

**CITY OF SEABROOK
ORDINANCE NO. 2017-47**

**AMENDMENT TO THE OFFICIAL ZONING MAP
TO REZONE 7.0899 ACRES OF LOTS 12, 13, 14, AND 15 OF RUGGLES
SUBDIVISION, ABSTRACT 52, RITSON MORRIS SURVEY, HARRIS, COUNTY,
TEXAS, LOCATED WEST OF LAKESIDE DRIVE, IMMEDIATELY EAST OF
SEABROOK CITY LIMITS AND NORTH OF SEABROOK CIRCLE
FROM R-1 TO C-2**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING THE PROPERTY LOCATED ON TRACT 31, BEING AN 7.0899 ACRES TRACT OF LAND SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF LOTS 12, 13, 14, AND 15 OF RUGGLES SUBDIVISION AS RECORDED IN VOLUME 5 AT PAGE 30 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE, FROM R-1 ("SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT") TO C-2 ("MEDIUM COMMERCIAL DISTRICT"); REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS REZONING; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$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.

WHEREAS, the applicant, City of Seabrook, 1700 First Street, Seabrook, Texas 77586, as owner, applied for a zoning change for a 7.0899 acres tract of land located west of Lakeside Drive, immediately east of the Seabrook city limits, and north of the Seabrook Circle, identified as Lots 12, 13, 14 and 15 of Ruggles Subdivision, situated in Abstract 52 of the Ritson Morris Survey, Harris County, Texas, more specifically described in the attached Exhibit "A", which is incorporated by reference for all purposes; and

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

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, public hearings on such request, allowing all persons attending to be heard on the question of whether the changes of the uses being requested would affect the public health, safety, or general welfare of the citizens of Seabrook; and

WHEREAS, the Planning and Zoning Commission recommended this zoning change at its meeting of November 21, 2017 and has made its final report; and

WHEREAS, as a result of the said public hearings and the recommendation of the Planning and Zoning Commission as contained in its final report, the City Council hereby finds and determines that the proposed rezoning should be approved as in the best interest of the community, its health and general welfare

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

SECTION 1. FINDINGS.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE AND TO THE OFFICIAL ZONING MAP.

The Seabrook City Code of Ordinances, Appendix A, “Comprehensive Zoning”, Article 2, “Administration”, Section 2.05, “Official Zoning Map” is hereby amended by rezoning 7.0899 acres of land identified as Lots 12, 13, 14 and 15 of Ruggles Subdivision, situated in Abstract 52 of the Ritson Morris Survey, Harris County, Texas, located west of Lakeside Drive, immediately east of the Seabrook city limits, and north of the Seabrook Circle, (more specifically described in the attached Exhibit “A” incorporated by reference), from R-1 Residential Single-Family Detached to C-2 Commercial-Medium District.

The property to be rezoned is described by metes and bounds description as reflected in Exhibit A, which is incorporated herein by reference.

Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be amended to reflect this rezoning.

SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code including, Section 11.06, “Criminal Enforcement” which provides that 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 \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

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

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of 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 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 6. 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 21st day of _November, 2017.

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 5th of December, 2017.

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney