

**CITY OF SEABROOK
ORDINANCE NO. 2019-12**

**ESTABLISHMENT OF A 20' FRONT YARD SETBACK WITHIN THE (OS)
OLD SEABROOK ZONING DISTRICT**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 3. "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.12 (OS) "OLD SEABROOK DISTRICT", BY AMENDING SUBSECTION 3.12.02, "USES PERMITTED BY RIGHT AND CONDITIONAL USES", SUBSECTION B. 2., "AREA REGULATIONS", BY CREATING A MINIMUM BUILDING FRONT YARD SETBACK OF TWENTY (20) FEET; 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; AND PROVIDING FOR NOTICE AND SEVERABILITY.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances ("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 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 recommended for the public safety, health and welfare and for protection of the residents; and

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

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and adopted as fact.

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 3. "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS" SECTION 3.12 OS "OLD SEABROOK DISTRICT", BY AMENDING SUBSECTION 3.12.02, "USES PERMITTED BY RIGHT AND CONDITIONAL USES" B. 2., "AREA REGULATIONS", BY CREATING A MINIMUM BUILDING FRONT YARD SETBACK OF TWENTY (20) FEET.

"Sec. 3.12. - OS Old Seabrook district.

3.12.01. Description: This district is specifically designed to accommodate a select group of land use activities associated with that area in the community known as "Old Seabrook." In accordance with Comprehensive Master Plan 2030, the district is designed to enhance the special characteristics of Seabrook, the small town character, its waterfront, and to create a "unique" place. The land uses within this district are also intended to meet a portion of the community's tourism demand.

3.12.02. Uses permitted by right and conditional uses:

A. *Townhouses permitted by conditional use:*

1. *Density: One dwelling unit per lot.*
2. *Front yard setback:* All buildings must be set back from the street right-of-way lines a minimum depth of 20 feet.
3. *Rear yard setback:* Primary buildings must be set back at least 15 feet from the rear property line.
4. *Water-abutting yard setback:*
 - a. If there are two adjoining structures, the minimum waterfront yard setback shall be the greater of the adjoining main structures within 100 feet of the proposed structure or the minimum water-abutting yard setback of 25 feet.
 - b. If there is only one adjoining structure within 100 feet of the proposed structure, the minimum water-abutting yard setback shall be the greater of two-thirds of the adjoining property yard setback or 25 feet.
 - c. If there are no adjoining structures within 100 feet of the proposed structure, the minimum water-abutting yard setback requirement of 25 feet shall be met.
 - d. Impervious fences are not permitted in any required waterfront setbacks.
5. *Side yard setback:* Not less than ten feet between blocks of attached units, street rights-of-way or any property outside the townhouse development.
6. *Lot size:* Three thousand square feet above mean high tide. Project area shall not be less than 12,000 square feet.

7. *Building area:* Not more than 60 percent of total site area shall be covered by building mass.
 8. *Height:* No building or structure shall exceed 40 feet in height.
- B. *Other Uses.* All other listed uses (by right and conditional uses) allowed in this zone per Section 3.15, "Comprehensive Land Use Regulation Matrix". [~~Please see the comprehensive land use regulation matrix at the end of this article of the ordinance.~~] Mixed use projects shall be allowed. All building, fire, electrical, and other health and safety codes pertaining to commercial development and as stipulated by Seabrook codes and ordinances shall be met.
1. *Density:* Two primary buildings per lot; but not to exceed two (2) dwelling units per lot.
 2. *Area regulations:*
 - A. *Front yard:* [~~None required.~~] **All buildings must be set back from the street right-of-way lines a minimum depth of 20 feet.**
 - B. *Rear yard:* A lot with a primary building located on it shall have a rear yard of not less than ten feet.
 - C. *Water-abutting yard:* All structures shall be set back from any water-abutting yard a distance of not less than 25 feet.
 1. If there are two adjoining structures, the minimum waterfront setback shall be the greater of the average of the setbacks of the adjoining main structures within 100 feet of the proposed structure or the minimum water-abutting yard setback of 25 feet.
 2. If there is only one adjoining structure within 100 feet of the proposed structure, the minimum water-abutting yard setback shall be the greater of two-thirds of the adjoining property setback or 25 feet.
 3. If there are no adjoining structures within 100 feet of the proposed structure, the minimum water-abutting yard setback requirement of 25 feet shall be met.
 4. Impervious fences are not permitted in any required waterfront setback.
 - D. *Side:* Not less than five feet on each side.
 - E. *Lot size:* A minimum site of 6,000 feet shall be required.
 - F. *Lot width:* Each lot shall have a minimum width of not less than 50 feet at the front building line.
 - G. *Lot depth:* Each lot shall have a minimum depth of not less than 100 feet.
 - H. *Height:* No building or structure may exceed 40 feet in height. The height limitations specified in this subsection do not apply to church

steeple, spire, belfry, cupola or other normal appurtenances usually required to be placed above the roof level and not intended for human occupancy.”

(Ord. No. 93-19, arts. 2, 4, 5, 9-7-1993; Ord. No. 2004-15, § 2, 10-5-2004; Ord. No. 2006-16, § 2, 10-17-2006; Ord. No. 2009-19, § 8, 10-6-2009)

SECTION 3. 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 4. REPEAL OF CONFLICTING ORDINANCES.

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

SECTION 5. 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 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 6. NOTICE.

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

PASSED AND APPROVED on first reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 2nd day of April, 2019.

PASSED, APPROVED, AND ADOPTED on final reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 16th day of April, 2019.

Thomas G. Kolupski
Mayor

ATTEST:

Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steve L. Weathered
City Attorney