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**CITY OF SEABROOK  
ORDINANCE NO. 2021-10**

**PROHIBITION OF USE OF HAZARDOUS MATERIALS IN FENCING  
CONSTRUCTION**

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**AN AMENDMENT TO APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE III. "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", BY ADDING ADDITIONAL SUPPLEMENTARY PROVISIONS FOR FENCING BY REVISING SECTIONS 3.03.13, ("R-1"), 3.04.11, ("R-2"), 3.05.11, ("R-3"), 3.06.13, ("C-1"), 3.07.13, ("C-2"), 3.09.12, ("146-S"), 3.10.13, ("WAD"), 3.11.10, ("MMU"), 3.12.03 (H) ("OS"), AND 3.13.13 ("MH"), ALL UNDER THE SUBTITLE "SUPPLEMENTARY REGULATIONS" TO SUCH SECTIONS, TO CREATE PROHIBITION OF THE USE OF HAZARDOUS MATERIALS FOR FENCING CONSTRUCTION; TO INCLUDE, BUT NOT LIMITED TO, BARBED WIRE, CONCERTINA WIRE, RAZOR WIRE, ELECTRICALLY CHARGED WIRE, AND/OR THE USE OF GLASS OR OTHER SHARP OR DANGEROUS STRUCTURES OR OBJECTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

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**WHEREAS**, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

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**WHEREAS**, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to permitted land uses for safety of the public; and

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**WHEREAS**, the Planning and Zoning Commission recommended approval of this amendment at its meeting of March 18, 2021 and has made its final report; and

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**WHEREAS**, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

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**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:**

47                    **SECTION 1. FINDINGS OF FACT.**  
48

49                    That the facts and matters set forth in the preamble of this Ordinance are hereby found to  
50 be true and correct.  
51

52                    **SECTION 2. AN AMENDMENT TO APPENDIX A, "COMPREHENSIVE**  
53 **ZONING", ARTICLE III. "ESTABLISHMENT OF ZONING DISTRICTS AND**  
54 **ASSOCIATED REGULATIONS", BY ADDING ADDITIONAL SUPPLEMENTARY**  
55 **PROVISIONS FOR FENCING BY REVISING SECTIONS 3.03.13, ("R-1"); 3.04.11, ("R-**  
56 **2"); 3.05.11, ("R-3"); 3.06.13, ("C-1"); 3.07.13, ("C-2"); 3.09.12, ("146-S"); 3.10.13,**  
57 **("WAD"); 3.11.10, ("MMU"); 3.12.03 (H) ("OS"), AND 3.13.13 ("MH"), ALL UNDER**  
58 **THE SUBTITLE "SUPPLEMENTARY REGULATIONS" TO SUCH SECTIONS, TO**  
59 **CREATE PROHIBITION FOR THE USE OF HAZARDOUS MATERIALS FOR**  
60 **FENCING CONSTRUCTION, TO INCLUDE, BUT NOT LIMITED TO, BARBED**  
61 **WIRE, CONCERTINA WIRE, RAZOR WIRE, ELECTRICALLY CHARGED WIRE,**  
62 **AND/OR THE USE OF GLASS OR OTHER SHARP OR DANGEROUS STRUCTURES**  
63 **OR OBJECTS, AS FOLLOWS:**  
64

65                    **"Sec. 3.03. - R-1 Single-family detached residential district.**  
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68                    3.03.13. Supplementary regulations:  
69

70                    A.        Temporary structures for uses incidental to construction work on the premises which are  
71 removed from completion or abandonment of construction work are allowed upon permit from  
72 the building official.  
73

74                    B.        No temporary structures, including recreational vehicles, construction trailers or travel  
75 trailers may be used for on-site dwelling purposes.  
76

77                    C.        Eaves shall be permitted to encroach no more than 18 inches upon any setback.  
78

79                    **D.        It shall be unlawful for any person to use hazardous materials for the construction**  
80 **of fencing, by erecting, maintaining, allowing or permitting a fence:**

81                    **(1)        that is constructed to include barbed wire, concertina wire, broken glass, or**  
82 **any other materials designed or capable of causing unreasonable harm to**  
83 **persons or animals, as determined by the building official.**  
84

85                    **(2)        that is electrically charged in any manner. An exception shall be allowed for**  
86 **purposes of securing pets within an approved single-strand wire that is**  
87 **designed to conduct electricity with a low-voltage regulator along the fence's**  
88 **interior within 18 inches of finished ground level, as determined by the**  
89 **building official.**  
90  
91

92           **(3) An exception is permitted for governmental uses or for related uses upon**  
93           **permit from the building official prior to construction.**

94   **Sec. 3.04. - R-2 Single-family detached residential district (small lots).**

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96   3.04.11. Supplementary regulations:

97   A.    Temporary structures for uses incidental to construction work on the premises which are  
98   removed upon completion or abandonment of construction work are allowed upon permit from  
99   the building official.

100   B.    No temporary structures, including recreational vehicles, construction trailers or travel  
101   trailers may be used for on-site dwelling purposes.

102   C.    Eaves shall be permitted to encroach no more than 18 inches upon any setback.

103   **D. It shall be unlawful for any person to use hazardous materials for the construction**  
104   **of fencing, by erecting, maintaining, allowing or permitting a fence:**

105           **(1) that is constructed to include barbed wire, concertina wire, broken glass, or**  
106           **any other materials designed or capable of causing unreasonable harm to**  
107           **persons or animals, as determined by the building official.**

108           **(2) that is electrically charged in any manner. An exception shall be allowed for**  
109           **purposes of securing pets within an approved single-strand wire that is**  
110           **designed to conduct electricity with a low-voltage regulator along the fence's**  
111           **interior within 18 inches of finished ground level, as determined by the**  
112           **building official.**

113           **(3) An exception is permitted for governmental uses or for related uses upon**  
114           **permit from the building official prior to construction.**

115   **Sec. 3.05. - R-3 Medium density residential district.**

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117  
118   3.05.11. Supplementary regulations:

119  
120   A.    Temporary structures for uses incidental to construction work on the premises which are  
121   removed upon completion or abandonment of construction work are allowed upon permit from  
122   the building official.

123  
124   B.    No temporary structures, including recreational vehicles, construction trailers or travel  
125   trailers, may be used for on-site dwelling purposes.

126  
127 C. Eaves shall be permitted to encroach no more than 18 inches upon any setback.  
128

129 **D. It shall be unlawful for any person to use hazardous materials for the construction**  
130 **of fencing, by erecting, maintaining, allowing or permitting a fence:**  
131

132 **(1) that is constructed to include barbed wire, concertina wire, broken glass, or**  
133 **any other materials designed or capable of causing unreasonable harm to**  
134 **persons or animals, as determined by the building official.**  
135

136 **(2) that is electrically charged in any manner. An exception shall be allowed for**  
137 **purposes of securing pets within an approved single-strand wire that is**  
138 **designed to conduct electricity with a low-voltage regulator along the fence's**  
139 **interior within 18 inches of finished ground level, as determined by the**  
140 **building official.**  
141

142 **(3) An exception is permitted for governmental uses or for uses upon permit**  
143 **from the building official prior to construction.**  
144

145 **Sec. 3.06. - C-1 Light commercial district.**  
146

147 .....  
148 3.06.13. Supplemental regulations:  
149

150 A. Lighting: Any light used for security or to illuminate the parking area shall be so  
151 arranged as to reflect away from any adjacent residential uses.  
152

153 B. Temporary structures for uses incidental to construction work on the premises which are  
154 removed upon completion or abandonment of construction work are allowed upon permit from  
155 the building official.  
156

157 C. No temporary structures, including recreational vehicles, construction trailers or travel  
158 trailers may be used for on-site dwelling purposes.  
159

160 D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.  
161

162 **E. It shall be unlawful for any person to use hazardous materials for the construction**  
163 **of fencing, by erecting, maintaining, allowing or permitting a fence:**  
164

165 **(1) that is constructed to include barbed wire, concertina wire, broken glass, or**  
166 **any other materials designed or capable of causing unreasonable harm to**  
167 **persons or animals, as determined by the building official.**  
168

169 **(2) that is electrically charged in any manner. An exception shall be allowed for**  
170 **purposes of securing pets within an approved single-strand wire that is**  
171 **designed to conduct electricity with a low-voltage regulator along the fence's**

interior within 18 inches of finished ground level, as determined by the building official.

