



**MEETING MINUTES
JUNE 1, 2026**

**SEABROOK BOARD OF
ADJUSTMENT/BUILDING STANDARDS
COMMISSION
MEETING**

Chair Sue Thomey called the Seabrook Board of Adjustment to order at 6:02 p.m. in Seabrook City Hall. Present were Sue Thomey, Terry Moore, Terri Sones, Michael Kent, and Adam Holland. Also in attendance were: Deputy City Manager/Planning and Community Development Director Sean Landis and Community and Economic Development Coordinator Ranya Botros.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no public comments.

2. PUBLIC HEARING

- 2.1 Conduct a public hearing on a request for a variance to the City of Seabrook Code of Ordinances, Appendix A, "Comprehensive Zoning," specifically Article 3, "Establishment of Zoning Districts and Associated Regulations," Section 3.16, "SH 146 Main Commercial District (146-M)," Subsection 3.16.03(F) regarding minimum lot depth requirements, and Article 7, "Landscaping and Buffering Requirements," including Section 7.01.07(2)(a), "Perimeter Landscaping" requirements for commercial and multi-family parking lot screening and buffering.**

The public hearing opened at 6:03 p.m. There were no public comments. The public hearing closed at 6:03 p.m.

3. NEW BUSINESS

- 3.1 Consider and take all appropriate action on a request for variances to the City of Seabrook Code of Ordinances, Appendix A, "Comprehensive Zoning," specifically Article 3, "Establishment of Zoning Districts and Associated Regulations," Section 3.16, "SH 146 Main Commercial District (146-M)," Subsection 3.16.03(F) regarding minimum lot depth requirements, and Article 7, "Landscaping and Buffering Requirements," including Section 7.01.07(2)(a), "Perimeter Landscaping" requirements for commercial and multi-family parking lot screening and buffering.**

Deputy City Manager/Planning and Community Development Director Sean Landis gave a presentation on the variance request. Mitchell Mayard of Kimley Horn also gave a presentation on the variance request on behalf of Mavis Tire Supply, LLC.

Variance findings pursuant to section 11.04.02 were as follows (see attachment):

Section A: 4 Ayes - Passed
Section B: 4 Ayes - Passed
Section C: 4 Ayes - Passed
Section D: 4 Ayes - Passed
Section E: 4 Ayes - Passed

The variance was approved.

4. ROUTINE BUSINESS

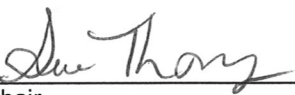
4.1 Approve minutes from the March 30, 2026 BOA/BSC meeting.

Motion:	To Approve
Made By:	Member of BOA/BSC Moore
Seconded By:	Member of BOA/BSC Sones
Vote:	Passed unanimously by all present.

Adam Holland arrived towards the end of the meeting and did not vote on the variance request.

The meeting adjourned at 6:20 p.m.

APPROVED:


Chair

DATE:

7/13/26

ATTEST:


Ranya Botros
Community & Economic Development Coordinator



APPLICANT – Richard Valverde, Mavis Tire Supply. LLC

PROPERTY: 1902 Bayport Blvd, Seabrook, Texas 77586

A tract or parcel of land containing 0.9874 acre (43,011 square feet), situated in the R. Morris League, Abstract No. 52, Harris County, Texas, and being a portion of Lot 1, Block 1, Miramar Plaza, according to the map or plat thereof recorded under Film Code No. 513038 of the Harris County Map Records (H.C.M.R.). Said Lot 1 is further described in that certain instrument conveyed to University of Kentucky Real Estate Foundation, Inc., recorded under Harris County Clerk's File No. RP-2023-260732 (H.C.M.R.).

Location: This property is located east of Bayport Boulevard, north of Capri Lane, and south of El Mar Lane.

HEARING ON JUNE 1, 2026, BEFORE SEABROOK BOARD OF ADJUSTMENT

VARIANCE REQUEST: A request for variances to the City of Seabrook Code of Ordinances, Appendix A, "Comprehensive Zoning," specifically Article 3, "Establishment of Zoning Districts and Associated Regulations," Section 3.16, "SH 146 Main Commercial District (146-M)," Subsection 3.16.03(F) regarding minimum lot depth requirements, and Article 7, "Landscaping and Buffering Requirements," including Section 7.01.07(2)(a), "Perimeter Landscaping" requirements for commercial and multi-family parking lot screening and buffering.

VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.

Applicant's Answer: The subject property is uniquely impacted by a prior TxDOT right of way taking which substantially reduced the depth of the lot along SH-146. This condition is not shared by any other properties within the same zoning district and results in an unusually shallow site given its application of the landscape buffer requirement impractical.

We find accordingly

Ayes: 4
Nays:
Abstain:

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

Applicant's Answer: Without the requested variance, the reduced lot depth would severely limit the feasible building footprint and site layout, effectively preventing development of a permitted use that is commonly enjoyed by other similarly zoned properties along SH-146 that were not impacted by right-of-way acquisition.

We find accordingly.

Ayes: 4
Nays:
Abstain:

C. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant's Answer: The site constraints are the direct result of a government-initiated TxDOT right-of-way acquisition that occurred prior to the applicant's proposed redevelopment. The applicant did not create or contribute to the condition necessitating the variance request.

We find accordingly.

Ayes: 4
Nays:
Abstain:

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Applicant's Answer: Approval of the variance would not grant a special privilege but rather allow reasonable use of the property consistent with the zoning district and surrounding development pattern. The variance request is limited in scope and necessary solely to address the site's unique physical constraints.

We find accordingly.

Ayes: 4
Nays:
Abstain:

E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

Applicant's Answer: Strict enforcement of the landscape buffer requirement would result in unnecessary hardship by rendering the site functionally difficult or potentially impossible to develop for its intended commercial use. The requested variances allows balanced development while maintaining compatible landscaping and screening consistent with the surrounding corridor.

