

ORDINANCE 2019-10

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, DELETING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS, AND ADDING A NEW CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS; PROVIDING RULES AND REGULATIONS FOR DEVELOPMENT; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Sealy, Texas, finds that the code of ordinances needs to be revised to comply with state law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The facts found in the preamble are true and correct and incorporated herein for all purposes.

Section 2. Chapter 28 of the Code of Ordinances of the City of Sealy, Texas, is deleted and a new Chapter 28 of the Code of Ordinances of the City of Sealy, Texas is added to read as follows:

“Chapter 28 - DEVELOPMENT RULES, REGULATIONS AND STANDARDS

ARTICLE I. - GENERAL PROVISIONS

Sec. 28-1. - Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the meanings set forth below.

Best management practices (BMPs) shall mean activities, practices, and procedures to prevent or reduce the discharge of pollutions directly or indirectly into the municipal storm sewer system, waters in the state, and waters of the United States.

Building shall mean a structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, chattels, or property of any kind.

Building line shall mean an imaginary line, running parallel with applicable lot lines or street easement or roadway right-of-way lines, and beyond which no building or structure may be located other than fences, sidewalks, driveways, uncovered patios, or utility facilities placed by companies authorized to do so pursuant to franchise, license, or other authorization of the city or other governmental entity having jurisdiction thereover. Provided, however, no fence shall be authorized beyond a front building line or placed in a manner that would enclose any city services, such as but not limited to gas and water meters, except as specifically authorized herein. In measuring a building line adjacent to a street easement or roadway right-of-way, the nearest boundary of the street easement or roadway right-of-way shall be used.

Commercial shall mean occupied with or engaged in commerce or work intended for commerce.

Duplexes shall mean a detached residential structure containing two dwelling units, designed for occupancy by not more than two families living independent of each other.

Earthy materials shall mean the natural occurring material found on Earth that constitute the raw materials such as but not limited to minerals, rocks, soil, and water.

EPA shall mean the United States Environmental Protection Agency or its successor agency.

Erosion control shall mean the practice of preventing or controlling wind or water erosion in agriculture, land development and construction and important techniques in preventing water pollution and soil loss.

Expressways shall mean a divided highway for high-speed traffic with at least partial control of access, and designated as such by the Sealy Comprehensive Plan Thoroughfare Plan Map.

Fill dirt shall mean earthy material which is used to fill in a depression or hole in the ground or create mounds, which includes stockpile of dirt or otherwise artificially change the grade or elevation of real property.

Front yard shall mean the space of between the property line (where it abuts ROW) and the building line.

Industrial shall mean an activity related to the manufacture, warehousing, shipping, production or storage of products to be transported elsewhere for retail sale.

Institutional shall mean a non-profit, religious, or public organization or corporation, such as a place of worship, library, public or private college or university, hospital, or governmental unit.

Land disturbance or *disturb land* shall mean clearing, grubbing, grading, excavating, demolishing, or any other form of disturbing land that consists of:

- (1) Five or more acres of land; or
- (2) Less than five acres of land that is part of a larger common plan of development or sale that will result in disturbance of five or more acres.

Lot leveling shall mean land disturbance activities, including clearing and grubbing, that requires the uncovering of 5,000 or more square feet, excluding emergency activities, nursery and agricultural operations, and activities on a lot less than one acre in size and used for single-family and two-family residential activities.

Mixed use development shall mean development is the practice of allowing more than one type of use in a building or set of buildings.

Multiple-family dwelling shall mean a building designed and constructed to contain three or more independent dwelling units, which may share common passageways, vehicular access ways, and other essential facilities.

Natural grade shall mean the grade across the property that does not contain artificial fill or berming.

NPDES shall mean the National Pollutant Discharge Elimination System, the federal program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment, under sections 307, 402, 318, and 405 of the Clean Water Act.

Patio homes shall mean a single-family dwelling, attached or semi-detached, which together with an enclosed private court or patio may occupy up to 100 percent of a subdivided lot or assigned land area. The courtyard or patio of such a house serves as the principal open space for the occupants and a major source of natural light for the interior of the house.

Sediment control shall mean a practice or device designed to keep eroded soil on a construction site, so that it does not wash off and cause water pollution.

Single-family residential shall mean a detached building having accommodations for and occupied by not more than one family.

Street, local, shall mean a street used primarily for access to abutting properties and which is intended to serve traffic within a limited area.

Street, collector, shall mean a street designed to carry traffic from local streets to the major system of arterial streets and highways and designated as such by the Sealy Comprehensive Plan Thoroughfare Plan Map.

Street major arterial shall mean a street connecting two or more cities or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area, and designated as such by the Sealy Comprehensive Plan Thoroughfare Plan Map.

Street, minor arterial, shall mean a street designed as a principal traffic artery, more or less continuous across the city, intended to connect remote parts of the city, and used primarily for fast or heavy volume traffic, and designated as such by the Sealy Comprehensive Plan Thoroughfare Plan Map.

Structure shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, whether above, below, or at grade.

TCEQ shall mean the Texas Commission on Environmental Quality or such successor agency.

TPDES shall mean the Texas Pollutant Discharge Elimination System.

Townhomes shall mean a single-family dwelling designed to be sold as a unit, but forming one of a group or series of three or more attached single-family dwellings separated from one another by common property lines.

Yard, front, shall mean the area from one side lot line to the other side lot line and between the front building line and the street on which the lot fronts.

ARTICLE II. - SINGLE-FAMILY RESIDENTIAL

Sec. 28-10. - Building lines.

- (a) *Front*. The front building line shall not be less than 25 feet, except that where a lot faces an arterial street, the front building line shall be not less than 35 feet.
- (b) *Side, generally*. The side building line shall not be less than five feet from the side property line.
- (c) *Side, corner lots*. The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, such building line shall not be less than 25 feet.
- (d) *Rear, generally*. The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway; provided, however, if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot alleyway, then the rear building line shall not be less than 7½ feet. In all cases, buildings must be constructed in relation to the rear property line so there will at all times be 30 feet between the rear building lines.
- (e) *Rear, on arterial street*. The rear building line where lots back on an arterial street shall not be less than 25 feet.
- (f) *Encroachment by building eaves and air conditioning units*. Building eaves and air conditioning compressors may encroach not more than three feet beyond building lines other than front building lines.

Sec. 28-11. - Lot requirements.

- (a) *Minimum width*. The minimum width of lots for single-family detached dwellings shall be 60 feet; radial lots shall have a minimum width of 60 feet at and for a distance of 30 feet behind the building line. No radial lot shall be created that has a front yard with less than 40 feet of frontage on the front street.
- (b) *Minimum depth*. No single-family residential detached dwelling shall be constructed on a lot that is less than 120 feet in depth.

- (c) *Minimum area.* No single-family residential detached dwelling shall be constructed on a lot that is less than 7,200 square feet in area.
- (d) *Nonconforming lots.* Where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of this chapter, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.
- (e) *Drainage.* To ensure proper drainage, not more than 75 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material. In no case shall a driveway cover more than 30 percent of a front yard.

Sec. 28-12. - Off-street parking/driveways.

- (a) *Parking.* Each lot used for single-family detached dwelling purposes shall have constructed and maintained thereon two off-street parking spaces. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports shall not be considered as off-street parking spaces. For the purposes of this subsection, the minimum dimensions of each parking space shall be nine feet by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than ten feet by 40 feet if aligned linearly.
- (b) *Driveway, parking surface.* All driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement with the exception of tracts greater than five acres in size. Tracts of land greater than five acres in size may also have a driveway topping consisting of a dustless all-weather gravel material. Materials such as crushed limestone and concrete wash out that produce dust when dry are not permissible. Provided however, the portion of the driveway located entirely within the public street right-of-way, or a length of 20 feet, whichever is greater, shall have a topping which is the same as the abutting street, or may be concrete cement.

ARTICLE III. - DUPLEXES

Sec. 28-20. - Building lines.

- (a) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces an arterial street, the front building line shall not be less than 35 feet.
- (b) *Side, generally.* The side building line, to include eaves and appurtenances, shall not be less than five feet.
- (c) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, such building line shall not be less than 25 feet.
- (d) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway; provided, however, if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot alleyway, the rear building line shall not be less than 7½ feet. In all cases, buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.
- (e) *Rear, on arterial street.* The rear building line where a lot backs on an arterial street shall not be less than 25 feet.

