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**CITY OF SEABROOK
ORDINANCE NO. 2016-16**

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 4, "SPECIAL USE REGULATIONS", CREATING A NEW SECTION 4.16 "SEABROOK TOWN CENTER OVERLAY DISTRICT REGULATIONS", SUCH DISTRICT CONSISTING OF THE AREA LYING WEST OF THE WESTERN EDGE OF STATE HIGHWAY 146 RIGHT-OF-WAY, NORTH OF VERMILLION DRIVE REAR PROPERTY LINES, EAST OF ED WHITE ELEMENTARY SCHOOL, SOUTH OF OAK DALE WAY REAR PROPERTY LINES, AND SOUTH OF SEABROOK METHODIST CHURCH, AS FURTHER DEPICTED IN ATTACHMENT A, HEREIN, BY ADDING SITE AND ARCHITECTURAL REGULATIONS FOR THE AREA KNOWN COMMONLY AS "SEABROOK TOWN CENTER", AND AMENDING SECTION 3.15, "COMPREHESIVE LAND USE MATRIX", ACORDINGLY BY ADDING "SEABROOK TOWN CENTER OVERLAY DISTRICT" "USES" PERMITTED BY RIGHT AND BY CONDITIONAL USE WITHIN SUCH DISTRICT; RECODIFYING THE CURRENT SECTION 4.16 "TELECOMMUNICATION TOWERS AND ANTENNAE" UNDER A NEW SECTION 4.25 UNDER THE SAME TITLE, TO ALLOW FOR FUTURE EXPANSION OF ARTICLE 4; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE 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 SEVERABILITY.

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

WHEREAS, the Planning and Zoning Commission, in cooperation with the property owners, have studied, reviewed and prepared special use regulations for consideration by City Council to address the uniform development in relation to uses for property within the area lying west of the western edge of State Highway 146 right-of-way, north of the Vermillion Drive rear property lines, east of Ed White Elementary School, south of Oak Dale Way rear property lines, and south of Seabrook Methodist Church as shown in Attachment A, which is made a part of this Ordinance, (the "Tract"); and

WHEREAS, all public notices have been published, mailed and provided in accordance with statute and the City Code of Ordinances, Appendix A of the City Code of Ordinances (Zoning Code); and

47 **WHEREAS**, the Planning and Zoning Commission recommended approval of this
48 zoning change for the Tract, commensurate with the addition of site, architectural and
49 related design standards and uses at its meeting of May 19, 2016, and has made its final
50 report; and

51
52 **WHEREAS**, the City Council and the Planning and Zoning Commission of the City
53 of Seabrook have studied the present provisions of the Code of Ordinances of the City of
54 Seabrook and have determined the need to update the provisions relative to special uses of
55 Tract for reference in the land use matrix; and

56
57 **WHEREAS**, the City Council now desires to recodify the current Section 4.16
58 entitled “Telecommunication Towers and Antennae” under a new Section 4.25 under the
59 same title, to allow for future expansion of Article 4, “Special Use Regulations”; and

60
61 **WHEREAS**, all public notices have been posted, published and all required hearings
62 on this matter have been held in accordance with the Comprehensive Zoning Ordinance and
63 law; now, therefore,

64
65 **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK,**
66 **STATE OF TEXAS:**

67
68 **SECTION 1. FINDINGS OF FACT.**

69
70 That the facts and matters set forth in the preamble of this Ordinance are hereby
71 found to be true and correct.

72
73 **SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE,**
74 **APPENDIX A, ARTICLE 4, SECTION 4.16.**

75
76 The Code of Ordinances of the City of Seabrook, Appendix A, “Comprehensive
77 Zoning”, Article 4, “Special Use Regulation”, is hereby amended by creating a new Section
78 4.16 entitled “The Seabrook Town Center Overlay District Regulations” to establish design
79 regulations, including site, architectural and related design standards and regulations for
80 developments within the area lying west of the western edge of State Highway 146 right-of-
81 way, north of the Vermillion Drive rear property lines, east of Ed White Elementary School,
82 south of Oak Dale Way rear property lines, and south of Seabrook Methodist Church as
83 shown in Attachment A, (the “Tract”), which is made a part of this Ordinance.

84
85 The Tract to be rezoned is shown in Attachment A, Section 4.16 which is
86 incorporated herein by reference.

87
88 Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall
89 be amended to reflect this change.

90
91

92 **SECTION 3. AMENDMENT TO THE SEABROOK CITY CODE,**
93 **APPENDIX A, ARTICLE 3, SECTION 3.15.**
94

95 The Code of Ordinances of the City of Seabrook, Appendix A, “Comprehensive
96 Zoning”, Article 3, “Establishment of Zoning Districts and Associated Regulations”, Section
97 3.15 “Comprehensive Land Use Matrix”, is hereby amended by adding “Seabrook Town
98 Center Overlay District (STCOD)”, “Uses”, permitted by right and by conditional use within
99 such district as shown in Attachment B, which is made part of this Ordinance.

100
101 **SECTION 4. AMENDMENT TO THE SEABROOK CITY CODE TO**
102 **RECODIFY THE CURRENT SECTION 4.16, UNDER A NEW**
103 **SECTION 4.25.**
104

105 The Code of Ordinances of the City of Seabrook, Appendix A, “Comprehensive
106 Zoning”, Article 4, “Special Use Regulation”, is hereby amended to recodify the prior
107 Section 4.16 entitled “Telecommunication Towers and Antennae” under a new Section 4.25
108 under the same title, to allow for future expansion of Article 4.

109
110 **SECTION 5. INCORPORATION INTO THE CODE, PENALTY CLAUSE.**
111

112 This Ordinance is hereby incorporated and made a part of the Seabrook City Code.
113 Violation of this Ordinance is subject to the penalty section of said Code including, Section
114 11.06, “Criminal Enforcement” which provides that any person who shall violate any
115 provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction,
116 shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a
117 separate offense.

118
119 **SECTION 6. REPEAL OF CONFLICTING ORDINANCES.**
120

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

123
124 **SECTION 7. SEVERABILITY.**
125

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

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SECTION 8. 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 this _____ day of _____, 2016.

PASSED AND APPROVED on second and final reading this _____ day of _____, 2016.

BY: _____
Glenn Royal, Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney