1 foot of building height exceeding 50 feet;
- (3) The design, materials, and colors of the proposed buildings shall be compatible with adjacent building styles.

- (4) Vehicular and pedestrian ingress and egress provides for the efficient and safe movement of traffic and people. Sidewalks shall link with existing sidewalks on adjacent properties as well as linking the various functions and spaces on site with a coordinated system. Automobile circulation shall be efficient and conflicts with pedestrians minimized.
- (5) Sufficient landscaping and screening shall be provided so that the proposed development will be in harmony with and shall not be harmful to adjacent properties.
- (6) The property is adequately and properly drained. Design any storm water detention facility to be a landscape amenity.
- (7) Site lighting shall not adversely affect the beach or adjacent residential development. Lighting shall be designed to define activity areas and provide interest at night. Light pollution shall be avoided.
- (8) All proposed signs must be in compatible with adjacent development and may not be in excess of actual need.

E. *Public Notice*

The current regulations regarding general public notice, requires notification of all property owners within a 200 foot radius of the respective project. The notification radius for commercial amusement uses is 300' and for the placement of a new cell tower is 500'.

Please note, should Planning Commission and City Council consider recommending an increase in the notification radius for taller structure developments, Staff will also need to amend the fee schedule to reflect such changes.

Attachment: Existing City of Galveston Building Height Regulations (3 pages)

Section 29-66: HEIGHT REGULATIONS

No building or structure shall be located, erected or altered so as to exceed the height limit hereinafter specified for the district in which the building is located.

(a) Special Height Regulations

In the districts where the height of buildings is restricted to three (3) stories, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty feet (40') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires and school buildings and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of the side and rear yards for each foot that such structures exceed three (3) stories.

(b) Height Limits in all Zoning Districts

ZONING DISTRICT	HEIGHT LIMIT
IF-1	Three (3) stories or as noted in (a)
IF-2	Same as above
1F-3	Same as above
IF-4	Same as above
GR	Same as above
MF-1	Same as above
MF-2	Any legal height and subject to Sec. 29-66
I	Same as above
REC	Same as above*
HIST	Three (3) stories or as noted in (a)
PD	Any legal height and subject to Sec. 29-40
P	Three (3) stories or as noted in (a)
O	Any legal height and subject to Sec. 29-56b
NS	Three (3) stories or as noted in (a)
R	Any legal height and subject to Sec. 29-66
CB	Any legal height
C	Any legal height and subject to Sec. 29-66
LI	Same as above
HI	Any legal height
B/RES	Three (3) stories
W	Any legal height for any structure permitted
BUF	Three (3) stories

Note: Any legal height as used in Sec. 29-66 c. Height Limits in all Zoning Districts, means unrestricted height of a structure except as may be controlled by airport zoning height regulations. Regulations promulgated by the U.S. Aviation Agency as contained in FAR Part 77 shall be considered part of the height regulations of this Ordinance and shall be given full force and effect.

Section 29-99: BROADWAY OVERLAY ZONE (Ord 99-31)

(a) **Statement of Purpose, Intent and location of zone:**

The area located within the Zone is considered vital to the future economic growth of the City of Galveston and to improve the quality of life for all residents. The Zone shall be comprised of Broadway Boulevard and property located from 19th Street to 59th Street on both the north and south sides of Broadway Boulevard extending to the alley or where an alley would be placed and as shown in Exhibit A, attached to and incorporated herein for all intents and purposes. In the event of a conflict between the written description of the Zone area and Exhibit A, Exhibit A shall control.

b. **Building Height (Illustration 1z)**

No new construction may exceed 48'0" in height, including any parapet or roof.

Section 29-100: TRADITIONAL NEIGHBORHOOD DISTRICT (TND) (Ord 99-62)

(6) **Lot Size, Setbacks, and Building Height**

CHART I: AREA AND BULK REQUIREMENTS (For accessory and outbuildings, see Note 1 and Note 8.)

Type	Min. Lot Width	Min. Lot Area	Min. Front Yard ³	Min. Side Yard ²	Min. Rear Yard	Max. Bldg Height ⁶ (above lower level)
RESIDENTIAL						2 ½ stories
- SFD (Single Family Detached)	36'	2500 SF	12'	5' or 9' / 1' for ZLL (side yard) lots ⁴ .	10'	2 ½ stories
- SFA (Single Family Attached)	18' (max. 6 units/ bldg.)	1500 SF	5'	- 0 – except 5' for end units	10'	<u>no restriction, unless otherwise specified in Section 29-66 of the Zoning Standards</u>
- Multifamily (includes assisted living)	90'	6000 SF	5'	5' (end of building)	20'	<u>no restriction, unless otherwise specified in Section 29-66 of the Zoning Standards</u>
COMMERCIAL (includes Office, Multifamily/mixed-use above ground floor retail)	72' / bldg. ⁷	6400 SF	- 0 - adjacent to 10' min. sidewalk	- 0 – except 5' for end units ⁵	20'	4 stories
CIVIC	50'	4000 SF	10'	5'	10'	2 stories
LIVE/WORK	24'	2000 SF	- 0 -	Same as	10'	3 stories

(Mixed-use home, office, workshop)				commercial		
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¹Accessory and Outbuildings: Including garages, carriage houses, garages with flats above, and other accessory buildings, on the same lot as a principal building, the standards shall be:

Minimum Front Yard - Not applicable, except minimum of 6 ft from a principal building, however, may be connected by a covered walkway, deck or other structure.

Minimum Side Yard - 3 feet

Minimum Rear Yard - 5 feet

²Side Yards at corners (where a street meets another street, park, plaza, or large path) shall be treated as the front yard.

³Front Yards and Rear Yards may include projected covered porches, balconies, roof overhangs, stairs, and stoops to within 5 feet of the property line in SFD lots. Please note, these allowed projections shall only be permitted to either the front or the rear setbacks, not to both. The setback projections shall be consistently applied to the same side of the lot on any given street or row of lots.

⁴Zero Lot Line (ZLL) Houses may have one wall, a minimum of one (1) foot from the side property line, and no other side wall or minimum of nine (9) feet from the other side property line, such that each house side wall is a minimum of 10 feet from the adjacent house side wall.

⁵No Side Yard required for party-wall buildings or for end units which face a street, park, plaza or path, and are therefore treated as front yards.

⁶Not included cupolas, look-out towers, and observations decks (with a maximum footprint of 400 SF) and ornamental architectural elements.

⁷18 feet minimum width per establishment with minimum of 60 feet building length, plus side yards on each end.

⁸See Section IV. F above for additional rear garage provisions.