Sec. 28-21. - Lot requirements for duplexes.

- (a) *Minimum width.* The minimum width of lots for duplexes shall be 85 feet. No lot shall be created that has a front yard with less than 85 feet of frontage on the front street.
- (b) *Minimum depth.* No duplex dwelling shall be constructed on a lot that is less than 120 feet in depth.
- (c) *Minimum area.* No duplex dwelling shall be constructed on a lot that is less than 10,200 square feet in area.

- (d) *Drainage.* To ensure proper drainage, no more than 75 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material. In no case shall a driveway cover more than 30 percent of the required front yard.

Sec. 28-22. - Off-street parking/driveways.

- (a) *Parking spaces.* Each lot used for duplex dwelling purposes shall have constructed and maintained thereon four off-street parking spaces, two off-street parking spaces for each unit of the duplex. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each unit of the duplex shall not be considered as off-street parking spaces. For the purposes of this subsection, the minimum dimensions of each parking space shall be nine feet by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than ten feet by 40 feet if aligned linearly.
- (b) *Driveway, parking surface.* The topping of all driveways and parking areas shall be the same as the abutting street, or they may be concrete cement.

ARTICLE IV. - TOWNHOMES

Sec. 28-30. - Building lines.

- (a) *Front.* The front building line shall not be less than 20 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 30 feet.
- (b) *Side, interior lots.* There shall be no side building line for a side of an interior lot which is adjacent to another townhome.
- (c) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, such building line shall not be less than 25 feet.
- (d) *Side, generally.* The side building line other than when adjacent to an interior lot line, to include eaves and appurtenances, shall not be less than five feet.
- (e) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway; provided, however, if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot alleyway, the rear building line shall not be less than 7½ feet. In all cases buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.
- (f) *Rear, on arterial street.* The rear building line where a lot backs on an arterial street shall not be less than 25 feet.

Sec. 28-31. - Lot requirements for townhomes.

- (a) *Minimum width.* The minimum width for townhome lots shall be 20 feet.
- (b) *Minimum depth.* The minimum depth for townhome lots shall be 100 feet.
- (c) *Minimum area.* No townhome shall be constructed on a lot that is less than 2,000 square feet in lot area.
- (d) Townhouse development should be constructed to a height of no more than 35 feet above the natural grade, but in no event may such building be a height that adversely impacts drainage, utility functions, infrastructure, health, safety or welfare, or create a nuisance.
- (e) Townhouse development should contain no more than 16 townhome units per acre and not more than 75 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material. In no case shall a driveway cover more than 30 percent of a front yard.

Sec. 28-32. - Off-street parking/driveways/streets.

- (a) *Parking spaces.* Each lot used for townhome dwelling purposes shall have constructed and maintained thereon two off-street parking spaces. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports for each townhome unit shall not be considered as off-street parking spaces. For the purposes of this subsection, the minimum dimensions of each parking space shall be nine feet by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than ten feet by 40 feet if aligned linearly.
- (b) *Paving.*
 - (1) *Streets/driveways.* Each townhome complex shall have streets and driveways constructed of concrete cement, and shall be curbed and guttered in accordance with existing construction requirements of the city. All streets and driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.
 - (2) *Parking areas.* The topping of all parking areas shall be the same as the abutting street or driveway, or shall be concrete cement.

Sec. 28-33. - Green space/recreational areas.

A minimum of ten percent of the gross platted area shall be open green space and common recreational areas. Said open green space and common recreational areas shall be areas not specifically designated or used as building sites for townhome units, buildings sites for utility or storage buildings, parking lots, garages, streets, or driveways within the townhome development. The actual surface area of open green space, such as lawns and landscaping, and common recreational areas, such as swimming pools and surrounding paved deck, tennis courts, community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for open green space and common recreational areas. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space and common recreational areas.

Sec. 28-34. - Screening.

The following screening requirements shall apply to townhome developments.

- (1) All commercial refuse containers shall be screened.
- (2) Access drives and parking lots of a townhome development, which abuts the side or rear property boundary, shall be screened from view when adjacent to a lot that contains a single-family dwelling unit or adjacent to a public street. Such screening shall consist of a six-foot solid fence, wall, or other similar screening device constructed along the entire length of such property boundary.

Sec. 28-35. - Sidewalks.

Sidewalks of concrete cement or other masonry construction shall be provided between the townhome units and all community facilities provided for residents in accordance with applicable city standards and specifications.

ARTICLE V. - PATIO HOMES

Sec. 28-40. - Building lines.

- (a) *Front.* The front building line shall not be less than 15 feet, except that where a lot faces on an arterial street, the front building line shall not be less than 30 feet.
- (b) *Side, interior lots.* The side building line, to include eaves and appurtenances, shall not be less than five feet on each side of a lot, or, as an alternative, the developer may establish a side building line of ten feet on one side of each lot, provided that a minimum distance of ten feet shall be maintained between the adjoining sides of any two dwelling units placed on adjacent lots. No door shall be

installed on the side of a building with a zero lot line clearance. Deed restrictions for zero lot line clearance must provide a ten-foot easement to an owner whose dwelling unit is located on such property line, for maintenance purposes.

- (c) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, the building line shall not be less than 25 feet.
- (d) *Rear, generally.* The rear building line shall not be less than 15 feet, except, where the rear property line abuts an alleyway, there shall be a minimum of 30 feet between the buildings abutting said alleyway; provided, however, if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot alleyway, then the rear building line shall not be less than 7½ feet. In all cases, buildings must be constructed in relation to the rear property line so that at all times there will be 30 feet between the rear building lines.
- (e) *Rear, on arterial street.* The rear building line where a lot back on an arterial street shall not be less than 25 feet.

Sec. 28-41. - Lot requirements for patio homes.

- (a) *Minimum width.* The minimum width of lots for patio homes shall be 45 feet.
- (b) *Minimum depth.* The minimum depth of lots for patio homes shall be 80 feet.
- (c) *Minimum area.* No patio home shall be constructed on a lot that contains less than 3,600 square feet in lot area.
- (d) *Drainage.* To ensure proper drainage, not more than 75 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material. In no case shall a driveway cover more than 30 percent of a front yard.
- (e) Patio home development should contain no more than 12 patio home units per acre, but in no event may such building adversely impacts drainage, utility functions, infrastructure, health, safety or welfare, or create a nuisance.

Sec. 28-42. - Off-street parking/driveways/streets.

- (a) *Parking.* Each lot used for patio home dwelling purposes shall have constructed and maintained thereon two off-street parking spaces. For the purposes of this subsection, the first two parking spaces contained in covered garages and/or covered carports shall not be considered as off-street parking spaces. For example, if a dwelling has a three-car garage, one additional off-street parking space would be required in addition to that included within the garage. For the purposes of this subsection, the minimum dimensions of each parking space shall be nine feet by 20 feet; provided, however, two spaces adjacent to the other shall be not less than 18 feet by 20 feet if side by side, and not less than ten feet by 40 feet if aligned linearly.
- (b) *Paving.* Streets, driveway and parking areas paving for patio home dwellings shall comply with the following standards:
 - (1) *Streets.* Each patio home development shall have streets constructed of concrete cement, and shall be curbed and guttered in accordance with existing requirements of the city.
 - (2) *Driveways and parking areas.* All driveways and parking areas shall have a topping, which is the same as the abutting street, or they may be concrete cement.

Sec. 28-43. - Green space/recreational areas.

A minimum of ten percent of the gross platted area shall be open green space and common recreational areas. Said open green space and common recreational areas shall be areas not specifically designated or used as building sites for patio home units, buildings sites for utility or storage buildings, parking lots, garages, streets, or driveways within the patio home development. The actual surface area

of open green space, such as lawns and landscaping, and common recreational areas, such as swimming pools and surrounding paved deck, tennis courts, community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for open green space and common recreational areas. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space and common recreational areas.

Sec. 28-44. - Sidewalks.

Sidewalks of concrete cement or other masonry construction shall be provided along all streets within a patio home development in accordance with applicable city standards and specifications.

ARTICLE VI. - MULTIFAMILY DEVELOPMENTS

Sec. 28-50. - Compliance required; application.

It shall be unlawful for any person to cause or permit the development, construction or occupancy of any multiple-family dwelling, except as provided herein. Provided further, it shall be unlawful for any person to convert the use of any hotel, motel, motor court, or other similar temporary lodging facility into a multiple-family dwelling except in compliance with the provisions hereof. Notwithstanding the foregoing, it shall be a defense to prosecution hereunder that a multiple-family dwelling development was approved by the city prior to the date of adoption of this article.

Sec. 28-51. -Drainage, utilities, infrastructure, health and safety, and nuisances.

- (a) Multiple-family dwelling development should contain no more than 18 dwelling units per acre, but in no event shall the number of dwelling units per acre adversely impact drainage, utility functions, infrastructure, health, safety, or welfare, or create a nuisance.
- (b) Multiple-family dwelling development should be constructed to a height of no more than 45 feet above the natural grade, but in no event may such building be a height that adversely impacts drainage, utility functions, infrastructure, health, safety or welfare, or create a nuisance.

Sec. 28-52. - Spacing between buildings.

Each building within a multiple-family dwelling complex shall be separated from other buildings as set forth in the city's adopted fire code.

Sec. 28-53. - Building lines.

The following minimum building lines shall be required for lots or tracts containing multiple-family dwelling buildings, measured from the applicable property line; provided however if the lot is encumbered with a street easement or roadway right-of-way, such building line shall be measured from the boundary line of such street easement or roadway right-of-way nearest the center of the lot.

- (1) *Front yard.* The front yard building line shall not be less than 25 feet, except that where a front yard faces an arterial street, the front building line shall not be less than 35 feet.
- (2) *Side yard, interior.* The interior side yard building line shall be not less than five feet, except that where an interior side lot line is adjacent to property restricted by a duly recorded subdivision plat to, or primarily used for, single-family residential purposes, such interior side building line shall be not less than 25 feet.
- (3) *Side yard, street.* The side building line adjacent to a street shall be not less than 15 feet, except that where the side yard is adjacent to an arterial street such building line shall be not less than 25 feet.
- (4) *Rear yard; interior; alleyways.* The rear building line shall be not less than 15 feet. Provided, however, where the rear property line abuts an alleyway, there shall be a minimum of 30 feet

between the buildings abutting said alleyway. Provided further, if the rear property line abuts an alleyway having a width of 20 feet or less but more than 15 feet, then the rear building line shall be not less than five feet; and if the rear property line abuts an alleyway having a width of 15 feet or less, then the rear building line shall be not less than 7½ feet. In all cases, buildings shall be constructed in relation to the rear property line so that there shall at all times be not less than 30 feet between the rear building lines.

- (5) *Rear yard, major street.* A rear building line adjacent to an arterial street shall be not less than 25 feet.
- (6) *Zero lot line exception.* Notwithstanding the foregoing, there shall be no required interior side or rear building line if the wall adjoining such interior side or rear lot line, as applicable, is constructed with materials giving it a four-hour fire wall rating, except where a side or a rear lot line is adjacent to a lot or tract restricted by a duly recorded subdivision plat to, or primarily used for, single-family residential purposes.

Sec. 28-54. - Off-street parking.

Each dwelling unit within a multifamily dwelling complex shall be provided with on-site off-street parking as follows:

- (1) Two parking spaces for each one-bedroom unit;
- (2) Two and one-half parking spaces for each two-bedroom unit; and;
- (3) Three parking spaces for each three-bedroom unit.

All parking areas shall be constructed of concrete cement. No on-street parking shall be permitted. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device in accordance herewith and in accordance with other applicable city specifications.

Sec. 28-55. - Green space/recreational areas.

A minimum of 15 percent of the gross platted area shall be open green space and 15 percent common recreational areas. The 15 percent of the gross platted area designated for open space shall not be substituted for recreational areas. Said open green space and common recreational areas shall be areas not specifically designated or used as building sites for dwelling units, buildings sites for utility or storage buildings, parking lots, garages, streets or driveways within the multiple-family development. The actual surface area of open green space, such as lawns and landscaping shall be considered in calculating the minimum requirement for open green space. Common recreational areas, such as swimming pools and surrounding paved deck, tennis courts, community rooms, saunas, and other recreational areas, shall be considered in calculating the minimum requirement for common recreational areas. Required buffer yards, except surfaced parking and driveways located within said buffer yards, if any, may be included in computing the minimum required area of green space.

Sec. 28-56. - Screening.

The following screening requirements shall apply to multiple-family dwelling developments.

- (1) All refuse containers shall be screened.
- (2) Developers of a multiple-family dwelling shall install a six-foot solid fence, wall, or other similar screening device on the two sides and rear of any such multiple-family dwelling when adjacent to a lot that contains a single-family dwelling.

Sec. 28-57. - Streets or driveways.

Each multiple-family dwelling complex shall have streets and driveways constructed of concrete cement, shall be curbed and guttered in accordance with existing requirements of the city, and shall be at

least 28 feet in width throughout. All streets and driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

Sec. 28-58. - Sidewalks.

Sidewalks of concrete cement or other masonry construction shall be provided between the dwelling units and all community facilities provided for residents in accordance with applicable city standards and specifications. All walkways shall be lighted at night with a minimum intensity of two foot-candles' illumination.

Sec. 28-59. - Windows.

All multiple story buildings within a multiple-family development complex shall be constructed so that there shall be no windows above the first floor on any sides which are adjacent to existing residential platted lots or existing single-family residences unless the following setbacks are met:

- (1) Forty feet in height 65 feet setback from the property line of the residential lot.
- (2) The height of the building may increase more than 40 feet at a ratio of one foot for each five feet of additional setback. For example, a building limited to 40 feet in height at 65 feet from a lot that is residential may be increased to a height of 60 feet at a point that is 165 feet from the property line of the residential lot.

ARTICLE VII. - COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTIES

Sec. 28-70. - Building lines for commercial, industrial, institutional, and places of worship properties.

- (a) *Front.* The front building line shall not be less than 25 feet, except that where a lot faces an arterial street, the front building line shall not be less than 35 feet.
- (b) *Side, corner lots.* The building line on the side of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on an arterial street, the building lines shall not be less than 25 feet.
- (c) *Rear, generally.* The rear building line shall not be less than 15 feet, except where the rear property line abuts an alleyway, there shall be a minimum of 30 feet, between the buildings abutting said alleyway, provided that if the alleyway is a 20-foot alleyway, then the minimum rear building line shall be not less than five feet, and if the alleyway is a 15-foot alleyway, then the rear building line shall not be less than 7½ feet. In all cases buildings must be constructed in relation to the rear property line so that there will at all times be 30 feet between the rear building lines.
- (d) *Rear, arterial street.* The rear building line where a lot backs on an arterial street shall not be less than 25 feet.
- (e) *Side, interior.* The side building lines shall not be less than five feet.
- (f) *Zero lot line.* If the wall adjoining the building line is constructed with materials giving it a four-hour firewall rating, then such building line may be zero, unless such wall abuts either an existing single-family residence or a platted single-family residential lot as set out in subsection (g) below.
- (g) *Adjacent to single-family residence, duplex, patio home, townhome use.* No commercial, industrial, institutional, or place of worship building line shall be less than 25 feet on a side that abuts an existing single-family residence, duplex, patio home, townhome, or a platted single-family residential lot which does not have an existing place of business located on such single-family residential lot.

Sec. 28-71. - Off-street parking and design standards.