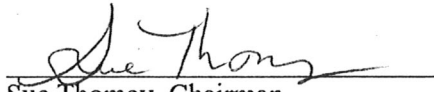
We find accordingly, for the reasons expressed herein:

Ayes: 4
Nays:
Abstain:

VARIANCE APPROVED ☒ DENIED ☐

Conditions:

This variance, as determined above, was APPROVED ☒ DENIED ☐ by a concurrence vote of at least four members of the Seabrook Board of Adjustment on this the 1st day of June, 2026, as certified by the signature of the Chairman, below, and is not valid without original signature. Upon signature by the Chairman/Acting Chairman, this document shall constitute the Final Decision of the Seabrook Board of Adjustment and shall be filed in the Boards Office/City Secretary's office on this date for public record.


Sue Thomey, Chairman
Board of Adjustment

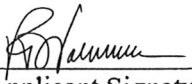


Attest:


Ranya Botros
Board Secretary/Office of the City Secretary

ACKNOWLEDGEMENT OF RECEIPT

I hereby acknowledge that the above Decision of Variance Findings are being filed with the Board of Adjustment Office/City Secretary on the above referenced date and I was provided a true and correct copy of this Decision on **June 1, 2026**.



Applicant Signature

Exhibit A

**PUBLIC HEARING NOTICE
SEABROOK BOARD OF ADJUSTMENT
MONDAY, JUNE 1, 2026 – 6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT OF THE CITY OF SEABROOK WILL HOLD A PUBLIC HEARING ON **MONDAY, JUNE 1, 2026, AT 6:00 P.M.** IN SEABROOK CITY HALL, 1700 FIRST STREET, SEABROOK, TEXAS, TO DISCUSS THE AGENDA ITEM LISTED BELOW.

THIS HEARING IS OPEN TO THE PUBLIC AND EVERYONE ATTENDING WILL HAVE THE OPPORTUNITY TO SPEAK FOR OR AGAINST THIS REQUEST IN ACCORDANCE WITH THE PROCEDURES OF THE BOARD. ALL REQUIRED DOCUMENTS REGARDING THIS REQUEST IS AVAILABLE FOR REVIEW AT CITY HALL IN THE COMMUNITY DEVELOPMENT DEPARTMENT WEEKDAYS FROM 8:00 A.M. TO 5:00 P.M. PLEASE CALL (281) 291-5705 IF YOU HAVE QUESTIONS.

SPECIFIC PUBLIC HEARING

A request for a variance to the City of Seabrook Code of Ordinances, Appendix A “Comprehensive Zoning”, specifically Article 3, “Establishment of Zoning Districts and Associated Regulations,” Section 3.16, “SH 146 Main Commercial District (146-M),” Subsection 3.16.03(F) regarding area regulations for lot depth, and Article 7, “Landscaping and Buffering Requirements,” including Section 7.01.07, “Commercial and Multi-Family Use Parking Lot Screening and Buffering Regulations,” Subsections 1 (Interior Landscaping) and 2 (Perimeter Landscaping), as well as Section 7.01.08, “Commercial and Multi-Family Use Interior Site Landscape Regulations.”

Legal Description: 1902 Bayport Boulevard, Seabrook, TX 77586

A tract or parcel of land containing 0.9874 acre (43,011 square feet), situated in the R. Morris League, Abstract No. 52, Harris County, Texas, and being a portion of Lot 1, Block 1, Miramar Plaza, according to the map or plat thereof recorded under Film Code No. 513038 of the Harris County Map Records (H.C.M.R.). Said Lot 1 is further described in that certain instrument conveyed to University of Kentucky Real Estate Foundation, Inc., recorded under Harris County Clerk’s File No. RP-2023-260732 (H.C.M.R.).

Location: This property is located east of Bayport Boulevard, north of Capri Lane, and south of El Mar Lane.

CERTIFICATE

I certify that this notice was posted on the bulletin board at Seabrook City Hall on or before 5:00 p.m., Wednesday, May 6, 2026, and that it will remain posted until after completion of the hearing.

/s/ Ranya Botros, Administrative Assistant

Exhibit B

VARIANCE REQUEST

Mavis Tire Supply Store #2392

1902 Bayport Boulevard

Seabrook, Texas 77586

Submitted to the City of Seabrook

Board of Adjustment

A request for a variance to the City of Seabrook Code of Ordinances, Appendix A, *Comprehensive Zoning*, specifically Article 3, Section 3.16.03(F) of the *SH 146 Main Commercial District (146-M)* regarding area regulations for lot depth, and Article 7, including Sections 7.01.07 (Commercial and Multi-Family Use Parking Lot Screening and Buffering) and 7.01.08 (Interior Site Landscape Regulations). The subject property has been uniquely impacted by a TxDOT right-of-way acquisition along State Highway 146, which permanently reduced the depth of the lot to be less than 125' deep (Sec. 3.16.03.F). Prior to this public infrastructure project, the site functioned as a taxable commercial property with sufficient depth to meet zoning and landscape standards, a condition no longer achievable due to circumstances beyond the applicant's control.

As a result of the reduced lot depth, strict application of the current lot depth and landscape buffer requirements would unreasonably constrain the buildable area and limit the site's ability to be redeveloped in a manner consistent with other commercially zoned properties along the SH-146 corridor. Granting the requested variance allows reasonable use of the property without conferring any special privilege and maintains the intent of the ordinance to the maximum extent practicable given the physical limitations created by the right-of-way taking.

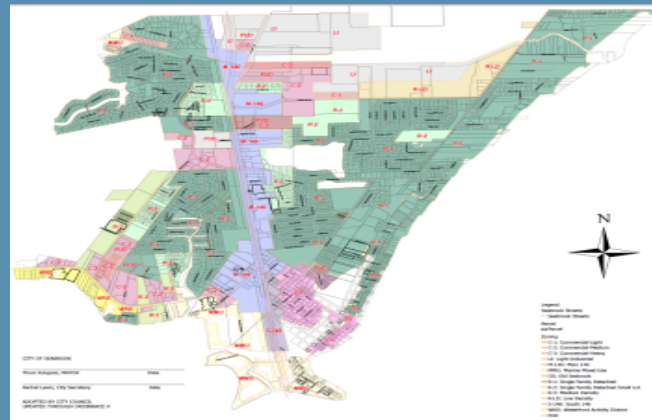
The proposed site plan has been intentionally informed by existing site conditions, with specific precautions taken to protect and preserve the established tree stand along the north and northeast portions of the property. Building placement, grading, circulation, and landscape design were coordinated to minimize disturbance in these areas, allowing mature trees to remain where feasible and maintaining an existing natural buffer adjacent to neighboring properties. These measures reflect a good-faith effort to balance redevelopment with environmental stewardship while supporting reinvestment in a long-vacant site.

Exhibit C

City of Seabrook

Board of Adjustment Meeting

June 1, 2026



Location Aerial



Requests



Section 3.16.03 – Area Regulations

F. Lot Depth:

Each lot shall have a minimum depth of not less than 125 feet.

Due to TxDOT's acquisition of the property, the lot depth has been reduced to approximately 110 feet, rather than the 125 feet required under Section 3.16.03(F), Area Regulations.



Requests



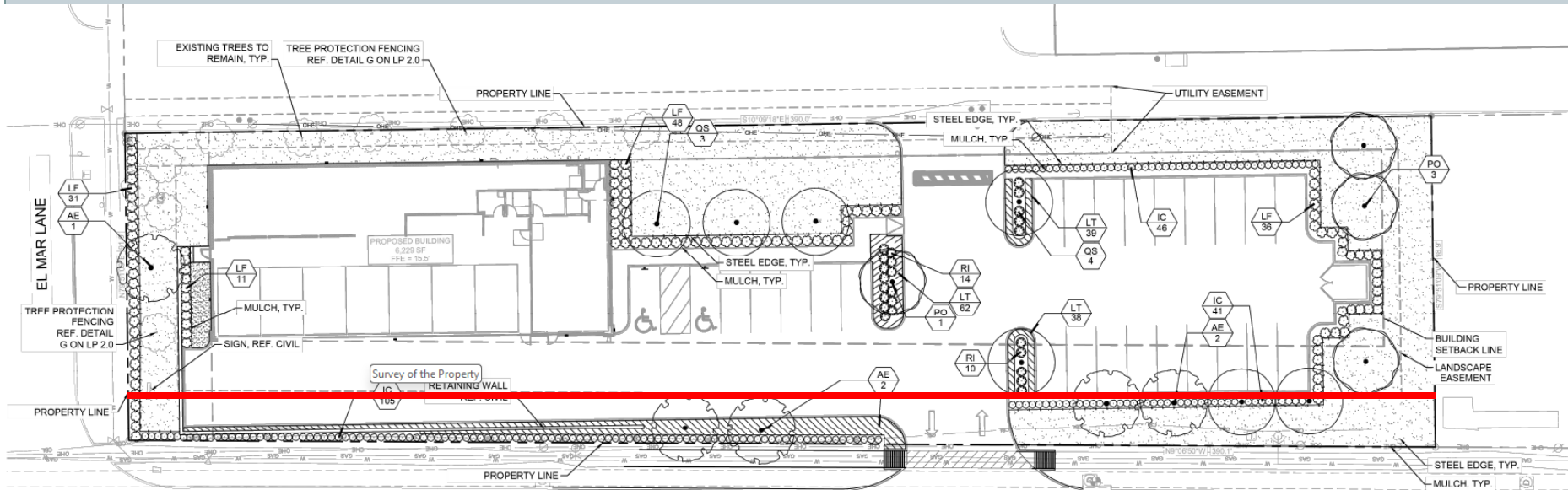
Section 7.01.07 – Non-Residential/Multi-Family Parking Lot Screening and Buffering Regulations

2. Perimeter Landscaping:

(a) Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area of at least fifteen (15) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed within this area, and the remaining area shall be landscaped with grass or other approved ground cover.

