

ORDINANCE NO. 2010-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS, BY DELETING ALL OF CHAPTER 28 THEREOF AND SUBSTITUTING THEREFOR A NEW CHAPTER 28 TO PROVIDING STANDARDS FOR DEVELOPMENT WITHIN THE CITY; ESTABLISHING MINIMUM LOT SIZES, BUILDING SET BACKS, AND DENSITY REQUIREMENTS; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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

**Section 1.** The Code of Ordinances of the Sealy, Texas is hereby amended by deleting all of Chapter 28 thereof and substituting therefor a new Chapter 28 to provide 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.

*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

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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.

*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.

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

*Industrialized Housing* shall mean a structure designed primarily for residential occupancy, as described in Chapter 14, Article VII of this Code, and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. The term does not include a structure or building classified as an institutional building or manufactured home.

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

*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.

*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 one hundred 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.

*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.

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*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.

*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.

**Sec. 28-2. Setback averaging.**

The required front and street side setbacks for all uses may be modified when lots on one side of a street have principal structures with less than the required setback, then the average of those nonconforming setbacks, on the same side of the street, may be used as the setback for any new construction, provided that:

- (1) the new construction location does not create a hazard to public safety, either because of site restrictions, fire code or life safety code;
- (2) the setback averaging does not result in the new construction being placed within 10 feet of an existing structure; and
- (3) the new construction is not located on or across an easement.

**Secs. 28-3--28-9. Reserved.**

**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.

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(b) *Side, generally.* The side building line shall not be less than 5 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 5 feet, and if the alleyway is a 15-foot alleyway, then the rear building line shall not be less than 7-1/2 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) *Lot coverage.* Not more than 75 percent of a lot may be covered with buildings, driveways, sidewalks, or other impermeable material. In no cause 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

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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 10 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.

**Secs. 28-13--28-19. Reserved.**

**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 seven and one-half 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.

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(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) *Lot coverage.* 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 10 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.

### **Secs. 28-23--28-29. Reserved.**

## 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 lots 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

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shall not be less than seven and one-half 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 one 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) *Maximum height.* No townhome shall be constructed with more than two and one-half stories, or greater than 35 feet in total height, including gables.

(e) *Lot coverage.* 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 10 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. Density.**

No townhome development shall contain more than 16 townhome units per acre. A development may have a higher concentration or clustering of

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townhomes within certain areas of the development to provide for larger open spaces, such as green belts, common areas, and/or residential facilities, provided the maximum overall density of the development does not exceed 16 townhomes per acre.

**Sec. 28-34. 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. 28-35. 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. 28-36. 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.

**Secs. 28-37--28-39. Reserved.**

**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.

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(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 seven and one-half 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) *Lot coverage.* 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. 28-42. 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

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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 10 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. Density.**

No patio home development shall contain more than 12 patio home units per acre. A development may have a higher concentration or clustering of patio homes within certain areas of the development to provide for larger open spaces, such as green belts, common areas, and/or residential facilities, provided the maximum overall density of the development does not exceed 12 patio homes per acre.

**Sec. 28-44. 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. 28-45. 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.

**Secs. 28-46 28-49. Reserved.**

**ARTICLE VI. MULTIFAMILY DEVELOPMENTS**

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**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. Density.**

No multiple-family dwelling development shall contain more than 18 dwelling units per acre. A development may have a higher concentration or clustering of dwellings within certain areas of the development to provide for larger open spaces, such as green belts, common areas, and/or residential facilities, provided the maximum overall density of the development does not exceed 18 dwellings per acre.

**Sec. 28-52. Height; stories.**

No multiple-family dwelling shall be constructed to a height which exceeds 45 feet above the natural grade, or which contains more than three stories.

**Sec. 28-53. Spacing between buildings.**

Each building within a multiple-family dwelling complex shall be separated from other buildings by not less than 35 feet.

**Sec. 28-54. 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.

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(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 seven and one-half 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. 28-55. 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. 28-56. 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

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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. 28-57. 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. 28-58. Fire sprinkler system.**

(a) The multiple-family dwelling developer shall design and construct a fire sprinkler system so as to provide adequate water flow for fire protection.

(b) The water distribution system shall comply in all respects with applicable rules, regulations, and ordinances of the state and city.

(c) All materials and installations shall be in accordance with American Water Works Association Standards and with other applicable standards of the city, shall be class 150 or better, and shall be approved by the director of public works, or designee.

(d) Fire hydrants in multiple-family dwelling complexes shall be spaced at intervals not to exceed 300 feet as measured along the street or driveways. All mains and laterals shall be looped. Streamer connections shall be national standard threads. Barrel lengths for fire hydrants shall be four feet or longer.

(e) The class and type of fittings and valves used in the water distribution system in multiple-family dwelling complexes shall comply with applicable city codes. Each valve shall be of the double gate type, shall have a nonrising stem and shall operate counterclockwise to open. Valve boxes of a type approved by the city shall be installed on each valve.

(f) Before the water distribution system shall be put in service in a multiple-family dwelling complex, it shall be subject to a static pressure test under the supervision of a designated city representative to determine if the system is free of leaks. The lines shall be subjected to pressure testing requirements applicable to public water systems in the state. If the amount of water lost during the test is excessive, the developer shall find and repair the leak or leaks and retest the line until results are satisfactory.

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(g) Before the system shall be put in service, it shall be sterilized by chlorination as directed by the designated city representative. After the initial chlorination, the line shall be drained and refilled and the city shall collect samples from the system and have them tested by a laboratory. The water samples shall comply with the state health department standards. The sterilization procedure shall be repeated until the water samples meet the health standards. The developer shall sterilize the water distribution system at no cost to the city.

**Sec. 28-59. 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. 28-60. 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. 28-61. 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:

a. 40 feet in height 65 feet setback from the property line of the residential lot.

b. 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.

**Secs. 28-62--28-69. Reserved.**

**ARTICLE VII. COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL PROPERTIES**

**Sec. 28-70. Building lines for commercial, industrial, institutional, and church properties.**

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(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 seven and one-half 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) of this section.

(g) *Adjacent to single-family residence, duplex, patio home, townhome use.* No commercial, industrial, institutional, or church 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 district," area as set forth in article VIII herein, 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

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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) *Church.* One space for every three and one-half 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.

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(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.

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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 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 10 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.

(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:

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**Parking angle width of aisle traffic direction**

**TABLE INSET:**

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 10 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 5 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 6 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

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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 church 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 church 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.

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(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

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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 church or place of religious 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 church or place of religious 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

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(4) Gasoline, diesel fuel, or gasohol held by a service station engaged in the primary economic activity of retailing automotive fuels and oils.

**Secs. 28-74--28-79. Reserved.**

**ARTICLE VIII. DOWNTOWN DISTRICT**

**Sec. 28-80. Downtown district.**

(a) For purposes of this article, "downtown district" shall be defined to include the area within and bordered by the Union Pacific Railroad right-of-way, W. Front Street, Fifth Street, and State Highway 36 within the City of Sealy, Austin County, Texas.

(b) The provisions of this article shall apply to buildings and development located within the downtown district only. In the event of conflict between the provisions of this article and article VII herein regarding buildings and development within the downtown district, the provisions of this article shall apply.

(c) Building lines, set backs, and lot coverage within the downtown district shall be as prescribed in chapter 29, section 29-7 of the Sealy City Code.

(d) 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.

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(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.

**Secs. 28-81--28-84. Reserved.**

**ARTICLE IX. SITE DEVELOPMENT PLAN**

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

(a) Prior to 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.

**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, and flood protection facilities.

(b) Four 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, four 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.