**(3) An exception is permitted for governmental uses or for uses upon permit from the building official prior to construction.**

**Sec. 3.07. - C-2 Medium commercial district.**

\*\*\*\*\*

3.07.13. Supplementary regulations:

A. Lighting: Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.

B. Temporary structures for uses incidental to construction work on the premises which are removed upon completion or abandonment of construction work are allowed upon permit from the building official.

C. No temporary structures, including recreational vehicles, construction trailers, or travel trailers may be used for on-site dwelling purposes.

D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**E. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, broken glass, or any other materials designed or capable of causing unreasonable harm to persons or animals, as determined by the building official.**

**(2) that is electrically charged in any manner. An exception shall be allowed for purposes of securing pets within an approved single-strand wire that is designed to conduct electricity with a low-voltage regulator along the fence's interior within 18 inches of finished ground level, as determined by the building official.**

**(3) An exception is permitted for governmental uses or for uses upon permit from the building official prior to construction.**

**Sec. 3.09. - SH 146 South commercial district (146-S).**

\*\*\*\*\*

3.09.12. Supplementary regulations:

217 A. No temporary structures, including recreational vehicles, construction trailers, or travel  
218 trailers may be used for on-site dwelling purposes.

219

220 B. Temporary structures for uses incidental to construction work on the premises which are  
221 removed upon completion or abandonment of construction work are allowed upon permit from  
222 the building official.

223

224 C. Utilities, including, but not limited to, electrical lines, gas lines, telephone lines, and  
225 cable television lines, shall be installed underground unless otherwise approved by city council.

226

227 D. No trailer or semitrailer may be used for the storage of retail or wholesale merchandise  
228 on any property in this district for a period exceeding 72 hours.

229

230 E. No trailer, motor vehicle, semitrailer or shipping container may be used for the display,  
231 vending or retailing of any merchandise at any time.

232

233 F. Outside display of merchandise is permitted except in any of the required parking areas  
234 or other restricted areas. No display shall be erected in a manner that obstructs the safe flow of  
235 pedestrian or vehicular traffic.

236

237 **G. It shall be unlawful for any person to use hazardous materials for the construction**  
238 **of fencing, by erecting, maintaining, allowing or permitting a fence:**

239

240 **(1) that is constructed to include barbed wire, concertina wire, broken glass, or**  
241 **any other materials designed or capable of causing unreasonable harm to**  
242 **persons or animals, as determined by the building official.**

243

244 **(2) that is electrically charged in any manner. An exception shall be allowed for**  
245 **purposes of securing pets within an approved single-strand wire that is**  
246 **designed to conduct electricity with a low-voltage regulator along the fence's**  
247 **interior within 18 inches of finished ground level, as determined by the**  
248 **building official.**

249

250 **(3) An exception is permitted for governmental uses or for uses upon permit**  
251 **from the building official prior to construction.**

252

253 **Sec. 3.10. - WAD Waterfront activity district.**

254

255 \*\*\*\*\*

256

257 3.10.13. Supplementary regulations:

258

259 A. Lighting: Any light used for security or to illuminate the parking area shall be so  
260 arranged as to reflect away from any adjacent residential uses.

261

262 B. Temporary structures for uses incidental to construction work on the premises which are  
263 removed upon completion or abandonment of construction work are allowed upon permit from  
264 the building official.

265

266 C. No temporary structures, including recreational vehicles, construction trailers or travel  
267 trailers may be used for on-site dwelling purposes.

268

269 D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

270

271 E. **It shall be unlawful for any person to use hazardous materials for the construction**  
272 **of fencing, by erecting, maintaining, allowing or permitting a fence:**

273

274 (1) **that is constructed to include barbed wire, concertina wire, broken glass, or**  
275 **any other materials designed or capable of causing unreasonable harm to**  
276 **persons or animals, as determined by the building official.**

277

278 (2) **that is electrically charged in any manner. An exception shall be allowed for**  
279 **purposes of securing pets within an approved single-strand wire that is**  
280 **designed to conduct electricity with a low-voltage regulator along the fence's**  
281 **interior within 18 inches of finished ground level, as determined by the**  
282 **building official.**

283

284 (3) **An exception is permitted for governmental uses or for uses upon permit**  
285 **from the building official prior to construction.**

286

287 **Sec. 3.11. - MMU Marine oriented mixed use district.**

288

289 \*\*\*\*\*

290

291 3.11.10. Supplementary regulations:

292

293 A. Lighting: Any light used for security or to illuminate the parking area shall be so  
294 arranged as to reflect away from any adjacent residential uses.

