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**CITY OF SEABROOK
ORDINANCE NO. 2019-27**

AMENDMENTS TO THE CHESAPEAKE BAY II PUD

6 AN ORDINANCE AMENDING ORDINANCE 2018-09, APPROVING
7 AMENDMENTS TO CHESAPEAKE BAY II PLANNED UNIT DEVELOPMENT
8 (“PUD”), LOCATED IMMEDIATELY EAST OF REPSDORPH ROAD, SOUTH OF
9 BRUMMERHOP PARK AND NORTH OF LARRABEE STREET, BY REVISING
10 THE PLANNED UNIT DEVELOPMENT (“PUD”) PLAN, REGULATIONS,
11 RESTRICTIONS AND CONDITIONS, EXHIBIT B, (“PLAN”) ONLY IN RELATION
12 TO THE “DEVELOPMENT REGULATIONS, MAXIMUM HEIGHT OF
13 STRUCTURES”, LIMITING STRUCTURES LOCATED WITHIN PHASE 4 OF THE
14 (“PLAN”) TO 3 STORIES, BUT ADDING A NEW SUBSECTION “(C)” TO ALLOW
15 AN EXCEPTION INCREASING ELEVATION TO NOT MORE THAN 55 FEET
16 ABOVE GROUND LEVEL, MEASURED FROM FINISHED GROUND ELEVATION
17 TO MEAN ROOF HEIGHT; REPEALING ALL ORDINANCES OR PARTS OF
18 ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING
19 FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF
20 VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE;
21 AND PROVIDING FOR SEVERABILITY AND NOTICE.

24 **WHEREAS**, WMF Investments, Inc., applicant and owner, (“Owner”) acting by and
25 through its duly authorized representative William Friedrichs, has requested an amendment
26 to Ordinance 2018-09 “Chesapeake Bay II Planned Unit Development” that provided in
27 attached Exhibit B, the “Plan”, Section D. “Development Regulations” height restrictions of
28 40 feet above ground level for Phase 4, limiting structures to 3 stories: and
29

30 **WHEREAS**, Ordinance 2018-09 amended 2017-14 to reconfigure the PUD Plan
31 reference in Exhibit D in the Prior Ordinance to designate the development into Phases 1-4,
32 with Phase 4 being for senior living facilities for proposed low income housing tax credits,
33 with the entire development being subject to the “Plan” therein newly referenced and
34 attached thereto as Exhibit B; and
35

36 **WHEREAS**, since the approval by City Council of Ordinance 2018-09, there have
37 been changed circumstances in flood elevations and Owner has applied for an amendment to
38 the approved Plan, (Exhibit B) as referenced in 2018-09, for an exception, to now allow for
39 increased elevation of referenced buildings of not more than 55 feet above ground level,
40 measured from the finished ground elevation to mean roof height to Section D “Development
41 Regulation” for Phase 4, while maintaining the limitation to structures to 3 stories; and
42

43 **WHEREAS**, the City Council of the City of Seabrook is continually reviewing the
44 provisions of the City Code of Ordinances relating to land use and other circumstances which
45 generally impact the health, safety and well-being of residents, citizens and inhabitants; and
46

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

51
52 **WHEREAS**, all public notices have been published, mailed and provided in
53 accordance with statute and Appendix “A” of the City Code of Ordinances (Zoning Code);
54 and

55
56 **WHEREAS**, as a result of the said public hearings and the recommendation of the
57 Planning and Zoning Commission as contained in its final report, the City Council hereby
58 finds and determines that the proposed amendments to Ordinance 2018-09 “Chesapeake Bay
59 II PUD” would not be detrimental to the community, and is in conformance with the zoning
60 ordinance and comprehensive plan for development of the City;

61
62 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY**
63 **OF SEABROOK, STATE OF TEXAS:**

64
65 **SECTION 1. FINDINGS.**

66
67 The facts and matters set forth in the preamble of this Ordinance are hereby found to
68 be true and correct.

69
70 Ordinance 2018-09 “Chesapeake Bay II PUD”, relating only to the approved PUD
71 Plan, the regulations, restrictions, and conditions set forth therein in “Exhibit B”, the “Plan”,
72 (on file with the City Secretary), is amended to restate Section D. Development Regulations,
73 to add a new exception (c) to allow for increased height of buildings located only in Phase 4
74 as follows:

75
76 **SECTION 2. AMENDMENT “CHESAPEAKE BAY II PUD”, Page 3.,**
77 **Section D. “DEVELOPMENT REGULATIONS”**

78
79 D. Development Regulations

80
81 1. Maximum height of structures: 3 stories, but no more than 40 feet above ground level
82 except as follows:

83
84 (a) Chimneys, ornamental tower spires, cooling towers, elevator bulkheads, fire
85 towers, stacks, roof gables, parapet walls, and mechanical equipment may extend an
86 additional height not to exceed 15 feet above the maximum height allowed for the structure
87 to which it is affixed.

88 (b) Satellite Dish Antennas as permitted by the City's accessory use regulations
89 and towers and antennas and permitted by Article VII, regulating telecommunication towers
90 and antennas.

93 **(c) Buildings located within Phase 4 are limited to 3 stories, but not more**
94 **than 55 feet above ground level. The measurement shall be taken from the finished**
95 **ground elevation to the mean roof height (No other height exceptions shall apply).**
96

97 **SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.**
98

99 This ordinance is hereby incorporated and made a part of the Seabrook City Code.
100 Violation of this Ordinance is subject to the penalty section of said Code including, Section
101 11.06, "Criminal Enforcement" which provides that any person who shall violate any
102 provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction,
103 shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a
104 separate offense. Additionally, should the subject PUD project fail to meet the schedule as
105 approved herein, or otherwise fail to comply with this Ordinance, the PUD Plan, the PUD
106 classification and all related permits shall be immediately terminated, and the Property shall
107 return to the zoning that existed immediately prior to the PUD as conditionally approved by
108 this Ordinance.
109

110 **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**
111

112 All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance
113 are hereby expressly repealed. This Ordinance shall in no manner amend, change,
114 supplement, or revise any provision of any ordinance of the City of Seabrook, save and
115 except the change in zoning classification and specific uses/structures approved in the Plan,
116 as provided herein.
117

118 **SECTION 5. SEVERABILITY.**
119

120 In the event any clause phrase, provision, sentence, or part of this Ordinance or the
121 application of the same to any person or circumstances shall for any reason be adjudged
122 invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect,
123 impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the
124 part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook,
125 Texas, declares that it would have passed each every part of the same notwithstanding the
126 omission of any such part thus declared to be invalid or unconstitutional, whether there be
127 one or more parts.
128

129 **SECTION 6. NOTICE.**
130

131 The City Secretary shall give notice of the enactment of this Ordinance by promptly
132 publishing it or its descriptive caption and penalty after final passage in the official
133 newspaper of the City; the Ordinance to take effect upon publication.
134

135
136 **PASSED AND APPROVED** on first reading with a quorum present, by an affirmative vote
137 of a majority of Councilmembers present, in accordance with Seabrook City Charter Section
138 2.10 on this 1st day of October, 2019.

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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 15th day of October, 2019.

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Lenio, TRMC
City Secretary

APPROVED AS TO FORM:

By: _____
Steven L. Weathered
City Attorney