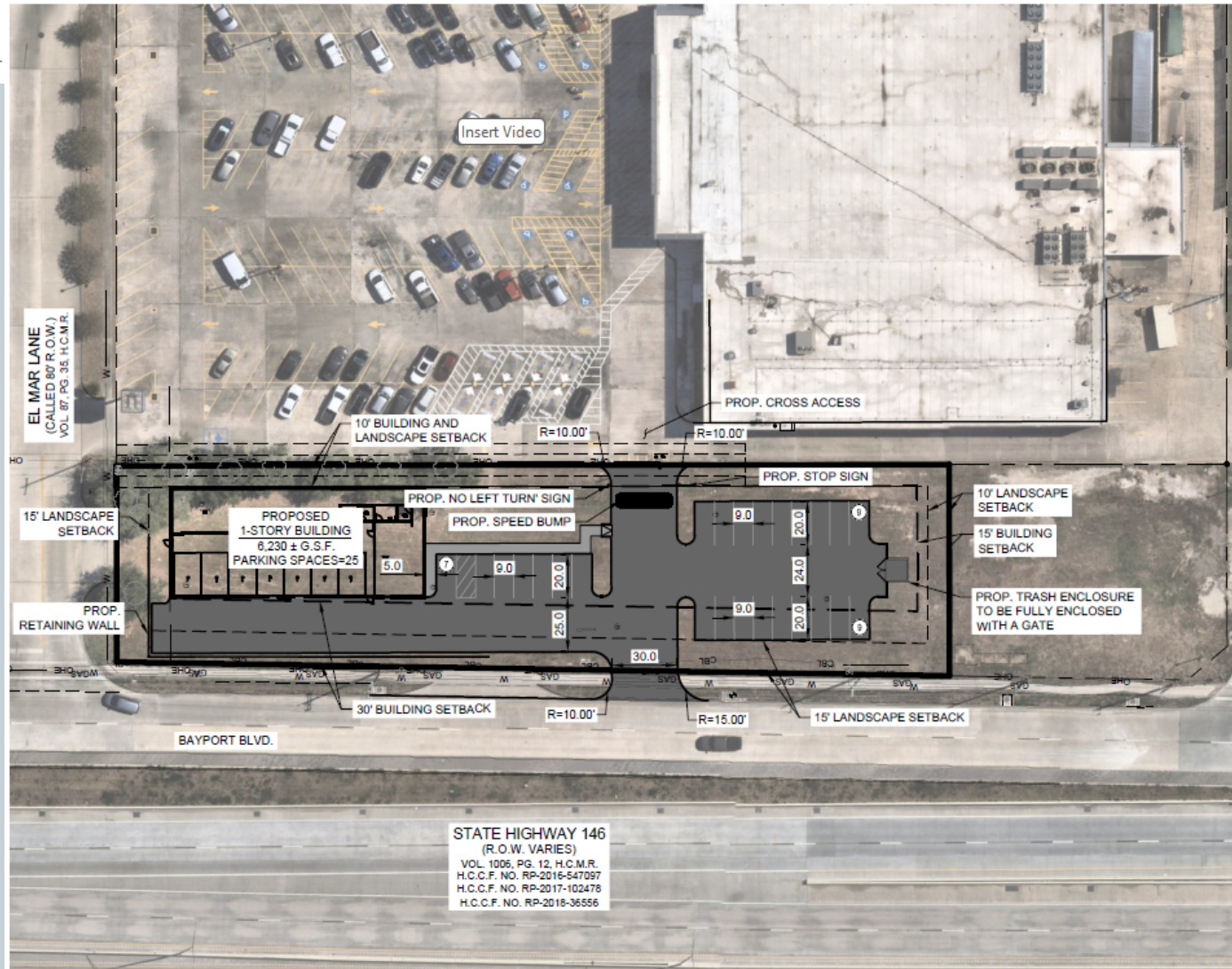
The subject property is uniquely impacted by a prior TxDOT right-of-way acquisition, which substantially reduced the lot depth along SH-146. This condition is shared by only a limited number of properties within the same zoning district and results in an unusually shallow site, making application of the required landscape buffer impractical. The remaining similarly affected properties are also likely to encounter difficulties complying with this setback requirement in the future.

Landscape Exhibit

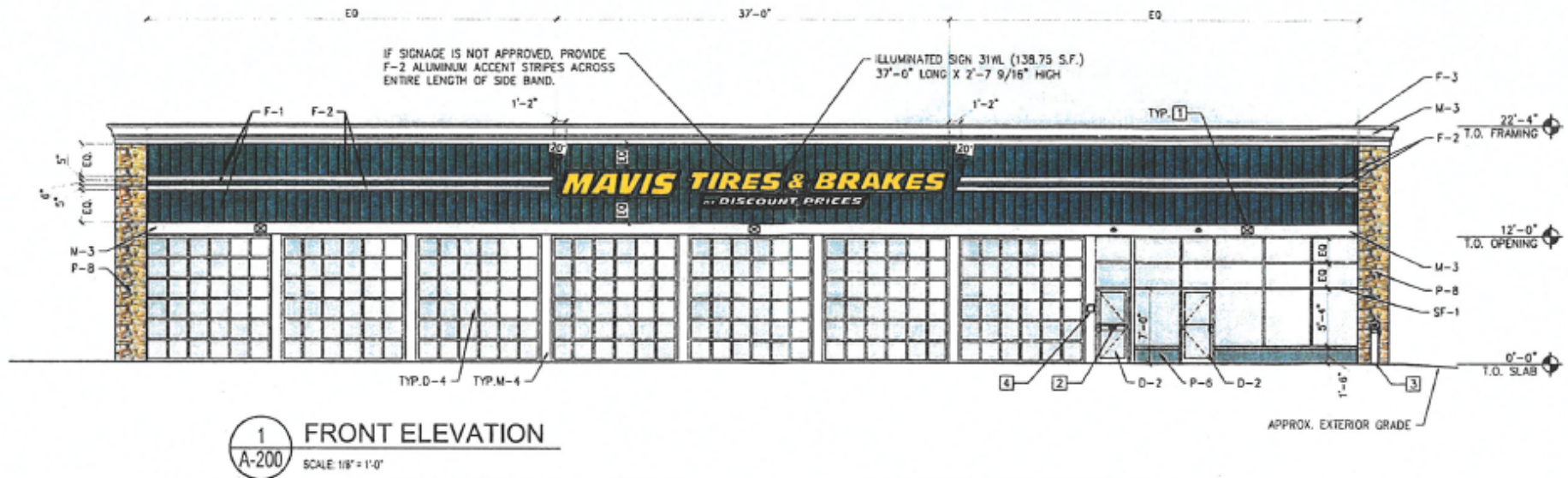


STATE HIGHWAY 146

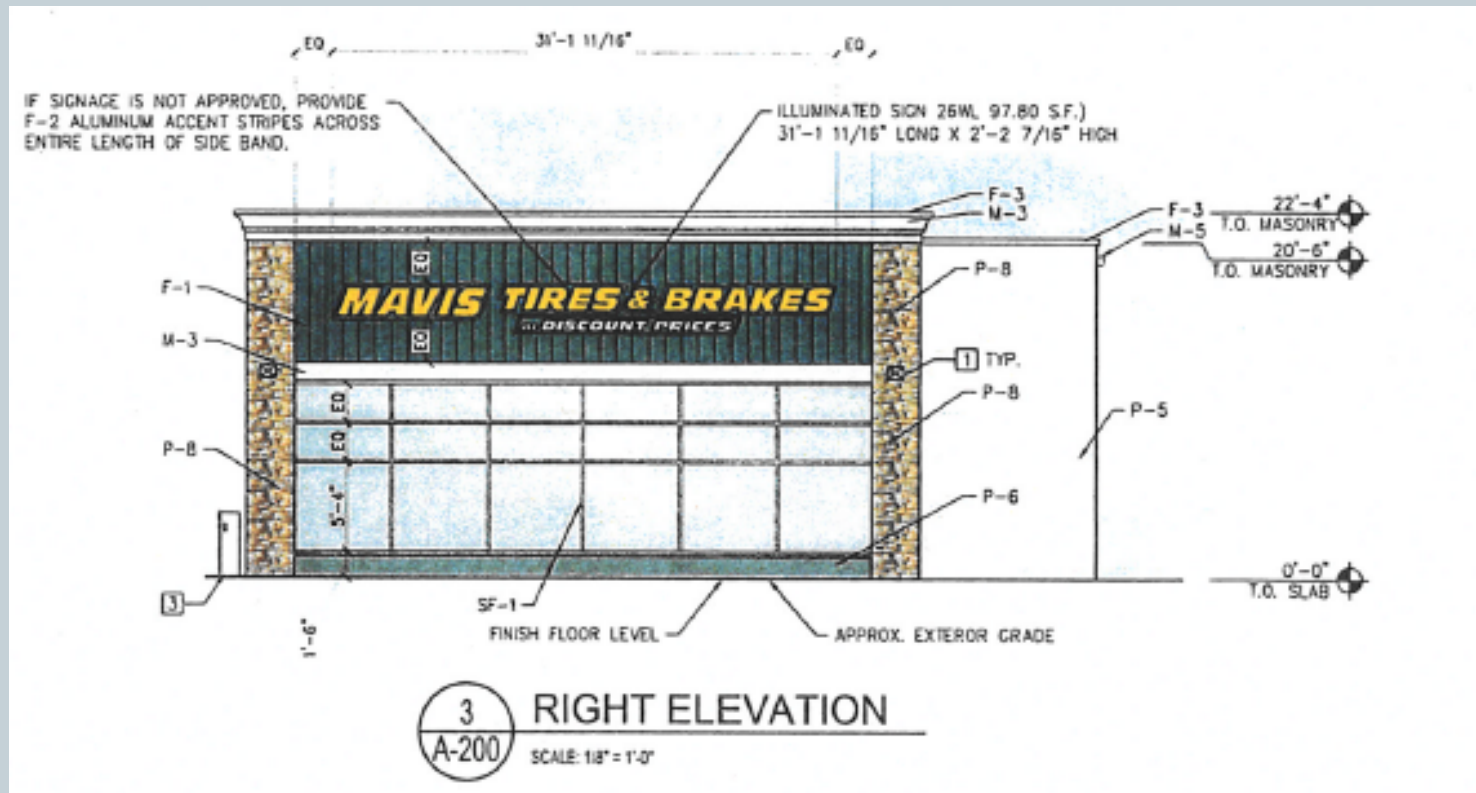
Site Layout Exhibit



Façade Exhibit



Façade Exhibit





Questions?

Exhibit D

Sec. 3.16. SH 146 Main commercial district (146-M).

3.16.01. Description: The SH 146 Main commercial district (146-M) is intended to promote an attractive mix of retail, commercial services, and restaurants. The district elements shall exhibit an overall desirable sustainable appearance with enduring quality.

3.16.02. Uses: Uses permitted by right and by conditional use shall be governed by section 3.17, "Comprehensive land use regulation matrix" 146-M district.

3.16.03. Area regulations:

- A. **Front yard:** All buildings shall be set back from the street right-of-way lines a minimum depth of 30 feet.
- B. **Rear yard:** A lot with a primary building located on it shall have a rear yard of not less than ten feet.
- C. **Side yard:** All buildings shall have side yard setbacks of not less than ten feet. However, for buildings located on corner lots, there shall be a side yard setback from the street of not less than 15 feet.
- D. **Lot size:** A minimum site of 20,000 square feet in area shall be required.
- E. **Lot width:** Each lot shall have a minimum width of not less than 80 feet at the front building line.
- F. **Lot depth:** Each lot shall have a minimum depth of not less than 125 feet.

3.16.04. Building height: No building or structure shall have a finished floor whose elevation exceeds 74 feet 11 inches above base flood elevation. Structures exceeding 50 feet in height above base flood elevation shall require a conditional use permit. This elevation limitation shall not include church steeples, spires, belfries, cupolas, or other normal appurtenances placed above the roof level and not intended for human occupancy, as approved by the building official.

3.16.05. Outside storage: Outside storage shall be screened from view from all public streets with the use of screening walls, landscaping, or berms.

3.16.06. Sidewalks: The pedestrian paving will be constructed either within appropriate public street rights-of-way and/or within the landscape setbacks. All walks must be constructed in a consistent workmanlike manner.

- A. Minimum construction requires sidewalks to be four inches thick with #3 reinforcement at 18 inches on center both ways. Public sidewalks located within the city or county right-of-way shall be a minimum of five feet wide. No cold joints are permitted. Complete pours between expansion joints are required. Drill dowels into existing concrete curbs and driveways and use expansion joints with slip dowels at connections of existing and new concrete. Dowels are to be stubbed out where sidewalk is to be continued in the future.
- B. Sidewalk elevations shall match with the existing manhole and valve box elevations. If adjustments of the height are required, owner shall notify the Seabrook Public Works Department at least 24 hours prior to sidewalk construction. If adjustments must be made, the owner-builder/site developer will be responsible for such adjustments. Handicap ramps are required at every street and other locations required by Americans with Disabilities Act of 1990 (ADA) as amended.

3.16.07. Accessory structures: Accessory structures shall not occupy a required front or corner side yard, or project beyond the front building line of the principal structure on a site. Accessory structures shall be set back at least ten feet from interior side and rear property lines. A minimum distance of not less than ten feet shall be maintained between the main structure and accessory buildings. The minimum distance between two main buildings on the same parcel shall be 20 feet. The total floor area of accessory structures more than 30 inches in

height shall not exceed 40 percent of the area of any required yard. No accessory structures or other obstructions may be erected on any easement.

3.16.08. Buffering and screening:

- A. Rooftop or ground level mechanical equipment shall be totally screened from view by using either parapet walls at the same height of the mechanical units for rooftop mounts or by providing screening for ground mounted units.
- B. Exterior dumpster/garbage/waste containers shall be placed a minimum of ten feet from any side or rear property line. Containers shall not project beyond the front building line of the principal structure. Containers shall be fully screened so not to be visible from off the property. Each trash container enclosure shall be constructed of impervious materials with a gate.
- C. Loading docks are prohibited between the street right-of-way and any building facade fronting a street right-of-way. Loading docks shall be situated toward the rear of structures. Loading docks may not be used for any type of long-term storage. Any vehicle, trailer or material left standing in a loading dock for more than a 24-hour period shall be deemed a violation of this ordinance.
- D. Any property containing a use in this zoning district which adjoins or abuts any property classified in the R-LD, R-1, or R-2 zones shall be required to provide a minimum landscaped buffer yard of 50 feet from the adjoining/abutting property line. The landscape buffer shall contain the following standards; pervious landscaped area, no drives or parking, no commercial or retail use, irrigated and maintained by the owner thereof in good order, appropriately trimmed and clear of trash/ debris. Architecturally finished masonry wall with a minimum height of eight feet shall be provided along the common property line. Trees no shorter than eight feet tall and in a quantity of no less than one tree per 40 feet of boundary wall shall be planted, maintained, and replaced as required.

3.16.09. Parking: Parking shall be in accordance with article 5 of this ordinance. Please see the comprehensive off-street parking regulation matrix.

3.16.10. Signage: Signage shall be in accordance with article 6 of this ordinance.

3.16.11. Landscaping: Landscaping shall be in accordance with article 7 of this ordinance.

3.16.12. Supplementary regulations:

- A. No temporary structures, including tents, lean-tos, recreational vehicles, construction trailers, or travel trailers may be used for on-site dwelling purposes.
- B. Temporary structures for uses incidental to construction work on the premises which are removed upon completion or abandonment of construction work are allowed upon permit from the building official.
- C. Utilities, including, but not limited to, electrical lines, gas lines, telephone lines, and cable television lines, shall be installed underground unless otherwise approved by city council.
- D. No trailer or semitrailer may be used for the storage of retail or wholesale merchandise on any property in this district for a period exceeding 72 hours.
- E. No trailer, motor vehicle, semitrailer or shipping container may be used for the display, vending or retailing of any merchandise at any time.
- F. Outside display of merchandise is permitted except in any of the required parking areas or other restricted areas. No display shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic.

(Ord. No. 2019-03, § 2, 2-5-2019; Ord. No. 2019-22, § 2, 11-19-2019; Ord. No. 2024-06, § 16, 4-2-2024)

Exhibit E

Sec. 7.01. Landscaping requirements.

7.01.01 Purpose: These requirements shall apply only to new developments or where a development contains structure(s) that is not eligible for exemptions for noncompliance as provided under current ordinances. A new development shall be defined as any new project built on a raw or otherwise vacant tract or tracts of land, not associated with an existing structure. A structure shall be deemed to have lost its nonconformity as determined by appendix A, article 9.

It is the intent of this section to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to provide for the orderly, safe, and environmentally sound development of land located within the corporate limits of Seabrook, thereby promoting the health, safety, and general welfare of the community as provided by law.

The regulations contained herein are necessary to enhance the community's aesthetic, environmental, and ecological qualities, as well as to benefit safety in parking and pedestrian areas.

Through the use of landscaping, it is possible to improve the appearance of all areas by incorporating open space into development in ways that harmonize and enhance the natural and built environment. It is possible to improve environmental quality through the numerous beneficial effects of landscaping, including:

- A. The improvement of air and water quality through such natural processes as photosynthesis and mineral uptake.
- B. The use of trees and other plants to reduce erosion by the binding of soil particles with their roots thus holding the soil together against the effects of wind and water. When development increases the amount of impervious surface on a site, it greatly increases water flow across exposed soils, causing serious water pollution problems. Vegetation slows this process by acting as a sponge, gradually releasing runoff. This improves water quality and reduces the need for engineered drainage solutions.
- C. Vegetation reduces and/or reverses air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation.
- D. Landscaping reduces the increase in air temperatures caused by paved surfaces and automobiles through the process of transpiration associated with plant material.

Vegetation also helps promote energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas.

The use of vegetation also enhances the safety of parking lots and pedestrian paths through the application of landscaping provisions which guide the circulation of cars and people. Proper use helps ensure that a driver's vision is unobstructed. The regulations contained in this section of the ordinance are aimed at achieving the goals, objectives, and policies, contained in the comprehensive master plan.

7.01.02 Definitions: All related definitions are found in article 1, section 1.10 of appendix A.

7.01.03 General applicability: Unless otherwise provided herein, this article shall apply to the following:

- A. Single-family/townhouse residential landscape regulations (7.01.04).
- B. Old Seabrook zoning district (OS) landscape regulations (7.01.06).
- C. Point overlay district landscape regulations (7.01.07).
- D. Commercial and multi-family use parking lot screening, perimeter landscape and buffering regulations (7.01.08).
- E. Commercial and multi-family use interior site landscape regulations (7.01.09).
- F. Landscape design submittal (7.01.10) (non-residential only).

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- G. Tree preservation and replacement (7.01.11).
 - H. Sight distance and visibility (7.01.12).
 - I. Fencing (7.01.13).
 - J. Maintenance (7.01.14).
 - K. Master landscape plan (7.01.15).

7.01.04 Single-family/townhouse residential landscape regulations:

Applicability. This section shall apply to residential districts R-LD, R-1, and R-2.

1. *Front yard landscaping requirements.*

- a. *Purpose.* Landscaping shall be selected and placed in the front yards of residences to soften the effect of the built environment. An arrangement of vegetation such as trees, bushes, and grass, together with other suitable materials such as flowering plants, ground cover, mulch, etc., arranged in a complementary fashion, is desired.
- b. *Percent of vegetative cover.* An area not less than 15 percent of the total lot area shall be landscaped. No area shall be maintained with bare soil. All ground surfaces not used for buildings, sidewalks, roadways, or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching and only those areas with live plant materials shall be included in the calculation for determining compliance with the percentage of lot coverage.
- c. *Required materials.* The front yard shall be landscaped with the following materials. All trees shall be planted a minimum of ten feet from the front property line.
 - 1. *Single-family detached:* one minimum two-inch caliper tree.
 - 2. *Duplex or townhouse:* one minimum two-inch caliper tree per unit.

Corner lots: Front yard landscaping in corner lots shall wrap around the side for a minimum of ten feet from the street-facing building corner in single-family detached developments, and seven feet in single-family attached developments.
- d. *Sidewalk zone.* A continuous sidewalk at least four feet in width shall be provided on both sides of the street at least three feet distant from and generally parallel to the back of the curb.

7.01.05. Old Seabrook zoning district (OS) landscape regulations:

Applicability. This section shall apply to development within the (OS) Old Seabrook zoning district.

1. *Residential use.*

- a. *Percent of vegetative cover.* An area not less than ten percent of the total lot area shall be landscaped. No area shall be maintained with bare soil. All ground surfaces not used for buildings, sidewalks, roadways, or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching and only those areas with live plant materials shall be included in the calculation for determining compliance with the percentage of lot coverage.
- b. *Required materials.* The front yard shall be landscaped with the following materials. All trees shall be planted a minimum of ten feet from the front property line.
 - 1. *Single-family detached:* Minimum of one two-inch caliper tree.
 - 2. *Duplex or townhouse:* Minimum of one two-inch caliper tree per unit.

Corner lots: Front yard landscaping in corner lots shall wrap around the side for a minimum of ten feet from the street-facing building corner.

2. *Commercial use.*

A. *Interior site landscape.* All interior spaces within any commercial site shall conform to the following minimum requirements.

- a. Grass, ground cover, shrubs, and other landscape materials shall be used to cover all open ground within five feet of any building or paving or other use such as storage.
- b. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
- c. A minimum of ten percent of the total site area shall be devoted to feature landscaping with not less than 50 percent of the landscaping being located in the required front yard.

B. *Off-street parking lots.* Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance to the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

1. *Interior landscaping:* A minimum of five percent of the gross parking areas shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway paving and/or sidewalks. The following additional criteria shall apply to the interior of parking lots.
 - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops.
 - b. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter/islands shall not be required for lots containing less than 6,250 square feet. Planter islands, when required, must be located at the terminus of all rows of parking. Such islands shall contain at least one two-inch caliber tree. The remainder shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three feet in height. Interior planter islands shall have a minimum size of six feet by 38 feet for double parking rows and six feet by 19 feet for single parking rows.
2. *Perimeter landscaping:* All parking lots and vehicular use areas shall be screened from all abutting properties and/or public rights-of-way with a hedge, or other durable landscape barrier. Landscaping shall be established in a four feet minimum width planting strip. Plants and materials used within the barriers shall be at least 24 inches high at the time of planting and shall be of a type and species that will attain a minimum height of three feet within one year after planting. Landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent properties.

7.01.06. *Point overlay district landscape regulations:*

Applicability. See appendix A, comprehensive zoning, article 4, special use regulations, section 4.15, the Point overlay district regulations, subsection 4.15.14. landscaping.

7.01.07. Commercial and multi-family use, parking lot screening and buffering regulations: Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance to the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

1. *Interior landscaping:* A minimum of ten percent of the gross parking areas shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway paving and/or sidewalks. The following additional criteria shall apply to the interior of parking lots.
 - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops.
 - b. There shall be a minimum of one tree planted for each 400 square feet or fraction thereof of required interior landscape area.
 - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every 12 parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one (1) tree. Planter islands shall not be required for lots containing less than 15,000 square feet. The remainder shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three feet in height. Interior planter islands shall have a minimum size of nine by 18 feet.
2. *Perimeter landscaping:* All parking lots and vehicular use areas shall be screened from all abutting properties and/or public rights-of-way with a hedge, or other durable landscape barrier. Landscaping shall be established in a four feet minimum width planting strip. Plants and materials used within the barriers shall be at least 24 inches high at the time of planting and shall be of a type and species that will attain a minimum height of three feet within one year after planting. Landscape areas shall also contain at least one tree, minimum two-inch caliper, for each 50 lineal feet or fraction thereof of perimeter length. Landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent properties.
 - a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area of at least 15 feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary accessways from the public right-of-way shall be permitted through all such landscaping. The maximum width for accessways shall be: 50 feet for non-residential two-way movements; 30 feet for non-residential one-way movement.
 - b. Whenever an off-street parking or vehicular use areas abuts an adjacent property line, a perimeter landscape area of at least ten feet in width shall be maintained between the edge of the parking area and the adjacent property line. Accessways between lots may be permitted through all perimeter landscape areas. Maximum width for accessways shall be 30 feet. Landscaping shall be designed to visually screen the parking area.
 - c. Whenever such property is zoned or used for residential purposes, the landscape buffer shall include a masonry wall along the common property line which shall be 100 percent impervious to sight and at least eight feet in height. The wall shall consist of masonry/brick pilasters in order to provide an adequate buffer from the particular use. Such walls shall be maintained for uniform color/discoloration and remain free of graffiti. The required wall materials are to provide for ease of maintenance and longevity of the required buffer screen. All sides of the wall that are visible

to the public shall be appropriately landscaped. Bare unfinished wall surfaces are specifically prohibited. A masonry wall(s) is not required for properties which are separated by a street.

- d. Perimeter landscape areas shall contain at least one tree, minimum two-inch caliper for each 50 lineal feet or fraction thereof of perimeter length.
- e. A continuous sidewalk at least four feet in width shall be provided on both sides of the street at least three feet distant from and generally parallel to the back of the curb.

7.01.08. Commercial and multi-family use, interior site landscape regulations: All interior spaces within any commercial development shall conform to the following minimum requirements:

- a. Grass, ground cover, shrubs, and other landscape materials shall be used to cover all open ground within ten feet of any building or paving or other use such as storage.
- b. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
- c. A minimum of 15 percent of the total site area shall be devoted to feature landscaping with not less than 50 percent of the landscaping being located in the required front yard.

7.01.09. Landscape design submittal (non-residential only): Landscaping plans shall be prepared by a landscape architect, landscape contractor, landscape designer, knowledgeable in plants, materials and landscape design. Landscape plans shall contain the following information:

- 1. Minimum scale of one inch equals 50 feet;
- 2. Location of all trees to be preserved;
- 3. Location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features;
- 4. Species of all plant material to be used;
- 5. Size of all plant material to be used;
- 6. Spacing of plant material where appropriate;
- 7. Layout and description of irrigation systems, including placement of water sources;
- 8. Description of maintenance provision for the landscape plan;
- 9. Person(s) responsible for the preparation of landscape plan.
- 10. Ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement the proposed landscaping design.

7.01.10. Tree preservation and replacement:

Applicability. See chapter 30, environment, article II, tree protection and preservation.

7.01.11. Sight distance and visibility: Landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an accessway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, a triangular visibility area, as described below, shall be created and maintained. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three and six feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

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- a. The areas of property on both sides of the intersection of an accessway and a public right-of-way shall have a triangular visibility area with two sides of each triangle being ten feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.
 - b. The areas of property located at a corner formed by the intersection of two or more public rights-of-way shall have a triangular visibility area with two sides of each triangle being 20 feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.

Landscaping, except required grass and low ground covers, shall not be located closer than three feet from the edge of any accessway pavement.

7.01.12. Fencing: Screening/security fences shall not extend forward of the front building facade.

Exception: Ornamental or decorative fences. Chainlink fencing materials are prohibited.

7.01.13. Maintenance:

- a. The owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, irrigation systems, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size.

- b. Removal of diseased or dangerous trees and vegetation:

Upon direction of the code enforcement officer, property owners shall be required to treat and/or remove trees suffering from transmittable diseases or pests.

The code enforcement officer may require the removal of a tree, part of a tree, or any other vegetation that may be:

- A. In danger of falling and injuring persons or damaging property not located on the owner's property;
- B. Within or overhanging a public right-of-way or easement;
- C. Creating a traffic hazard or visibility hazard for traffic on a public street.

7.01.14. Master landscape plan:

- a. *Purpose.* The purpose of a master landscape plan is to allow an applicant, subject to approval of the city council, the option of designating an area that will define unique characteristics in all landscape elements including type, design, and location based upon specific performance criteria. The goal of a master landscape plan is to:
 - 1. Promote consistency among landscape elements within a development thus creating visual harmony between the landscape, buildings, and other components of the property;
 - 2. Enhance the compatibility of the landscape elements with the architectural and site design features within a development; and
 - 3. Encourage landscaping that is in character with planned and existing uses thus creating a unique sense of place.
 - 4. Encourage multi-tenant commercial uses to develop a unique set of landscape regulations in conjunction with development standards.
- b. *Application process.*

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1. The applicant shall develop a master landscape plan for all landscaping elements in the development based on the landscape design guidelines established in subsection c. and d. of this section.
 2. The administrative official shall forward the applicant's master landscape plan to the planning and zoning commission for review and recommendation. A master landscape plan application will be considered by the city council following a recommendation by the planning and zoning commission. The city council shall make the final determination on the master landscape plan.
 3. After approval of a master landscape plan for a particular development, all landscaping in that development shall meet the standards approved in that specific master landscape plan.
- c. *Master landscape plans.* Commercial landscaping is an integral part of the urban design fabric of Seabrook. It is absolutely necessary and shall be deemed as a tool that helps promote the health, safety and welfare of the general public. Due to its visual prominence and effect on the overall design character of our city, landscaping as part of master landscape plans must be considered on the broader scale of community rather than on an individual site basis. Landscape is an integral part of the visual urban streetscape and shall be designed to visually complement the surroundings, building on the quality of the traveler's and pedestrian's experience.

Design goals:

1. To develop organized hierarchies of landscape types without infringing on the capability of creative design.
 2. To establish design criteria that promote the overall visual quality of the streetscape environment for the general public while providing reasonable and improved standards for identification of individual properties.
 3. To improve the overall visual cohesive appearance of the site through landscape guidelines, with strong consideration that the visual streetscape.
 4. To promote a "sense of place" for the City of Seabrook while promoting creative design for individual developments.
 5. To promote landscape as an architectural complement rather than being visually and thematically disconnected.
- d. *Application requirements.* A master landscape plan application shall be prepared by a landscape architect, landscape contractor, landscape designer, knowledgeable in plants, materials and landscape design. Landscape plans shall contain the following information:
1. Minimum scale of one inch equals 50 feet;
 2. Location of all trees to be preserved;
 3. Location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features;
 4. Species of all plant material to be used;
 5. Size of all plant material to be used;
 6. Spacing of plant material where appropriate;
 7. Layout and description of irrigation systems, including placement of water sources;
 8. Description of maintenance provision for the landscape plan;
 9. Person(s) responsible for the preparation of landscape plan.

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10. Ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement the proposed landscaping design.
 11. Any other information as required by the decision making bodies.

(Ord. No. 2019-05, § 2, 2-5-2019)