**Sec. 28-87—28-89. Reserved**

**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

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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 Sealy City 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) Non-residential driveways shall be 25 feet to 40 feet wide. On a major thoroughfare, commercial driveways shall be 40 feet wide. Non-residential

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driveways shall be spaced a minimum of 20 feet apart. On major thoroughfares, driveways shall be placed a minimum of 50 feet apart.

(c) Non-residential 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 non-residential 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) Non-residential 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 non-residential driveways shall be constructed with concrete paving or asphalt consistent with city paving standards.

### **Sec. 28-93. Fire lanes.**

Fire lane easements shall be created on all multifamily and non-residential tracts. Fire lane easements shall be an all-weather driving surface capable of supporting the imposed loads of fire apparatus and are subject to the approval of the fire official and the director of planning and community development. All fire lane easements must have access to public-access streets.

(1) Fire lanes shall be of an unobstructed width of not less than a 24-foot easement, with adequate turning radius capable of supporting the imposed loads of fire apparatus and shall extend for the minimum length necessary to provide access for emergency vehicles as determined by the fire official in accordance with accepted fire safety standards. A 90 degree intersection is acceptable with prior approval of the fire official. All fire lanes shall have a minimum vertical clearance of 13 feet six inches.

(2) Fire lanes shall be constructed using the same pavement structural requirements as public pavement. Alternate materials may be used with specific approval from the department of public works.

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(3) Fire lanes shall be designed to drain in compliance with the site development requirements.

**Sec. 28-94. 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. 28-95. 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 planning commission. No more than one single-family dwelling unit may be erected on a single lot.

**Sec. 28-96. Lots, tracts, and reserves.**

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

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(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 Sealy City 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. 28-97. 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.

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**Sec. 28-98. 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.

**Sec. 28-99. Reserved.**

**Article XI. Commercial and Industrial Façade Improvement**

**Sec. 28-100. Statement of Intent**

The City Council has determined that establishing minimum standards for exterior building finishes for non-residential 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% 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.

**Sec. 28-102. Façade and exterior wall standards**

(a). Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the façade and extending at least 20 percent of the length of the facade. No uninterrupted length of any façade 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:

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(1) The street level facade of such stores shall be transparent between the height of 3 feet and 8 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 3 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 plane not less than 12 inches in width, such as an offset, reveal, or projecting rib.

### **Sec. 28-103 Roofs Standards**

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

(1) 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.

(2) Overhanging eaves, extending no less than 3 feet past the supporting walls.

(3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.

(4) Three or more roof slope planes.

### **Sec. 28-104. Materials and Colors Standards**

(a) Principal exterior building materials shall be of high quality. Materials for the exterior shall include, but not limited to, brick, wood, sandstone, other native stone, or tinted or textured concrete masonry units.

(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, or tinted or textured concrete masonry units.

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(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 appropriate exterior colors.

(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, untextured or smooth faced tilt-up concrete panels, or pre-fabricated steel panels.”

**Section 2.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500. Each day of violation shall constitute a separate offense.

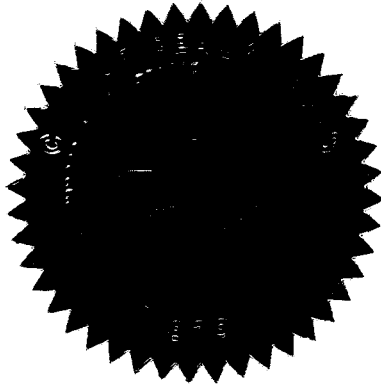
**Section 3.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 4.** In the event any 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 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 such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**ORDINANCE NO. 2010-01**

**PASSED AND APPROVED** on first reading this 14<sup>th</sup> day of October 2009.

**PASSED, APPROVED, AND ADOPTED** on second and final reading this 14<sup>th</sup>  
day of January 2010.



*Nick Tirey*  
\_\_\_\_\_  
Nick Tirey, Mayor

ATTEST:

*Krishna Langton*  
\_\_\_\_\_  
Krisha Langton, City Secretary