

**ORDINANCE NUMBER 843-2016
(ZONING CASE ZTC-16-0400)**

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING SECTION 18-58, USES REQUIRING SPECIFIC USE PERMIT, OF ARTICLE V, SPECIFIC USES, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES TO INCLUDE VACATION RENTALS IN CONVENTIONAL RESIDENTIAL (CR) AND RURAL RESIDENTIAL (RR) ZONING DISTRICTS AS ONE OF THE USES THAT MUST OBTAIN A SPECIFIC USE PERMIT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; 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, the City Council finds that it is in the best interest of the health, safety, and welfare of the citizens of the City of Dickinson to regulate the location of Vacation Rentals in Conventional Residential (CR) and Rural Residential (RR) zoning districts by use of Specific Use Permit (SUP); and

WHEREAS, the City Council is of the opinion and finds that the regulations contained in this Ordinance are in the best interest of the health, safety, and welfare of the Citizens;

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. Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas, is hereby revised to read as follows:

“Sec. 18-58. Uses requiring specific use permit.

In addition to the certificates of zoning compliance called for in this chapter, a specific use permit shall be required before the following specific uses can be permitted within the district specified:

<i>Use</i>	<i>Permitted Districts</i>
Airport, landing field, or landing strip for aircraft, including helipads and landing areas for other types of aircraft	All Districts
Appliance and home furnishing stores (without storage)	NC
Automotive sales, new or used, leasing, service and repair shops, including auto bodywork shops	GC

Bars	NC, GC
Bed and breakfasts	RR, CR
Boat/RV storage, sales, leasing and service establishments	GC, GI
Car, Truck and RV washing facilities	GC
Cement/concrete plant	GI
Child day care centers	NC
Churches	All Districts
Circus or carnival grounds, but not within three hundred (300') of any residential district or use	NC, GC, GI
Community Center	DOS
Correctional institutions or facilities (public or private)	GC, GI
Dance Halls	NC, GC
Flea market	GC
Gamerrooms	GC
General Merchandise Stores, including Department and Variety Stores, but not greater than 10,000 square feet in gross building floor area	NC
Golf courses	RR, CR, SR, HR, MH
Group day care homes	RR, CR
Group homes, as defined in Article II, Definitions	RR, CR, SR, HR, MH
Livestock facilities and operations	RR, GI
Mini-warehouses	GC, GI
Nightclubs	NC, GC
Nonprofit recreational facilities (other than private recreational facilities permitted by use in RR, CR, SR, HR, and MH)	RR, CR, SR, HR, MH
Parking lots	DOS
Radio, television, telephone or communication broadcast tower or station of any type, subject to Chapter 16.5, Telecommunication Towers, of the Dickinson Code of Ordinances	RR, GC, GI
Restaurants that serve alcohol	NC
Recreational vehicle parks	GC
Registered family homes	CR
Salvage yards, junk yards, vehicle storage facilities or similar operations	GI
Schools, public or private	All Districts
Sexually oriented businesses	GC
Slaughterhouses, rendering operations, or other similar operations	GI
Special Event Center on five (5) or more acres	RR, CR
Swimming pool	DOS

Tobacco Oriented Uses	GC
Vacation Rentals	RR, CR

Section 3. 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 4. 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 5. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

Section 6. 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 7. 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 the 26th day of April, 2016.

DULY PASSED AND APPROVED on second reading this 10th day of May, 2016.
(Third Reading Suspended)

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

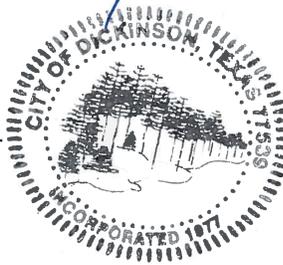
Julie Masters

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

Alun W. Thomas

Alun W. Thomas, Interim City Secretary
City of Dickinson, Texas



APPROVED AS TO FORM AND CONTENT:

David W. Olson

David W. Olson, City Attorney
City of Dickinson, Texas