295

296 B. Temporary structures for uses incidental to construction work on the premises which are  
297 removed upon completion or abandonment of construction work are allowed upon permit from  
298 the building official.

299

300 C. No temporary structures, including recreational vehicles, construction trailers or travel  
301 trailers, may be used for on-site dwelling purposes.

302

303 D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

304

305 E. **It shall be unlawful for any person to use hazardous materials for the construction**  
306 **of fencing, by erecting, maintaining, allowing or permitting a fence:**

307

- 308           **(1) that is constructed to include barbed wire, concertina wire, broken glass, or**  
309           **any other materials designed or capable of causing unreasonable harm to**  
310           **persons or animals, as determined by the building official.**  
311  
312           **(2) that is electrically charged in any manner. An exception shall be allowed for**  
313           **purposes of securing pets within an approved single-strand wire that is**  
314           **designed to conduct electricity with a low-voltage regulator along the fence's**  
315           **interior within 18 inches of finished ground level, as determined by the**  
316           **building official.**  
317  
318           **(3) An exception is permitted for governmental uses or for uses upon permit**  
319           **from the building official prior to construction.**  
320

321 **Sec. 3.12. - OS Old Seabrook district.**  
322

323 \*\*\*\*\*  
324

325 3.12.03. The following regulations apply to townhouses and to all other uses by right and  
326 conditional uses allowed in this zoning district.  
327

328 A. Accessory structures: Accessory structures shall not occupy a required front or corner  
329 side yard or project beyond the front building line of the principal structure on a site. Accessory  
330 structures shall be set back at least five feet from interior side and rear property lines. A  
331 minimum distance of not less than five feet shall be maintained between the main structure and  
332 accessory buildings. Connecting breezeways shall not exceed eight feet in width from finish wall  
333 to finish wall. Buildings shall be separated by an approved firestop in the roof and walls. No  
334 accessory structures or other obstructions including decks, pools, paving, landscaping structures  
335 or trees and fountains may be erected on any utility easement.  
336

337 B. Buffering and screening: Any property classified in this zoning district which adjoins or  
338 abuts any property classified in the R-LD, R-1 or R-2 zoning district shall provide a front, side or  
339 rear setback as applicable that is at least as deep or wide as that required in such adjoining or  
340 abutting districts. Properties in the OS zone which are separated by a street from any R-LD, R-1  
341 or R-2 zone shall also meet these requirements.  
342

343 C. Outside storage and display:  
344

- 345 1. Outside display of merchandise is permitted except in any of the required parking  
346 areas or other restricted areas. No display shall be erected in a manner that  
347 obstructs the safe flow of pedestrian or vehicular traffic.  
348  
349 2. Plants/flowers and boats for sale or rent may be displayed at all times. All other  
350 merchandise may be displayed during business hours only.  
351



- 352 3.. Temporary permits for outside display in parking areas or other private areas may  
353 be issued to a business by the building official. These temporary permits may be  
354 for a period of no more than 72 consecutive business hours.  
355
- 356 4. Outside storage shall be permitted only when incidental to the commercial use  
357 located on the same premises and provided that:  
358
- 359 a. The storage area may not extend beyond the front line of the building.
  - 360
  - 361 b. The storage area may not be located in any of the required parking areas.
  - 362
  - 363 c. All stored merchandise must be behind a screen fence which shall be 100-  
364 percent impervious to sight and a minimum of six feet in height.  
365 Plants/flowers and boats only are exempt from this requirement.  
366
  - 367 d. Merchandise shall not protrude above the height of the enclosed fence,  
368 walls or buildings. Plants/flowers and boats only are excluded from this  
369 requirement.  
370
- 371 5. No trailer or semitrailer may be used for the storage of retail or wholesale  
372 merchandise on any property in this district for a period exceeding 72 hours.  
373 Furthermore, no trailer, semitrailer or shipping container may be used for the  
374 display, vending or retailing of any merchandise at any time.  
375
- 376 D. Animal control: No farm fowl or farm animals shall be kept on the premises.  
377
- 378 E. Parking: Parking shall be in accordance with [Article 5](#) of this ordinance. Please see the  
379 comprehensive off-street parking regulation matrix. In addition, properties in the Old Seabrook  
380 district shall be given the following parking credits when applicable.  
381
- 382 1. For all existing buildings, either commercial or to be converted to commercial  
383 use:  
384
    - 385 a. Less than one 1,500 sq. ft.; parking may be reduced 20 percent.
    - 386
    - 387 b. Less than 2,000 sq. ft.; parking may be reduced ten percent.
    - 388
    - 389 c. Two thousand or more square feet; parking may not be reduced.
    - 390  - 391 2. In no case shall there be fewer than two parking spaces provided.  
392
  - 393 3. For each additional tenant in any building which is 2,000 square feet or greater,  
394 add one additional space to the requirements listed above.  
395
  - 396 4. All buildings constructed or expanded after passage of this ordinance must meet  
397 parking requirements as stipulated in [Article 5](#).

