

**ORDINANCE NUMBER 838-2016  
(Zoning Case ZMC-16-0205)**

**AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, SO AS TO REZONE APPROXIMATELY +/- 0.551 ACRES, LEGALLY DESCRIBED AS ABSTRACT 78 R HALL SURVEY LOTS 1 THROUGH 8 & ADJACENT ALLEY, BLOCK 209 NICHOLSTONE 112-LC, GENERALLY LOCATED NORTH OF 28TH STREET AND EAST OF FM 1266 WITH THE ADDRESS BEING 2709 DICKINSON AVENUE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, FROM CONVENTIONAL RESIDENTIAL (CR) TO GENERAL COMMERCIAL (GC); DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, Approximately  $\pm$  0.551 acres, legally described as Abstract 78 R Hall Survey Lots 1 Through 8 & Adjacent alley, Block 209 Nicholstone 112-LC generally located North of 28th Street and East of FM 1266 with the address being 2709 Dickinson Avenue, (the "Property"), in the City of Dickinson, Galveston County, Texas (the "City"); and

**WHEREAS**, the Property presently has a zoning classification of Conventional Residential (CR) under Ordinance Number 420-2001, the City's Comprehensive Zoning Ordinance; and

**WHEREAS**, Texas Beer Refinery ("Applicant") has requested such zoning classification change of said Property from Conventional Residential (CR) to General Commercial (GC) as authorized by the City's Zoning Ordinance; and

**WHEREAS**, the City Secretary of Dickinson, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Dickinson and laws of the State of Texas, at a meeting of the City Council, to be held on the 22nd day of March 2016, for the purpose of considering rezoning the Property from Conventional Residential (CR) to General Commercial (GC); and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Dickinson, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 22nd day of March 2016; and

**WHEREAS**, the City Council is of the opinion and finds that such rezoning would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Dickinson, and as well, the owners and occupants thereof, and the City generally.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:**

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Comprehensive Zoning Ordinance Number 420-2001, as the same has been heretofore amended, is hereby further amended so as to rezone ± 0.551 acres, legally described as Abstract 78 R Hall Survey Lots 1 Through 8 & Adjacent alley, Block 209 Nicholstone 112-LC generally located North of 28th Street and East of FM 1266 with the address being 2709 Dickinson Avenue, in the City of Dickinson, Galveston County, Texas from Conventional Residential (CR) to General Commercial (GC).

Section 3. It is directed that the official zoning map of the City of Dickinson, adopted on the 24<sup>th</sup> day of June, 2001, by Ordinance Number 420-2001, shall be revised and amended to reflect the zoning classification established by this Ordinance, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section 6. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine in an amount not to exceed \$2,000.00. Each day a violation continues shall constitute a separate offense.

Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. This Ordinance shall become effective upon final reading and adoption of this Ordinance, in accordance with law.

**DULY PASSED AND APPROVED** on first reading this 22nd day of March, 2016.

**DULY PASSED AND APPROVED** on second reading this 12th day of April, 2016.

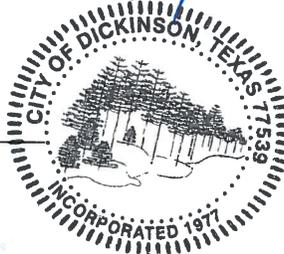
(Third Reading Suspended)

**DULY PASSED, APPROVED, AND ADOPTED** on third and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

  
\_\_\_\_\_  
Julie Masters, Mayor  
City of Dickinson, Texas

ATTEST:

  
\_\_\_\_\_  
Alun Thomas, Interim City Secretary  
City of Dickinson, Texas



APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
David Olson, City Attorney  
City of Dickinson, Texas