- (a) All commercial, institutional, governmental, and industrial establishments within the city, other than those within the downtown area, shall provide parking as follows:

- (1) *General*. One space per 200 square feet for the ground floor, and one space per 300 square feet for the second floor level and up. "General" use shall include post offices; community, welfare, and health centers; optical shops; medical appliance stores; catering services; barber and beauty shops; custom cleaning shops; self service laundries; laundry or cleaning pickup and receiving stations; shoe repair, tailor, and custom sewing shops; travel bureaus; instructional art or art work studios; photography studios; inside retail sales stores; antique shops; retail food stores; bakery shops; book stores; camera shops; cigar-tobacco stores; clothing stores; drug stores; beverage stores; florist shops; pet shops; resale, hobby, and art supply stores; paint and wallpaper stores; appliance fix-it shops; tool and equipment rentals (inside display only); duplication shops; custom print shops; custom commercial engraving shops; retail stores that offer consumer goods for inside retail sales; and any other commercial activity having the same characteristics of the above and not otherwise listed below.
- (2) *Restaurants, bars, lounges, taverns*. One space per 100 square feet of floor area.
- (3) *Drive-in restaurant*. One space per 50 square feet of floor area, with a minimum of 12 spaces.
- (4) *Lumber, brick, or building materials sales yard*. One space per 200 square feet of retail floor area, plus one space per 1,000 square feet of site area exclusive of floor area.
- (5) *Sports complex*. One space per 40 square feet of seating area.
- (6) *Day care center*. One space per 500 square feet of floor area.
- (7) *Bowling alley*. Six spaces per lane.
- (8) *Theater, auditorium, or arena*. One space for every three seats.
- (9) *Sports club-health spa*. One space per 200 square feet of floor area.
- (10) *Hotel, motel*. One space per guest room, office, and lobby.
- (11) *Places of worship*. One space for every 3½ seats in sanctuary.
- (12) *Elementary school*. One space per 20 students.
- (13) *Middle school*. One space per 15 students.
- (14) *High school*. One space per three students.
- (15) *College*. One space per two students.
- (16) *Bank or savings and loan*. One space per 300 square feet of floor area.
- (17) *General office*. One space per 300 square feet of floor area.
- (18) *Medical clinic or doctor's office*. One space per 300 square feet of floor area.
- (19) *Veterinarian's office*. One space per 300 square feet of floor area.
- (20) *Nursing or convalescent home*. One space for every four beds, plus one space for each employee.
- (21) *Hospitals*. Three spaces for each bed.
- (22) *Funeral home or mortuary*. One space per 300 square feet of floor area, plus one space for each three seats in chapel.
- (23) *Library*. One space per 500 square feet of floor area, with a minimum of ten spaces.
- (24) *Feed store*. One space per 600 square feet of floor area.
- (25) *Swimming pool sales and supplies*. One space per 200 square feet of floor area, plus one space per 1,000 square feet of outside sales area.
- (26) *Equipment sales or rentals (outside display)*. One space per 200 square feet of floor area, plus one space for each 1,000 square feet of site area exclusive of buildings.

- (27) *Concrete cement, asphalt patching, or recycling plant.* Minimum one space per employee, per shift, minimum of five spaces.
- (28) *Furniture store.* One space per 500 square feet of floor area.
- (29) *Automotive related uses.*
 - a. Automotive or motorcycle display, sales and service. One space per 200 square feet of floor area, with a minimum of five spaces.
 - b. Auto glass, muffler, or seat cover shops. One space per 200 square feet of retail floor area, plus one space per 500 square feet of service floor area, with a minimum of two spaces.
 - c. Auto parts sales (inside only). One space per 200 square feet of sales floor area, plus one space per 500 square feet of storage floor area.
 - d. Auto parts sales (outside display). One space per 500 square feet of site area exclusive of building, with a minimum of four spaces.
 - e. Auto repair garage, auto painting, or body shop. One space per 500 square feet of floor area, with a minimum of five spaces.
 - f. Service station. Three spaces for each service stall, plus one space for each employee on duty during largest shift.
- (30) *Other.* General warehouse, wholesale, light industrial, open bulk storage and manufacturing facilities shall provide the following parking and loading spaces:
 - a. One and three-quarters space per two employees on largest shift; plus one space per local driver, salesman or service man; plus one space per each local company vehicle; or one space per 800 gross square feet of floor space, whichever is greater.
 - b. One truck loading space at least 12 feet in width, 15 feet in length, and 14 feet of height clearance on the property for the first 5,000 to 20,000 square feet of gross industrial or commercial floor area, plus one such truck loading space for each additional 20,000 square feet, or part thereof.
- (b) Off-street parking facilities shall be maintained and continued so long as the main use continues.
- (c) Conforming buildings and uses existing at the time of adoption of this section may be modernized, altered or repaired without providing additional off-street parking, provided there is no increase in area or capacity.
- (d) Where a conforming building or use existed at the time of the adoption of this section and such building or structure is enlarged or increased in capacity by adding floor area, volume or seats, off-street parking as specified in this article shall be provided for the additional floor area, volume, capacity or seats so created or used.
- (e) Whenever the use of a building or portion thereof changes, the new use shall meet the off-street parking requirements of this article prior to issuance of a certificate of occupancy or approval by the appropriate building inspectors.
- (f) Off-street parking areas shall provide safe, convenient, and efficient access by distributing parking spaces around the buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface.
 - (1) No more than 75 percent of the off-street parking area for the lot, tract or area of land devoted to a commercial complex shall be located between the front facade of the commercial establishment and the abutting streets.
 - (2) Off-street parking areas shall be setback at a minimum of ten feet from the front property line.
- (g) Off-street parking and loading areas shall be drained to prevent damage to abutting property and/or public streets and alleys and shall be paved with either concrete cement or asphalt.

- (1) Uses such as wineries, farmers markets, garden center and industrial lay down yards may use all weather surfacing or other permanent hard surfacing material sufficient to prevent the accumulation of mud, dust or loose material and must support the weight of a fire apparatus.
- (2) Regardless of the parking lot surface, all off-street parking areas must comply with subsection (p)(3) of this article.
- (h) Off-street parking and loading facilities shall be separated from walkways, sidewalks, streets or alleys by a wall, fence or curbing or other approved protection device in accordance with city specifications.
- (i) Location and design of entrances and exits shall be in accordance with city specifications. Landscaping, curbing or other barriers shall be provided along lot boundaries to control entrance and exits of vehicles or pedestrians.
- (j) Minimum widths of interior drives shall be related to the angle of parking stalls and use of one-way or two-way traffic as follows:

Parking angle width of aisle traffic direction

Parking Angle (degree)	Width of Aisle (feet)	Direction
30	11	One-way
45	13	One-way
60	18	One-way
90	24	Two-way

- (k) Required off-street parking areas shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public or private street, walk, or alley, and so that any automobile may be parked and un-parked without moving another. Signs or markers shall be used as necessary to ensure that preservation of the natural features as well as the efficient traffic operation of the parking area.
- (l) All streets and driveways shall be lighted at night with a minimum intensity of two foot-candles' illumination if off-street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property.
- (m) Off-street parking shall be located a minimum of ten feet from an adjacent lot which contains an existing single-family, duplex, patio home, or townhome development, and such parking spaces shall be screened visually from such a lot by an intervening building or structure. Except for those commercial, institutional, and governmental developments located on Highway 90 and Highway 36, which off-street parking shall be located a minimum of five feet from an adjacent lot which contains an existing single-family, duplex, patio home, or townhome development. Such screening shall consist of a continuous solid wall or fence along the lot line with a minimum height of six feet. Such screening shall not be required in the front yard of such establishment. When it is required to provide screening, the developer/owner is responsible for installing and maintaining such screening.
- (n) For the purposes of this section, parking and loading space shall be on the same site and under the same ownership. Parking and loading spaces shall not be on other sites or under other ownerships.

- (o) Each commercial and industrial structure erected or altered in the city shall be provided with off-street loading and unloading facilities as specified above.
- (p) Computing parking space requirements. Shared parking is allowed so as long as it can be demonstrated that sufficient parking is available for all uses. If shared parking is allowed, the applicant shall submit satisfactory written evidence that the adjacent property owners have established permanent rights to such shared parking.
 - (1) Where fractional spaces result, the minimum parking spaces requirements shall be rounded upward to the next largest whole.
 - (2) The parking space requirements for a use not specifically described above shall be calculated based upon the requirements for the most similarly described use.
 - (3) A parking analysis and tabulation shall be required on the site plan for each development and shall be a part of the site plan submittal. Each analysis shall include an explanation of applicable parking requirements (as a minimum, include occupancy classification type, building square footages, and number of employees), total parking spaces required, total parking spaces provided, required and provided Americans With Disabilities Act (ADA) accessible spaces, and required and provided ADA van accessible spaces.
 - (4) For mixed uses, the parking space requirements shall equal the sum of the requirements of the various uses computed separately.
 - (5) Service areas provided exclusively for the occupants of a building, including cafeterias, auditoriums, etc., are excluded from the calculation of "floor area" for determining required parking if the director of planning and community development, or designee, determines these areas do not require parking capacity.
 - (6) "Floor area" shall mean the entire area located within the outside dimensions of a building, and the outside dimensions of the building shall be used to calculate the size of the "floor area."
 - (7) A parking space shall be a minimum of nine feet in width by 20 feet in length. Parking spaces shall not extend into the driving lanes, across property lines and/or public right-of-way lines.
 - (8) Driveway maneuverability to and from parking spaces shall be provided on dead-end parking drive isles.

Sec. 28-72. - Traffic impact/street design.

A commercial, industrial, institutional, or place of worship development shall have ingress and egress to public streets of adequate design, classification, and size to accommodate anticipated increases in traffic, loading, and vehicular circulation. A site development plan for a proposed commercial, industrial, institutional, or place of worship development shall not be approved if the city determines that any of the following conditions exist or will result from such development. If such conditions exist, the developer shall be responsible for conducting a traffic impact analysis in accordance with section 87-11 of this Code.

- (1) Adjacent public streets are not designed for the volume and/or loading (weight or size) of the increase in vehicular traffic reasonably anticipated from the proposed development;
- (2) Adjacent public streets have inadequate traffic control devices to properly and safely regulate the flow and type of traffic reasonably anticipated from the proposed development;
- (3) Adjacent public streets are inadequate to provide safe and convenient access for municipal services, including fire protection and public safety services; or
- (4) The increased traffic reasonably anticipated from the proposed development will cause congestion and conditions that will create unreasonable risks to the public health, safety, and welfare of adjacent property and/or to vehicular or pedestrian traffic on adjacent public streets.

Sec. 28-73. - Hazardous materials.

(a) *Definitions.* For the purposes of this section, the following definitions shall apply:

- (1) Hazardous materials shall mean any chemical substance in liquid, solid, or gas form, other than extremely hazardous materials, which has been classified as a hazardous substance or material by a law, rule, or regulation of the federal government or the state, and which, because of the quantity or volume present at a particular location, may pose a serious threat or risk of harm to humans, animals, crops, groundwater, water supply systems or other utility systems, or to other elements of the environment if accidentally released. Substances so designated may include, but shall not be limited to, explosives, radioactive materials, etiologic agents, flammable and combustible liquids, solids and gasses, poisons, oxidizing substances, and corrosive substances.
- (2) Extremely hazardous materials shall mean those substances or materials designated and regulated as such by the Emergency Planning and Community Right to Know Act, 42 U.S.C. § 11001, et seq., and its implementing regulations in Title 40, Part 355, Appendix A, of the U.S. Code of Federal Regulations.

(b) *Requirements applicable to hazardous materials.* The following requirements shall apply to commercial and/or industrial developments and uses of land that include the activity of manufacturing, packaging, processing, storing, loading, unloading, or distributing a product, material, or substance that is herein defined as hazardous materials:

- (1) No building, structure, facility, or operation of a development, or use of land, in which, on which, or by which the activity of manufacturing, packaging, processing, storing, loading, or unloading hazardous materials occurs, shall be conducted or located within 500 feet of any building on any lot or tract restricted to any of the following uses, or upon which any of the following uses are being conducted, on the date an application for site development plan approval is submitted in accordance with this chapter:
 - a. A child care facility;
 - b. A place of worship;
 - c. A hospital;
 - d. A public building;
 - e. A public park;
 - f. A school; or
 - g. A residential dwelling(s).

(c) *Requirements applicable to extremely hazardous materials.* The following requirements shall apply to commercial and/or industrial developments and uses of land that include the activity of manufacturing, packaging, processing, storing, loading, unloading, or distributing a product, material, or substance that is herein defined as extremely hazardous materials:

- (1) The development shall have frontage on and direct access to a public thoroughfare designated by the state as an approved route for transportation of hazardous materials and extremely hazardous materials; and
- (2) No building, structure, facility, or operation of a development, or use of land, in which, on which, or by which the activity of manufacturing, packaging, processing, storing, loading, or unloading extremely hazardous materials occurs, shall be conducted or located within 1,000 feet of any building on any lot or tract restricted to any of the following uses, or upon which any of the following uses are being conducted, on the date an application for site development plan approval is submitted in accordance with this chapter:
 - a. A child care facility;
 - b. A place of worship;
 - c. A hospital;

- d. A public building;
 - e. A public park;
 - f. A school; or
 - g. A residential dwelling(s).
- (d) *Exemptions.* The requirements of this section shall not apply to:
- (1) Any municipal, state, or federal governmental building, structure, facility or operation;
 - (2) Hazardous materials and extremely hazardous materials used solely for personal, family, or household purposes in a form and concentration prepackaged for distribution and use by the general public in accordance with industry standards and governmental regulations;
 - (3) Hazardous materials and extremely hazardous materials stored, loaded, or unloaded for use in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate consumer; or
 - (4) Gasoline, diesel fuel, or gasohol held by a service station engaged in the primary economic activity of retailing automotive fuels and oils.

Article VIII. – Downtown.

Sec. 28-80. - Downtown.

- (a) Parking spaces and standards.
- (1) *Minimum required parking spaces.*
 - a. *Off-street parking.* The parking requirements for all businesses shall be one space for each 800 square feet of building area. This parking requirement shall apply to all new construction and additions to existing buildings.
 - b. *Off-site parking.* Use of off-site parking shall be permitted to satisfy the off-street parking requirements of this article if said off-site parking is within the downtown district or blocks adjacent thereto. Provided further, no off-site parking space shall be designated for use by more than one business for the purposes of satisfying such requirements.
 - c. *On-street parking.* One parking space credit shall be allowed for every 22 feet of development frontage less five feet reserve on either side of driveways and ten feet reserve on street intersections.
 - (2) *Off-street parking design standards.* Required off-street parking areas within the downtown district shall have individual spaces marked by painted lines or curbs or other means to indicate individual spaces. Parking schemes which require the use of adjacent public or private streets for maneuvering incidental to such parking shall not be prohibited. This requirement shall apply to all parking required for new construction and/or additions to existing buildings.
- (e) The building owner/developer must include in the permit application measures proposed for buffering, landscaping, or other site design, and any limitations necessary to address nuisance concerns, such as noise, to protect adjacent property owners.

ARTICLE IX. - SITE DEVELOPMENT PLAN

Sec. 28-85. - Site development—General.

- (a) Prior to any lot leveling, either through installation of fill dirt or through a cut of the natural grade, or any new construction or the enlargement of any exterior dimensions of any building, structure, or

improvement within the city, the developer shall submit to the city a site development plan in accordance with this article for review and approval by the city.

- (b) Site development shall include any project that affects public water, wastewater, storm drainage, or paving facilities.
- (c) All site development shall conform to the requirements of this article and applicable rules and regulations of the city.
- (d) Lot leveling activities associated with planting, tilling and grading which disturb one acre or more of land must comply with this chapter.

Sec. 28-86. - Design review requirements for site development plans.

- (a) All site development plans for proposed development shall be submitted to the city for approval prior to construction. Site development plans shall show all proposed buildings, structures, and landscaping, and all water, wastewater, paving, parking, drainage, flood protection facilities, and sediment control methods (BMPs).
- (b) Two copies of the site development plans shall be submitted for review. The city will respond within 14 days with an approval letter and/or with plans showing the required changes.
- (c) When plan changes are requested, two copies of the revised site development plans shall be resubmitted to the city for final review and issuance of an approval letter.
- (d) Site development plans shall be submitted to the Planning and Community Development Department, with the approval letter attached, and construction plans, for issuance of a permit prior to construction.

ARTICLE X. - SUPPLEMENTAL RULES AND REGULATIONS

Sec. 28-90. - Building slab elevations.

Minimum building slab elevations within the city shall be set at or above the elevation shown on the recorded plat, 12 inches above the 100-year flood plain elevation and maximum ponding elevation, or 18 inches above natural ground or 12 inches above the top of curb at the front of the lot or where no curb exist 12 inches above the street pavement, whichever is higher.

Sec. 28-91. - Site drainage requirements.

