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**ORDINANCE NO. 2019- 02**

**AMENDMENT TO THE ZONING CODE OF THE CITY OF SEABROOK, DELETING IN ITS ENTIRETY SECTION 3.09 “C-S COMMERCIAL SPECIAL DISTRICT” CREATING AND REPLACING SUCH SECTION FOR CREATION OF A NEWLY CREATED ZONING DISTRICT “SH 146 SOUTH COMMERCIAL DISTRICT”, REVISING THE OFFICIAL ZONING MAP AND LAND USE MATRIX FOR SUCH PURPOSE**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX “A”, “COMPREHENSIVE ZONING”, ARTICLE 3, “ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS”, REPEALING IN ITS ENTIRETY SECTION 3.09 “C-S COMMERCIAL SPECIAL DISTRICT” AND REPLACING THE TITLE FOR SAID SECTION TO PROVIDE FOR A NEW ZONING DISTRICT ENTITLED “146-S SH 146 SOUTH COMMERCIAL DISTRICT,” SUCH DISTRICT BEING LOCATED ON BOTH THE EAST AND WEST SIDES OF HWY 146, STARTING AT HWY 146 AND 10<sup>TH</sup> STREET HEADING NORTH TO THE NASA PARKWAY/MAIN STREET INTERSECTION AS REFERENCED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED BY REFERENCE, WITH CORRESPONDING AMENDMENTS TO SECTION 3.01, “ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS”, AND SECTION 3.15 “COMPREHENSIVE LAND USE MATRIX”, TABLE 3-A “USES PERMITTED BY RIGHT AND CONDITIONAL USES” FOR SUCH DISTRICT, AS PROVIDED HEREIN; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS NEW REZONED DISTRICT; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH PROPERTY WITHIN THE DISTRICT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR NOTICE AND SEVERABILITY.**

**WHEREAS**, the City Council of the City of Seabrook is continually reviewing the requirements of the Zoning Regulations contained in Appendix “A” of the City Code of Ordinances (“Zoning Code”) relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

**WHEREAS**, the City of Seabrook, Texas is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing the regulation of land use, structures, businesses and related activities; and

**WHEREAS**, due to the expansion of Hwy 146 which will have a significant impact on land use in the immediate area of its expansion, there is the need for creation of new zoning districts to address such area and related use regulations: and

46           **WHEREAS**, the Planning and Zoning Commission, in cooperation with the property  
47 owners, have studied, reviewed and prepared specific use regulations for consideration by City  
48 Council to address uniform development in relation to uses for property lying on both the east and  
49 west sides of Hwy 146, starting at Hwy 146 and 10<sup>th</sup> Street heading North to the NASA  
50 Parkway/Main Street intersection (District) as referenced in Exhibit “A” attached hereto and  
51 incorporated by reference, to be entitled as the “SH 146 South Commercial District” (“146-S”);  
52 and

53  
54           **WHEREAS**, as part of the review and evaluation of the subject area, the Planning and  
55 Zoning Commission has recommended the repeal, in its entirety, of the current district entitled “C-  
56 S Commercial Special District” codified under Section 3.09 of the Zoning Regulations (prior  
57 district), and that Section 3.09 now be entitled “146-S SH 146 South Commercial District” in place  
58 of the prior district, and so reflected in Section 3.01 “Establishment of Zoning Districts and  
59 Associated Regulations” and Section 3.15 “Comprehensive Land Use Regulation Matrix” in the  
60 Zoning Code; and

61  
62           **WHEREAS**, the City Council and the Planning and Zoning Commission of the City of  
63 Seabrook, in relation to creation of the District, have studied the present provisions of the Code of  
64 Ordinances of the City of Seabrook and have determined the need to update the provisions relative  
65 to special uses of this proposed new District, as referenced in the above referenced land use matrix;  
66 and

67  
68           **WHEREAS**, the City Council finds good cause exists to promulgate additional rules and  
69 regulations for this new zoning District for commercial uses to promote the potential new  
70 development of more appropriate commercial uses in the District area, and to ensure that such  
71 development occurs in a safe, orderly, and healthful way and in a manner that promotes the health,  
72 safety, morals, and general welfare of the City; and

73  
74           **WHEREAS**, all public notices have been published, mailed and provided in accordance  
75 with statute and the City Code of Ordinances, Appendix “A” of the City Code of Ordinances  
76 (Zoning Code); and

77  
78           **WHEREAS**, the City Council finds that the rules and regulations governing the regulation  
79 of land use, structures, businesses and related activities as provided herein is adopted: to recognize  
80 changed or changing circumstances or circumstances in a particular locality or area; and to  
81 recognize a change in public plans or policies that affects this District as provided by Section 2.04  
82 “Amendments to the Zoning Map and Zoning Text” and is in conformance with the City of  
83 Seabrook Master Plan; now therefore,

84  
85 **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF**  
86 **TEXAS:**

87

88            **SECTION 1.     FINDINGS OF FACT.**

89  
90            That the facts and matters set forth in the preamble of this Ordinance are hereby found to  
91 be true and correct and adopted.  
92

93            **SECTION 2.     AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX**  
94 **“A”, ARTICLE 3, REPEALING IN ITS ENTIRETY SECTION 3.09 “C-S COMMERCIAL**  
95 **SPECIAL DISTRICT” AND REPLACING THE TITLE FOR SAID SECTION FOR A**  
96 **NEW ZONING DISTRICT ENTITLED “146-S SH 146 SOUTH COMMERCIAL**  
97 **DISTRICT”.**

98  
99            The Code of Ordinances of the City of Seabrook, Appendix “A”, “Comprehensive  
100 Zoning”, Article 3, “Establishment of Zoning Districts and Associated Regulations”, Section 3.09  
101 “C-S Commercial Special District” is hereby amended by deleting the text of said Section in its  
102 entirety and in its place creating a new Section 3.09 entitled “146-S SH 146 South Commercial  
103 District,” for development in relation to uses for property lying on both the east and west sides of  
104 Hwy 146, starting at Hwy 146 and 10<sup>th</sup> Street heading North to the NASA Parkway/Main Street  
105 intersection as referenced in Exhibit “A” attached hereto and incorporated by reference, which is  
106 made a part of this Ordinance as follows:

107  
108            **“Sec. 3.09. SH 146 South Commercial District (146-S)**

109            *3.09.01. Description:* The SH 146 South Commercial District (146-S) is intended to be  
110 the southern gateway into the city. The district elements should preserve Seabrook’s unique  
111 sense of place for community gatherings and events, while providing local entertainment  
112 options for the community. This district, due to changes within the flood regulations, will be  
113 made up of elevated structures, creating a unique appearance throughout the district.

114            *3.09.02. Uses:* Uses permitted by right and by conditional use shall be governed by  
115 Section 3.15, “Comprehensive land use regulation matrix” 146-S District.

116            *3.09.03. Area Regulations:*

- 117            A.     *Front Yard:* All buildings shall be set back from the street right-of-way lines a  
118            minimum depth of 30 feet.
- 119            B.     *Rear yard:* A lot with a primary building located on it shall have a rear yard of  
120            not less than ten feet.
- 121            C.     *Side yard:* All buildings shall have side yard setbacks of not less than 10 feet.  
122            However, for buildings located on corner lots, there shall be a side yard setback  
123            from the street of not less than 15 feet.
- 124            D.     *Lot size:* A minimum site of 6,250 square feet in area shall be required.
- 125            E.     *Lot width:* Each lot shall have a minimum width of not less than 50 feet at the  
126            front building line.
- 127            F.     *Lot depth:* Each lot shall have a minimum depth of not less than 125 feet.

128           3.09.04. *Building height:* No building or structure shall have a finished floor whose  
129 elevation exceeds 74 feet 11 inches above base flood elevation. Structures exceeding 50 feet in  
130 height above base flood elevation shall require a conditional use permit. This elevation  
131 limitation shall not include church steeples, spires, belfries, cupolas, or other normal  
132 appurtenances placed above the roof level and not intended for human occupancy, as approved  
133 by the building official.

134           3.09.05. *Outside storage:* Outside Storage shall be screened from view from all public  
135 streets with the use of screening walls, landscaping, or berms.

136           3.09.06. *Sidewalks:* The pedestrian paving will be constructed either within appropriate  
137 public street rights-of-ways and/or within the Landscape Setbacks. All walks must be constructed  
138 in a consistent workmanlike manner.

139           A.       Minimum construction requires sidewalks to be four inches (4") thick with #3  
140 reinforcement at eighteen inches (18") on center both ways. Public Sidewalks  
141 located within the City or County right-of-way shall be a minimum of five feet  
142 wide. No cold joints are permitted. Complete pours between expansion joints are  
143 required. Drill dowels into existing concrete curbs and driveways and use  
144 expansion joints with slip dowels at connections of existing and new concrete.  
145 Dowels are to be stubbed out where sidewalk is to be continued in the future.

146           B.       Sidewalk elevations shall match with the existing manhole and valve box  
147 elevations. If adjustments of the height are required, Owner shall notify the  
148 Seabrook Public Works Department at least 24 hours prior to sidewalk  
149 construction. If adjustments must be made, the Owner-builder/site developer will  
150 be responsible for such adjustments. Handicap ramps are required at every street  
151 and other locations required by **Americans with Disabilities Act of 1990 (ADA)**  
152 as amended.

153           3.09.07. *Accessory structures:* Accessory structures shall not occupy a required front or  
154 corner side yard, or project beyond the front building line of the principal structure on a site.  
155 Accessory structures shall be set back at least ten feet from interior side and rear property lines.  
156 A minimum distance of not less than ten feet shall be maintained between the main structure and  
157 accessory buildings. The minimum distance between two main buildings on the same parcel shall  
158 be 20 feet. The total floor area of accessory structures more than 30 inches in height shall not  
159 exceed 40 percent of the area of any required yard. No accessory structures or other obstructions,  
160 including decks, pools, paving, landscaping structures, or trees and fountains, may be erected on  
161 any easement.

162           3.09.08. *Buffering and screening:*

163           A.       Rooftop or ground level mechanical equipment shall be totally screened from  
164 view by using either parapet walls at the same height of the mechanical units for  
165 rooftop mounts or by providing screening for ground mounted units.

166           B.       Exterior dumpster/garbage/waste containers shall be placed a minimum of 10  
167 feet from any side or rear property line. Containers shall not project beyond the  
168 front building line of the principal structure. Containers shall be fully screened  
169 so not to be visible from off the property. Each trash container enclosure shall be  
170 constructed of impervious materials with a gate.

171 C. Loading docks are prohibited between the street right-of-way and any building  
172 facade fronting a street right-of-way. Loading docks shall be situated toward the  
173 rear of structures. Loading docks may not be used for any type of long-term  
174 storage. Any vehicle, trailer or material left standing in a loading dock for more  
175 than a 24-hour period shall be deemed a violation of this ordinance.

176 3.09.09 *Parking*: Parking shall be in accordance with [article 5](#) of this ordinance. Please  
177 see the comprehensive off-street parking regulation matrix.

178 3.09.10 *Signage*: Signage shall be in accordance with [article 6](#) of this ordinance.

179 3.09.11 *Landscaping*: Landscaping shall be in accordance with [article 7](#) of this  
180 ordinance.

181 3.09.12. *Supplementary regulations*:

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

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

187 C. Utilities, including, but not limited to, electrical lines, gas lines, telephone lines,  
188 and cable television lines, shall be installed underground unless otherwise  
189 approved by City Council.

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

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

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

197 3.09.13 *Architectural Standards*:

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<b>Four-Sided Architecture Required</b>	<b>Acceptable Four-Sided Architecture</b>
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A building's architectural features and treatment shall be applied to all sides of buildings. Building details, including roof forms, windows, doors, trim, and siding materials, shall reflect the architectural style of the building. All sides of a commercial building shall display a similar level of quality and architectural detailing.

Areas located below an elevated building shall be screened from view from all public streets with the use of screening walls. The buildings materials used for construction of the screening walls shall reflect the architectural style of the building.

Exception:

1. An area provided for dining purposes.
2. An area provided for parking of motor vehicles.



### Blank Walls Prohibited

Any wall that faces a street, connecting pedestrian walkway and that exceeds 30 feet in length shall include a minimum of two of the following within each successive 30-foot section or fraction thereof.

Change in wall plane, such as projections or recesses, having a depth of at least three percent of the length of the facade and extending at least ten percent of the length of the facade.

- Change in texture or pattern;



- Windows;
- Covered walkways or entrances;
- Canopies; or
- An equivalent element that subdivides the wall into human-scale proportions.
- Tri-partite architecture

### **Building Materials**

#### **Permitted Primary Exterior Building Materials**

All primary exterior building materials shall be durable, economically maintained, and of a high quality that will retain its appearance over time. The following materials are allowed as primary exterior building materials:

- Brick and materials identical in appearance
- Sandstone or natural or synthetic stone
- Tinted and textured concrete masonry units
- Wood and composite materials identical in appearance. Wood may include horizontal boards and board-and-batten
- Cast stone
- Stucco





**Prohibited Primary Building Exterior Materials**

- Smooth-faced concrete block
- Smooth-faced tilt-up concrete panels
- Prefabricated metal panels, galvanized tin or other metals.
- Vinyl
- EIFS

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**SECTION 3. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX "A", ARTICLE 3, SECTION 3.01.**

Upon passage of this Ordinance, the Code of Ordinances of the City of Seabrook, Appendix A, "Comprehensive Zoning", Article 3, Section 3.01 "Establishment of Zoning Districts and



206 Associated Regulations” shall be amended to delete reference to “C-S Commercial – special  
207 district” and shall be replaced with “146-S SH 146 South Commercial District”.

208

209 **SECTION 4. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX**  
210 **“A”, ARTICLE 3, SECTION 3.15, “COMPREHENSIVE LAND USE MATRIX” AND**  
211 **AMENDMENT OF “OFFICIAL ZONING MAP” PURSUANT TO SECTION 2.05**

212

213 The Code of Ordinances of the City of Seabrook, Appendix A, “Comprehensive Zoning”,  
214 Article 3, “Establishment of Zoning Districts and Associated Regulations”, Section 3.15  
215 “Comprehensive Land Use Matrix”, is hereby amended by adding “146-S SH 146 South  
216 Commercial District” (146S)”, “Uses”, permitted by right and by conditional use within such  
217 district as shown in Exhibit “B”, which is made part of this Ordinance.

218

219 The property to be rezoned for the subject District is shown on Exhibit “A” which is  
220 incorporated herein by reference.

221

222 Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be  
223 amended to reflect this change pursuant to Section 2.05 of the Zoning Code.

224

225 **SECTION 5. INCORPORATION INTO THE CODE, PENALTY CLAUSE.**

226

227 This Ordinance is hereby incorporated and made a part of the Code of the City of Seabrook.  
228 Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section  
229 1-15 “General penalty; continuing violations” which provides that any person who shall violate  
230 any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction,  
231 shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a  
232 separate offense.

233

234 **SECTION 6. REPEAL OF CONFLICTING ORDINANCES.**

235

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

238

239 **SECTION 7. SEVERABILITY.**

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

248

249 **SECTION 8. NOTICE.**

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251 The City Secretary shall give notice of the enactment of this Ordinance by promptly  
252 publishing it or its descriptive caption and penalty after final passage in the official newspaper of  
253 the City; the Ordinance to take effect upon publication.  
254

255  
256 **PASSED AND APPROVED** on first reading with a quorum present, by an affirmative vote of a  
257 majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on  
258 this 15th day of January, 2019.  
259

260 **PASSED, APPROVED, AND ADOPTED** on final reading with a quorum present, by an  
261 affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City  
262 Charter Section 2.10 on this 5th day of February, 2019.  
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267 Thomas G. Kolupski  
268 Mayor

269 ATTEST:

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271  
272 \_\_\_\_\_  
273 Robin Hicks, TRMC  
274 City Secretary  
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276 APPROVED AS TO FORM:

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278  
279 \_\_\_\_\_  
280 Steve L. Weathered  
281 City Attorney  
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