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3 **ORDINANCE NO. 2019-03**

4 **AMENDMENT TO THE ZONING CODE OF THE CITY OF SEABROOK CREATING**
5 **NEW ZONING DISTRICT “SH 146 MAIN COMMERCIAL DISTRICT”, REVISING THE**
6 **OFFICIAL ZONING MAP AND LAND USE MATRIX FOR SUCH PURPOSE**
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8 **AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX**
9 **“A”, “COMPREHENSIVE ZONING”, ARTICLE 3, “ESTABLISHMENT OF ZONING**
10 **DISTRICTS AND ASSOCIATED REGULATIONS”, CREATING A NEW SECTION 3.16**
11 **ENTITLED “146-M SH 146 MAIN COMMERCIAL DISTRICT,” SUCH DISTRICT**
12 **BEING LOCATED ON THE EAST SIDE OF HWY 146, STARTING AT THE NASA**
13 **PARKWAY/MAIN STREET INTERSECTION HEADING NORTH TO BAYVIEW**
14 **DRIVE, ON THE WEST SIDE ONLY, STARTING AT THE SEABROOK SHIPYARD**
15 **HEADING NORTH AND ENCOMPASSING ALL OF THE COMMERCIAL PROPERTY**
16 **FROM ELEVENTH STREET TO HWY 146 TO THE NORTHERN SEABROOK CITY**
17 **LIMITS AS REFERENCED IN EXHIBIT “A” ATTACHED HERETO AND**
18 **INCORPORATED BY REFERENCE, WITH CORRESPONDING AMENDMENTS TO**
19 **ADD THE NEW DISTRICT TO SECTION 3.01, “ESTABLISHMENT OF ZONING**
20 **DISTRICTS AND ASSOCIATED REGULATIONS”, AND SECTION 3.15**
21 **“COMPREHENSIVE LAND USE MATRIX”, TABLE 3-A “USES PERMITTED BY**
22 **RIGHT AND CONDITIONAL USES”, AS PROVIDED HEREIN; REQUIRING THAT**
23 **THE ZONING MAP BE AMENDED TO REFLECT THIS NEW ZONING DISTRICT;**
24 **MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH PROPERTY**
25 **WITHIN THE DISTRICT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE**
26 **THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION**
27 **INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES**
28 **INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR NOTICE AND**
29 **SEVERABILITY.**
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32 **WHEREAS**, the City Council of the City of Seabrook is continually reviewing the
33 requirements of the Zoning Regulations contained in Appendix “A” of the City Code of
34 Ordinances (“Zoning Code”) relating to land use and other circumstances which generally impact
35 the health, safety and well-being of residents, citizens and inhabitants; and
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37 **WHEREAS**, the City of Seabrook, Texas is authorized by Chapter 211 of the Texas Local
38 Government Code to promulgate rules and regulations governing the regulation of land use,
39 structures, businesses and related activities; and
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41 **WHEREAS**, due to the expansion of Hwy 146 which will have a significant impact on
42 land use in the immediate area of its expansion, there is the need for creation of new zoning districts
43 to address such area and related use regulations: and
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45 **WHEREAS**, the Planning and Zoning Commission, in cooperation with the property
46 owners, have studied, reviewed and prepared specific use regulations for consideration by City

47 Council to address uniform development in relation to uses for property lying on the east side of
48 Hwy 146, starting at the NASA Parkway/Main Street intersection heading north to Bayview Drive;
49 on the west side only, starting at the Seabrook Shipyard heading north and encompassing all of the
50 commercial property from Eleventh Street to Hwy 146 to the northern Seabrook city limits as
51 depicted in Exhibit “A” attached hereto and incorporated by reference, to be entitled as the “SH
52 146 Main Commercial District” (“146-M”); and
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54 **WHEREAS**, as part of the review and evaluation of the subject area, the Planning and
55 Zoning Commission has recommended the amendment of the Zoning Code to add Section 3.16
56 for a new district to be entitled “146-M SH 146 Main Commercial District”, and such District to
57 be so reflected in Section 3.01 “Establishment of Zoning Districts and Associated Regulations”
58 and Section 3.15 “Comprehensive Land Use Regulation Matrix” in the Zoning Code; and
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60 **WHEREAS**, the City Council and the Planning and Zoning Commission of the City of
61 Seabrook, in relation to creation of the District, have studied the present provisions of the Code of
62 Ordinances of the City of Seabrook and have determined the need to update the provisions relative
63 to special uses of this proposed new District, as referenced in the above referenced land use matrix;
64 and
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66 **WHEREAS**, the City Council finds good cause exists to promulgate additional rules and
67 regulations for this new zoning District for commercial uses to promote the potential new
68 development of more appropriate commercial uses in the District area, and to ensure that such
69 development occurs in a safe, orderly, and healthful way and in a manner that promotes the health,
70 safety, morals, and general welfare of the City; and
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72 **WHEREAS**, all public notices have been published, mailed and provided in accordance
73 with statute and the City Code of Ordinances, Appendix “A” of the City Code of Ordinances
74 (Zoning Code); and
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76 **WHEREAS**, the City Council finds that the rules and regulations governing the regulation
77 of land use, structures, businesses and related activities as provided herein is adopted: to recognize
78 changed or changing circumstances or circumstances in a particular locality or area; and to
79 recognize a change in public plans or policies that affects this District as provided by Section 2.04
80 “Amendments to the Zoning Map and Zoning Text” and is in conformance with the City of
81 Seabrook Master Plan; now therefore,
82

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

85
86 **SECTION 1. FINDINGS OF FACT.**
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88 That the facts and matters set forth in the preamble of this Ordinance are hereby found to
89 be true and correct and adopted.
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91 **SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX**
92 **“A”, ARTICLE 3, CREATING A NEW SECTION 3.16 ENTITLED “146-M SH 146 MAIN**
93 **COMMERCIAL DISTRICT”.**
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95 The Code of Ordinances of the City of Seabrook, Appendix “A”, “Comprehensive
96 Zoning”, Article 3, “Establishment of Zoning Districts and Associated Regulations”, is hereby
97 amended by creating a new Section 3.16 entitled “146-M SH 146 Main Commercial District,” for
98 development in relation to uses for property lying on the east side of Hwy 146, starting at the
99 NASA Parkway/Main Street intersection heading north to Bayview Drive; on the west side only,
100 starting at the Seabrook Shipyard heading north and encompassing all of the commercial property
101 from Eleventh Street to Hwy 146 to the northern Seabrook city limits as depicted in Exhibit “A”
102 attached hereto and incorporated by reference, which is made a part of this Ordinance as follows:
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104 **“Sec. 3.16. SH 146 Main Commercial District (146-M)**

105 *3.16.01. Description:* The SH 146 Main Commercial District (146-M) is intended to
106 promote an attractive mix of retail, commercial services, and restaurants. The district elements
107 shall exhibit an overall desirable sustainable appearance with enduring quality.

108 *3.16.02. Uses:* Uses permitted by right and by conditional use shall be governed by Section
109 3.17, “Comprehensive land use regulation matrix” 146-M District.

110 *3.16.03. Area Regulations:*

111 A. *Front Yard:* All buildings shall be set back from the street right-of-way lines a
112 minimum depth of 30 feet.

113 B. *Rear yard:* A lot with a primary building located on it shall have a rear yard of
114 not less than ten feet.

115 C. *Side yard:* All buildings shall have side yard setbacks of not less than 10 feet.
116 However, for buildings located on corner lots, there shall be a side yard setback
117 from the street of not less than 15 feet.

118 D. *Lot size:* A minimum site of 20,000 square feet in area shall be required.

119 E. *Lot width:* Each lot shall have a minimum width of not less than 80 feet at the
120 front building line.

121 F. *Lot depth:* Each lot shall have a minimum depth of not less than 125 feet.

122 *3.16.04. Building height:* No building or structure shall have a finished floor whose
123 elevation exceeds 74 feet 11 inches above base flood elevation. Structures exceeding 50 feet in
124 height above base flood elevation shall require a conditional use permit. This elevation
125 limitation shall not include church steeples, spires, belfries, cupolas, or other normal
126 appurtenances placed above the roof level and not intended for human occupancy, as approved
127 by the building official.

128 *3.16.05. Outside storage:* Outside Storage shall be screened from view from all public
129 streets with the use of screening walls, landscaping, or berms.

130 3.16.06. *Sidewalks:* The pedestrian paving will be constructed either within appropriate
131 public street rights-of-ways and/or within the Landscape Setbacks. All walks must be constructed
132 in a consistent workmanlike manner.

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

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

147 3.16.07. *Accessory structures:* Accessory structures shall not occupy a required front or
148 corner side yard, or project beyond the front building line of the principal structure on a site.
149 Accessory structures shall be set back at least ten feet from interior side and rear property lines.
150 A minimum distance of not less than ten feet shall be maintained between the main structure and
151 accessory buildings. The minimum distance between two main buildings on the same parcel shall
152 be 20 feet. The total floor area of accessory structures more than 30 inches in height shall not
153 exceed 40 percent of the area of any required yard. No accessory structures or other obstructions
154 may be erected on any easement.

155 3.16.08. *Buffering and screening:*

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

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

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

169 D. Any property containing a use in this zoning district which adjoins or abuts any
170 property classified in the R-LD, R-1, or R-2 zones shall be required to provide
171 a minimum landscaped buffer yard of 50 feet from the adjoining/abutting property
172 line. The Landscape buffer shall contain the following standards; pervious
173 landscaped area, no drives or parking, no commercial or retail use, irrigated and

174 maintained by the owner thereof in good order, appropriately trimmed and clear
175 of trash/ debris. Architecturally finished masonry wall with a minimum height of
176 8 feet shall be provided along the common property line. Trees no shorter than 8'
177 tall and in a quantity of no less than one tree per forty feet of boundary wall shall
178 be planted, maintained, and replaced as required.

179 3.16.09 *Parking*: Parking shall be in accordance with [article 5](#) of this ordinance. Please
180 see the comprehensive off-street parking regulation matrix.

181 3.16.10 *Signage*: Signage shall be in accordance with [article 6](#) of this ordinance.

182 3.16.11 *Landscaping*: Landscaping shall be in accordance with [article 7](#) of this
183 ordinance.

184 3.16.12. *Supplementary regulations*:

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

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

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

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

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

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

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202 3.16.13 *Architectural Standards*:

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Four-Sided Architecture Required	Acceptable Four-Sided Architecture
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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.



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.



<ul style="list-style-type: none">• Tri-partite architecture	
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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 Associated Regulations” shall be amended to delete reference to “C-S Commercial – special district” and shall be replaced with “146-M SH 146 Main Commercial District”.

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

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

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

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

SECTION 5. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

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

SECTION 6. REPEAL OF CONFLICTING ORDINANCES.

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

SECTION 7. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 Seabrook, Texas, declares that it would

250 have passed each and every part of the same notwithstanding the omission of any such part thus
251 declared to be invalid or unconstitutional, whether there be one or more parts.

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253 **SECTION 8. NOTICE.**

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

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

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264 **PASSED, APPROVED, AND ADOPTED** on final reading with a quorum present, by an
265 affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City
266 Charter Section 2.10 on this 5th day of February, 2019.

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Thomas G. Kolupski
Mayor

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273 ATTEST:

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Robin Hicks, TRMC
City Secretary

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281 APPROVED AS TO FORM:

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Steve L. Weathered
City Attorney

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