- 398  
399 5. Medical facilities with or without beds shall not be eligible for the above credits,  
400 but shall maintain parking in accordance with [Article 5](#).  
401  
402 6. Commercial vehicles of business shall be parked at other than mandatory parking  
403 spaces during business hours.  
404  
405 7. All fractional parking space calculations shall be counted as a full space.  
406  
407 8. Special exception to parking density, off-street parking and design and standards  
408 as listed in [Article 5](#) may be permitted on appeal to the board of adjustment  
409 without consideration to hardship.  
410

411 F. Landscaping: Shall be in accordance with [Article 5](#) of this ordinance.

412  
413 G. Reserved.

414  
415 **H. It shall be unlawful for any person to use hazardous materials for the construction**  
416 **of fencing, by erecting, maintaining, allowing or permitting a fence:**

417  
418 **(1) that is constructed to include barbed wire, concertina wire, broken glass, or**  
419 **any other materials designed or capable of causing unreasonable harm to**  
420 **persons or animals, as determined by the building official.**

421  
422 **(2) that is electrically charged in any manner. An exception shall be allowed for**  
423 **purposes of securing pets within an approved single-strand wire that is**  
424 **designed to conduct electricity with a low-voltage regulator along the fence's**  
425 **interior within 18 inches of finished ground level, as determined by the**  
426 **building official.**

427  
428 **(3) An exception is permitted for governmental uses or for uses upon permit**  
429 **from the building official prior to construction.**

430  
431 **Sec. 3.13. - MH Mobile home-manufactured housing district.**

432  
433 \*\*\*\*\*

434 3.13.13. Supplementary regulations:

435 A. All mobile homes shall be skirted/screened from base of the unit to grade with a material  
436 approved by the building department.

437 B. Temporary structures for uses incidental to construction work on the premises which are  
438 removed upon completion or abandonment of construction work are allowed upon permit from  
439 the building official.

440 C. No temporary structures, including recreational vehicles, construction trailers or travel  
441 trailers may be used for on-site dwelling purposes.

442 D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

443 E. **It shall be unlawful for any person to use hazardous materials for the construction**  
444 **of fencing, by erecting, maintaining, allowing or permitting a fence:**

445  
446 (1) **that is constructed to include barbed wire, concertina wire, broken glass, or**  
447 **any other materials designed or capable of causing unreasonable harm to**  
448 **persons or animals, as determined by the building official.**

449  
450 (2) **that is electrically charged in any manner. An exception shall be allowed for**  
451 **purposes of securing pets within an approved single-strand wire that is**  
452 **designed to conduct electricity with a low-voltage regulator along the fence's**  
453 **interior within 18 inches of finished ground level, as determined by the**  
454 **building official.**

455  
456 (3) **An exception is permitted for governmental uses or for uses upon permit**  
457 **from the building official prior to construction."**

458

459

460 **SECTION 4. INCORPORATION INTO THE CODE, PENALTY CLAUSE.**

461

462 This Ordinance is hereby incorporated and made a part of the Seabrook City Code.  
463 Violation of this ordinance is subject to the penalty section of said Code and Ordinance, Section  
464 1-15 "General Penalty and 11.06, "Criminal Enforcement" which provides that any person who  
465 shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon  
466 conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall  
467 constitute a separate offense.

468

469 **SECTION 5. REPEAL OF CONFLICTING ORDINANCES.**

470

471 All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are  
472 hereby expressly repealed.

473

474 **SECTION 6. SEVERABILITY.**

475

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

483