All new development and redevelopment shall comply with chapter 27, drainage criteria of this Code. Commercial, industrial, institutional, office, recreational, and multifamily tracts deeper than 100 feet measured from the right-of-way line shall have an internal drainage system. The internal drainage system shall collect all site runoff beyond 100 feet from the right-of-way line into a storm sewer system that shall connect to the public drainage facilities in the area, except as otherwise specifically approved by the city. The 100-foot area adjacent to the right-of-way may sheet flow to the roadway drainage system if the roadway system is designed to accommodate the additional sheet flow from the development.

- (1) The internal site storm sewer shall be connected to a public storm sewer at a manhole or at an inlet adjoining the site. The site drainage outfall shall be connected to the nearest existing drainage system with adequate capacity to serve the drainage area. Where extension of the existing drainage system is required, all costs for extension shall be the responsibility of the development.
- (2) All internal site storm sewers extended into a public right-of-way or easement shall be reinforced concrete pipe at least 15 inches in diameter. Only one connection will be allowed into the back of a curb inlet. Storm sewers shall be reinforced concrete pipe, ASTM C-76, Class III, with rubber gasket joints, ASTM C-443. Alternate materials may be used if specific approval is provided by the city's director of public works.

- (3) All internal facilities shall be designed by a registered professional engineer and shall be sized to drain the site in accordance with the requirements of this section.
- (4) Drainage calculations shall be submitted with all site development plans. Other supporting data may be required by the city.
- (5) When the site drains directly into an Austin County drainage facility and/or into a highway right-of-way, the appropriate governmental entity (entities) and the City of Sealy shall approve the site development connection to such public facilities. When drainage regulations conflict, the most stringent governmental entity regulation shall apply.

Sec. 28-92. - Driveways.

- (a) Single-family residential driveways shall be a minimum of ten feet wide at the right-of-way line and 16 feet wide at the street tie-in.
- (b) Nonresidential driveways shall be 25 feet to 40 feet wide. On a major thoroughfare, commercial driveways shall be 40 feet wide. Nonresidential driveways shall be spaced a minimum of 20 feet apart. On major thoroughfares, driveways shall be placed a minimum of 50 feet apart.
- (c) Nonresidential driveways on major thoroughfares shall be placed no closer than 125 feet from the ultimate curb line of an intersecting major thoroughfare or secondary street. Driveways on collector or local streets are to be placed no closer than 75 feet from the ultimate curb line of an intersecting major thoroughfare. Driveways that are not adjoining a major thoroughfare shall be placed beyond the curb return for the intersecting street.
- (d) Commercial tracts with less than 300 feet of frontage on a public street shall have no more than two driveways. Commercial tracts with more than 300 feet of frontage on a public street shall have minimum driveway spacing of 125 feet measured to the centerline.
- (e) All adjacent nonresidential developments must provide a cross-access easement between the properties. Cross-access easements shall be a minimum of 24 feet wide and shall provide ingress and egress between such properties.
- (f) Nonresidential driveway connection to the public street shall be approved and inspected by the city.
- (g) Driveway radii shall not extend beyond the projection of a property corner to the back of curb.
- (h) Driveways shall be installed according to the City of Sealy Construction Standards for Community Improvements. All residential and nonresidential driveways shall be constructed with concrete paving or asphalt consistent with city paving standards.

Sec. 28-93. - Accessory building and wings.

- (a) Accessory buildings attached to the main building by an enclosed or unenclosed structure may be permitted within the allowable building area of any lot defined by the required front, side and rear building lines.
- (b) No accessory building or wing shall be permitted in the required front yard or in the required rear yard.
- (c) Where the accessory building or wing is adjacent to a side street, the minimum side yard setback from said street shall be ten feet.
- (d) Accessory buildings, portions thereof or wings attached to the main building may not extend into the required rear yard. Said attached structure shall have a rear setback of not less than five feet and a side setback equal to the required minimum side setback of the main building.
- (e) Accessory buildings or portions thereof detached from the main building may be permitted provided:

- (1) That they are detached from the main building or structure and separated therefrom by a distance of not less than ten feet;
- (2) That detached accessory buildings have a rear yard setback of not less than five feet; and
- (3) That detached accessory buildings have a side yard setback of not less than three feet, when the exteriors and interiors of said structures meet the city's building code requirement for a one-hour fire wall construction with no openings on the side next to property line. When accessory buildings do not meet the above stated building code requirement, side yard setbacks shall be five feet.

Sec. 28-94. - More than one principal structure on a lot.

No more than one main building may be erected on a single lot or lot cluster unless approved by the City Council. No more than one single-family dwelling unit may be erected on a single lot.

Sec. 28-95. - Lots, tracts, and reserves.

Lots, tracts, and reserves within the city, unless the City Council, for cause, may otherwise approve, shall conform to the following minimum requirements:

- (1) Each residential lot, tract or reserve shall front on and have access from a dedicated public street. Any residential lot, tract or reserve having access only from an alleyway, easement or any right-of-way other than a dedicated public street shall not be permitted, except for those lots, tracts or reserves within a commercial complex that share a common access. The lots, tracts or reserves that share a common access shall comply with section 87-35 of this Code. No residential lot shall have access to an expressway or major arterial street unless they conform to the following conditions:
 - a. The lot shall have a minimum frontage on the expressway or major arterial street of 140 feet;
 - b. The lot shall contain a minimum area of two acres;
 - c. The lot shall be provided access to the expressway or major arterial street via one driveway only, having a minimum width of 24 feet, and a maximum width of 35 feet measured at the right-of-way line, and shall have a minimum radius of 25 feet at the point of connection to the paving of the major thoroughfare or collector street; and
 - d. Access driveways shall be located in accordance with the following:
 1. Shall be located at least 100 feet from a street intersection as measured from the center of the driveway to the right-of-way line of the street intersecting the expressway or major arterial street; and
 2. Shall be located at least 40 feet from a property line as measured from the centerline of the driveway.
- (2) Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries according to the thoroughfare plan or to overcome specific disadvantages due to topography and orientation. Where lots have double frontage, a front building line shall be established for each street and access shall be permitted from only one thoroughfare.

Sec. 28-96. - Parking, storage, or use of major recreational equipment.

For purposes of this section, major recreational equipment is defined as including boats and boat trailers, travel trailers, campers designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and cases or boxes for transporting recreational equipment, whether occupied by such equipment or not. Major recreational equipment may be parked or stored on any lot for which residential use has been declared and the owner's home occupies the same location. No such equipment

shall be used for living or housekeeping purposes, except when parked in a mobile home park. Major recreational equipment may have electrical power and water connected for a period not to exceed one week during loading or unloading.

Sec. 28-97. - Parking and storage of certain vehicles.

Automotive vehicles or trailers bearing license plates or motor vehicle inspection stickers which are more than three months out of date, shall not be parked on a residential lot unless within a completely enclosed building.

ARTICLE XI. - COMMERCIAL AND INDUSTRIAL FACADE IMPROVEMENT

Sec. 28-100. - Statement of intent.

The city council has determined that establishing minimum standards for exterior building finishes for nonresidential structures protects and advances the general welfare of the community by, among other things:

- (a) Enhancing and protecting the aesthetic interests of the community;
- (b) Providing for the structural integrity, safety, durability and improved maintenance of the facade of buildings;
- (c) Protecting property values and lessening the impact commercial properties may have on surrounding residential development; and
- (d) Promoting economic development by making the community a more desirable place to live and shop.

Sec. 28-101. - General regulations.

- (a) This article applies to all nonresidential buildings constructed after January 23, 2010.
- (b) Any repair or alteration that involves more than 50 percent of the exterior walls of a building constructed prior to January 23, 2010, and any repair, addition, or alteration, to a building constructed after January 23, 2010, must comply with this article.
- (c) The director of planning and community development reserves the right to refer any proposed exterior building design elevations to the planning commission and city council for their review and approval, respectively, whenever it's not apparent if a proposed building design will satisfy the spirit and intent of any section of these exterior building design regulations.
- (d) For purposes of implementing the requirements of this chapter, the following terms are defined:
 - (1) Commercial: Any activity involving the wholesale or retail sale of goods or services for profit. For the purposes of implanting these requirements, the term "commercial" shall also apply to offices, institutional uses, contractor businesses and apartment complex development.
 - (2) Business park, research park, light/flex industrial: Synonymous terms that describe uses that are developed that is planned, developed and operated as an integrated facility for a number of industrial and related commercial uses in a manner where accesses, truck circulation, truck maneuvering for loading/unloading, storage, parking, and utility needs are coordinated in a manner where the development blends into the urban landscape with a corporate or campus-like design aesthetic to completely screen the more intensive aspects of the business park behind the buildings in the business park. Light industrial development with a single, or a few uses, can achieve the same design appeal by the method in which the site plan of property is conceived.
 - (3) Heavy industrial/distribution: An establishment engaged in the manufacture, processing, assembly, compacting, packaging or compounding and/or treatment of raw materials or the transportation, storage or distribution of such materials.

- (4) Self-service storage facility: A facility including buildings or structures containing space of variable sizes that are leased or rented on an individual basis and used for the indoor or outdoor storage of excess property, vehicles, recreational equipment and other equipment.

Sec. 28-102. - Commercial facade and exterior finish standards.

- (a) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
- (b) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.
- (c) Where principal buildings contain additional, separately owned stores which occupy less than 10,000 square feet of gross floor area, with separate, exterior customer entrances:
 - (1) The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
 - (2) Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.
- (d) Building facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
 - (1) Color change.
 - (2) Texture change.
 - (3) Material module change.
 - (4) Expression of architectural or structural bay through a change in planes not less than 12 inches in width, such as an offset, reveal, or projecting rib.

Sec. 28-103. - Commercial roofs standards.

Roofs shall have no less than two of the following features:

- (a) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.
- (b) Overhanging eaves, extending no less than three feet past the supporting walls.
- (c) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
- (d) Three or more roof slope planes.

Sec. 28-104. - Commercial materials and colors standards.

- (a) Principal exterior building materials shall be of high quality. Materials for the exterior building facades shall include, but not limited to, brick, wood, sandstone, other native stone, decorative finished metals, standing seam metal, or tinted or textured concrete masonry units. Additional acceptable building finish materials include, but are not limited to, exterior insulation finish system (EIFS), stucco, decorative cast stone, block glass, faux stone, over-sized CMU (faux brick), and clay and/or concrete tiles. The use of curtain glass shall be permitted as an accent material, less than 50 percent of the facade of any building.

Due to a variety of architectural insulated metal wall panels products, applications and design, this material may be approved on a case by case basis, based on approval of a building elevation that shows that the proposed application is consistent with the spirit and intent of these regulations. When this material is used as an accent material < 25 percent of any building facade facing a street right-of-way, the use of this material may be permitted administratively if the proposed material satisfies the intent of these regulations, as expressed this ordinance. If it's not clear if a proposed material satisfies the intent of these regulations, the director may invoke the process described in section 28-101(c). When the application of this material exceeds 25 percent of a facade but is less than 50 percent of a facade facing a street right-of-way, the use of the material shall be subject to planning commission review and City Council approval. For applications greater than 50 percent of a building facade facing a street right-of-way, the use of the material shall be subject to planning commission review and city council approval. When considering these products, the architectural metal wall panel product that is proposed to be utilized as an exterior building finish must be articulated, not have an unfinished metal or hardy plank appearance and must enhance the overall design of the building. The city may reject the use of this material if the overall appearance of the building in which the material is proposed will not satisfy the spirit and intent of these design regulations.

- (1) Pre-fabricated steel panels may be used on the building exterior sides and rear. However, if the building is on a corner lot and/or the lot abuts more than one street each street side of the building exterior shall be of high quality materials such as, but not limited to, brick, wood, sandstone, other native stone, decorative finished metals, standing seam metal, or tinted or textured concrete masonry units. The use of architectural insulated metal wall panels products, applications and design, this material may be approved on a case by case basis, based on approval of a building elevation that shows that the proposed application is consistent with the spirit and intent of these regulations.
- (2) The use of curtain glass shall be subject to the same design standards described above for architectural insulated metal wall panels products and shall require planning commission review and city council approval as stipulated in section 28-104 for architectural insulated metal wall panels products.
- (b) Facade colors shall be low reflectance, with subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited. The City of Sealy Planning and Community Development Department shall maintain the color chart of Primary and accent building colors shall first and foremost be compatible with surrounding development and appropriate for the color pallet of Southeast Texas. In locations where there is not an identifiable, predominant color pallet, local color preferences are earth tones and Acme "Cranberry Red".
- (c) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- (d) Principal exterior building materials should not include smooth-faced concrete block, un-textured or smooth faced tilt-up concrete panels, or pre-fabricated steel panels. If a building is visible to public rights-of-way on all four sides, all sides of the building shall be considered principal exterior facades.
- (e) There are businesses that have special design needs based on the manner in which business is conducted, that does not lend itself to a traditional tilt wall or form building design. Showrooms for automobiles, boats, recreational vehicles and other oversized equipment are examples. For such uses, the applicant shall submit a building elevation of the proposed building, describe the special design needs of the building and request approval of an alternate design that meets the spirit and intent of these regulations. Such a request would require planning commission review and city council approval.

Sec. 28-105. - Business park, research park, light/flex industrial facade and exterior finish, roof, materials and color standards.

All standards described in sections 28-102, 28-103 and 28-104 shall be applicable to those building facades visible to public rights-of-way.

Sec. 28-106. - Heavy industrial/distribution facade and exterior finish standards.

- (a) The materials used on the exterior facade of all buildings within the city limits shall conform to the requirements below.
- (b) Any repair or alteration that involves more than 50 percent of the exterior walls of a building constructed prior to the date of this ordinance, and any repair, addition, or alteration, to a building constructed after the date of this ordinance [from which this section derives], must comply with this article.
- (c) Minimum exterior wall standard for any industrial building front or side facade adjacent to, or visible from, a major thoroughfare or any portion of said building directly abutting residential development shall include a minimum of 25 percent masonry or brick, or other materials specified in section 28-104. Upon satisfying the 25 percent premium material requirement, other finishing materials may include 26-gauge R-Panel with a 30-year color warranty, stone brick veneer, tilt wall, decorative or textured concrete block, split face block, stucco, and EIFS (exterior insulation and finish systems), or any of the others materials listed in section 28-104. On facades that do not face rights-of-way or neighborhoods, these building finish requirements shall not be applicable.
 - (1) All nonconforming structures must come into compliance with the above standards whenever any repair or alteration that involves more than 50 percent of the exterior walls of a building constructed prior to the date of this ordinance, and any repair, addition, or alteration, to a building constructed after the date of this ordinance [from which this section derives], must comply with this article.
 - (2) Corrugated galvanized sheet metal is not allowed and any R-panels less than 26-gauge are not allowed.
 - (3) The use of architectural insulated metal wall panel products, applications and design is acceptable on all base industrial developments. Colors, articulation and design shall satisfy the spirit and intent of these regulations on those facades readily visible from public rights-of-way and residential developments. Applications of this material greater than 50 percent of any facade building facade facing a street right-of-way or residential neighborhood, the use of the material shall be subject to planning commission review and city council approval. When considering these products, the architectural metal wall panel product that is proposed to be utilized as an exterior building finish must be articulated, not have an unfinished metal or hardy plank appearance and must enhance the overall design of the building. The city may reject the use of this material if the overall appearance of the building in which the material is proposed will not satisfy the spirit and intent of these design regulations. For facades not visible to public rights-of-way or residential neighborhoods, the use of this product is acceptable and is encouraged to enclose heavy industrial operations and processes.
 - (4) In the case of an industrial operation but that is principally comprised of major heavy industrial structures, such as, but not limited to, oil storage tanks, foundries and the like, shall not be subject to these design requirements. If such an operation has a front office, only that building, and any other building that is visible from a public right-of-way, is subject to these design requirements, be applicable to industrial.
 - (5) In the case of an industrial use that is completely screened from public right-of-way or residential views due to screening, landscaping or large buffer, that operation shall not be subject these design requirements.

Sec. 28-106.1. - Self-service storage facility facade and exterior finish standards.

- (a) Self-service storage facilities are a unique use with respect to building design. When designed with consideration to blending into the city with a mix of screening and design attributes, this use is appropriate on many commercial corridors and in some instances in close proximity to neighborhoods. The unique attribute of many of these buildings is that typically only a small portion of the facility may be visible to a public right-of-way or an adjoining neighborhood. In those instances,

those portions of the building visible to the public right-of-way, or an adjoining neighborhood, should be designed to the commercial building design standards of this chapter. Other portions of the building that are not visible to the public can be screened or designed to the industrial use standards of this chapter.

- (b) In order to determine the appropriate level of building design and screening to achieve the spirit of this chapter, a site plan and building elevations should be submitted for staff review. The director shall review the site plan for conformity to the following standards. If the applicant and city cannot agree on an appropriate mix of building design, screening and site plan design to address the intent of these regulations, an applicant may appeal the decision of the director to the planning commission, and if necessary to the city council.
- (c) Special requirements for self-storage facilities.
 - (1) Screening required. No building shall be located so that the door of the self-storage unit faces the street unless screening is constructed along the entire length of the building, said screening to be in the form of:
 - a. A screening fence is constructed in accordance with requirements of the Sealy City Code;
 - b. An opaque and evergreen landscape hedge with a height of six feet at the time of planting;
 - c. Another building located between the self-storage units and the street; or
 - d. Such other screening that may be reviewed by the planning commission with City Council approval upon application of the developer or owner.
 - (2) Required facade materials. The sides of all self-storage unit buildings that face a street and/or an abutting residential property shall have exteriors that comply with the building design requirements of this chapter for commercial buildings. The elevations are not required to comply with the roof standards of the commercial standards, except for the screening roof top equipment from right-of-way views, but may include those elements in the project design to achieve the intent of this chapter.
 - (3) Driveways. All driveways must be designed to accommodate appropriate fire fighting vehicles and be approved by the fire marshal.
 - (4) Overhead doors. External overhead doors shall not directly face a residential property or a public right-of-way, unless the said overhead door is screened from view.
 - (5) Outdoor storage. When adjacent to public rights-of-way or residential properties, buildings shall be oriented in a manner, or screened in manner, where outdoor storage is not visible from public rights-of-way or residential views.

ARTICLE XII. - LAND DISTURBANCE PERMIT

Sec. 28-107. - Permit for land disturbance.

Before construction activity begins on land described below, the person owning, developing, or disturbing the land must obtain a land disturbance permit from the city:

- (1) Five acres or more of land; or
- (2) Less than five acres of land that is part of larger common plan of development or sale that will result in disturbance of one or more acres.

Sec. 28-108. - Application and issuance of land disturbance permits.

- (a) A completed application for a land disturbance permit must be submitted to the city planning and community development's office on a city form. The application will require a pollution prevention plan (if person is subject to TPDES permit or NPDES permit), a plan showing the person's best management practices for pollution and erosion control (if not subject to TPDES permit or NPDES

PERMIT, and a copy of the permit issued by the TCEQ or EPA for stormwater discharges associated with the site activities.

- (b) The land disturbance permit will be issued if the application complies with the provisions of this chapter. The permit must contain the name, address, and telephone number of the person performing the work, the location of the work, and any other information designated by the director of planning and community development or his/her designee.
- (c) The permit holder must keep the permit posted at a visible place at the work site and make it available for inspection upon the request of any city employee.
- (d) A land disturbance permit issued under this chapter will expire if no work or construction is commenced within six months of issuance, or if construction or work is abandoned for a period of six months at any time after work is commenced. This expiration applies to the stockpiling of fill dirt regardless to if a land disturbance permit is issued. Fill dirt shall not be stockpiled for more than six months. Upon the written request of the permit holder, the director of planning and community development or his/her designee may grant additional time in three-month increments, not to exceed a six months extension to complete the work under the land disturbance permit.

ARTICLE XIII. - VARIANCES AND APPEALS

Section 110. - Variances.

- (a) The Planning Commission shall hear all variance applications and make a recommendation to City Council.
- (b) The Planning Commission shall recommend a variance where it is determined that the granting of a variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of these regulations will result in an unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done; and the granting of a variance is necessary to secure appropriate development of a parcel of land that differs from other parcels within the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without modification, the granting of a variance will not be materially detrimental or injurious to other property or improvements within the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets, increase the danger of fire, endanger the public health, safety, and well-being, or substantially diminish or impair property values within the neighborhood; and the variance desired will not be contrary to the general purpose and intent of these regulations.
- (c) The Planning Commission shall forward its decision and findings to the City Council who shall decide all variances based on the same criteria listed in subsection (b) of this section."

Section 3. *Repeal.* All ordinances or parts of ordinances in conflict herewith are repealed.

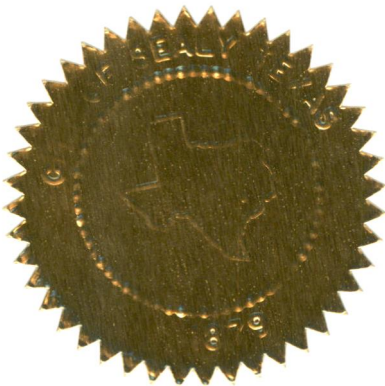
Section 4. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

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 Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Effective date. This Ordinance shall become effective immediately and enforceable when published as required by law.

PASSED, APPROVED, AND ADOPTED ON FIRST READING this 4th day of June 2019.

PASSED, APPROVED, AND ADOPTED ON SECOND READING this 18th day of June 2019.



Janice Whitehead

Janice Whitehead, Mayor

ATTEST:

Brooke Christoferson

Brooke Christoferson, Deputy City Secretary

Chapter 28 Ammendment Spacing Between Multi-Family Residences

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, DELETING SECTION 28-52 OF ARTICLE VI OF CHAPTER 28 AND PROVIDING FOR A NEW SECTION 28-52 OF ARTICLE VI OF CHAPTER 28; PROVIDING RULES AND REGULATIONS FOR MULTIFAMILY DEVELOPMENT; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Sealy, Texas ("City") finds that amending the rules and regulation for multifamily developments are appropriate pursuant to recent changes in state law; and

WHEREAS, the City Council further finds that such development amendments are for the good of the government and ensure responsible and orderly development; and

WHEREAS, the development amendments further protect property values while providing for adequate light, air, green space, fire protection, and recreation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The facts and recitations contained in the preamble to this ordinance are true and correct and incorporated herein for all purposes.

Section 2. Section 28-52 of Article VI of Chapter 28 is deleted and a new Section 28-52 of Article VI of Chapter 28 is added to read as follows:

"Chapter 28 – DEVELOPMENT RULES, REGULATIONS AND STANDARDS

* * * *

ARTICLE VI. – MULTIFAMILY DEVELOPMENTS

* * * *

Sec. 28-52. – Spacing between buildings.

Each building within a multiple-family dwelling complex shall be separated from other buildings by at least thirty-five (35) feet."

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 4. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, 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 5. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulation governs fire safety, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. Effective Date. This ordinance shall become effective immediately and enforceable when published as required by law.

PASSED AND APPROVED at this first reading on the 12th day of July 2021.

PASSED, APPROVED AND ADOPTED at this second reading on the 20th day of July 2021.



Carolyn Bilski, Mayor

ATTEST:



Brooke Knoll, City Secretary



The Sealy News

•P.O. Box 480 • 193 Schmidt Rd. • Sealy, Texas 77474-0480

(979)885-3562 • Billing@sealynews.com

Affidavit Of Publication

THE STATE OF TEXAS

COUNTY OF AUSTIN

BEFORE ME, the undersigned authority, on this day personally appeared,
KAREN LOPEZ known to me, who, being duly sworn, upon
his/her oath deposes and says that: her/she is the authorized agent of The Sealy
News newspaper of general circulation being published in Austin County; and that
said newspaper has been continuously and regularly published in the said county for
more than one year; that a copy of the foregoing was published in said newspaper,
such publication being on the following dates:

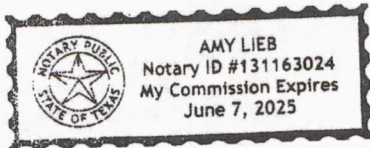
City of Sealy 7/29/21

Signed: _____

Karen Lopez

Authorized Agent

SWORN TO AND SUBSCRIBED before me this 29 day of July, 2021.



[Signature]

Notary Public in and for the State of Texas.