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**CITY OF SEABROOK
ORDINANCE NO. 2022-21
ISSUANCE OF CONDITIONAL USE PERMIT
TO ALLOW A “BAR USE” AT 1805 FIRST STREET
IN THE 146-M (SH 146 MAIN COMMERCIAL ZONING DISTRICT)**

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AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 13, “TEMPORARY AND NONTEXT CHANGES,” SECTION 13.03, BY ADDING A NEW PARAGRAPH (29) GRANTING A CONDITIONAL USE PERMIT FOR A “BAR” TO BE LOCATED AT 1805 FIRST STREET, WITHIN THE 146-M (SH 146 MAIN COMMERCIAL ZONING DISTRICT) AND ESTABLISHING ANY APPLICABLE CONDITIONS FOR THE OPERATION OF THE BUSINESS IN ACCORDANCE WITH LAW; PROVIDING A PENALTY IN AN AMOUNT OF NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the ownership of Uno Mas Cheledas Bar is in the process of leasing 1805 First Street with the intention of operating a Bar (derives 75 percent or more of the establishment’s gross revenue from the on-premise sale of alcoholic beverages) located within the City of Seabrook; and

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WHEREAS, Uno Mas Cheledas Bar requests the issuance of a Conditional Use Permit (“CUP”) to allow the operation of a Bar to be located in a 146-M (SH 146 Main Commercial) district in accordance with the requirements of Section 4.11.14 of the City’s Comprehensive Ordinance; and

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WHEREAS, the City’s Zoning Ordinance, Section 3.15 requires the issuance of a Conditional Use Permit to allow a Bar in a 146-M zoning district; and

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WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and has issued its final report recommending approval of the subject CUP; and

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WHEREAS, all required hearings on this matter have been held, all criteria have been established for the consideration by City Council, and the applicant has agreed to comply with all ordinances of the City of Seabrook;

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

SECTION 1. FINDINGS OF FACT.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and incorporated by reference, including the representations of Applicant, (as referenced in its application for CUP, the final report from the Planning & Zoning Commission September 15, 2022 recommending this CUP and the minutes of City Council of October 18,

49 2022 and November 1, 2022), the performance of which City Council is specifically relying upon
50 in granting this CUP, as provided hereafter.

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52 **SECTION 2. USE PERMITTED.**

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54 A Conditional Use Permit is hereby granted to allow a Bar, in the 146-M (SH 146
55 Medium Commercial) district located at 1805 First Street. Such Conditional Use Permit shall be
56 in conformance with all conditions contained herein, and city ordinances, including the
57 Comprehensive Zoning Ordinance and Subdivision Ordinance. In order to assure the proposed
58 use meets all criteria contained in Section 4.11 of the Zoning Ordinance and related provisions
59 of the Code of Ordinances and for the health, safety and welfare of the public, the Conditional
60 Use Permit shall be conditioned upon placement of parking bollards installed between the
61 building and parking lot designed to prevent any accidental vehicular contact, injury, or damage
62 to the building structure and occupants. In addition, failure of Applicant to comply with all
63 ordinances of the City of Seabrook shall result in the immediate termination of this permit. This
64 permit shall not be transferred to any other address.

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66 **SECTION 3. AMENDMENT TO THE CODE.**

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68 The Code of the City of Seabrook, Appendix A, “Comprehensive Zoning”, Article 12,
69 Section 12.03 “Conditional use permits granted” is hereby amended by adding a new paragraph
70 twenty nine (29) which shall read as follows:

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72 **“(29) By Ordinance No. 2022-21, a conditional use permit was granted to allow the**
73 **operation of a Bar at 1805 First Street which is located in a 146-M zoning district in**
74 **accordance with strict compliance of the following condition: [Conditions, if any, listed].**
75 **Failure to comply with all ordinances of the City of Seabrook, specifically including this**
76 **Ordinance, shall result in the immediate termination of this permit. This permit shall not**
77 **be transferred to any other address.”**

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79 **SECTION 4. INCORPORATION INTO THE CODE; PENALTY CLAUSE.**

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81 This Ordinance is hereby incorporated into and made a part of the Seabrook City Code
82 and violation of any provision hereof shall be subject to the penalty described in said Code,
83 Section 1-15 “General Penalty; continuing violations” which provides that any person who shall
84 violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon
85 conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall
86 constitute a separate offense.

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89 **SECTION 5. REPEAL OF CONFLICTING ORDINANCES.**

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91 All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent
92 of such inconsistency or conflict, hereby repealed.

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SECTION 6. SEVERABILITY.

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

SECTION 7. NOTICE.

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

PASSED, APPROVED, AND ADOPTED on first reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 18th day of October, 2022.

PASSED, APPROVED, AND ADOPTED, as revised on final reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 1st day of November, 2022.

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Lenio, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney