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ORDINANCE NO. 2023-07

**ADD THE USE OF "GASOLINE SERVICE STATIONS/
CONVENIENCE STORES" TO THE COMPREHENSIVE
LAND USE MATRIX AS A CONDITIONAL USE**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," BY REQUIRING WITHIN THE "MEDIUM COMMERCIAL DISTRICT" (C-2) , "HEAVY COMMERCIAL DISTRICT" (C-3), "THE SEABROOK TOWN CENTER COMMERCIAL DEVELOPMENT OVERLAY DISTRICT" (STCOD), AND "LIGHT INDUSTRIAL DISTRICT" (LI), A CONDITIONAL USE PERMIT FOR "GASOLINE SERVICE STATIONS/CONVENIENCE STORES" USES; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to permitted land uses in the "Medium Commercial District" (C-2), "Heavy Commercial District" (C-3), "The Seabrook Town Center Commercial Development Overlay District" (STCOD), and "Light Industrial District" (LI); and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

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

SECTION 1. FINDINGS OF FACT.

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

51 **SECTION 2. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 3,**
52 **SECTION 3.15.**

53
54 The Seabrook City Code, Appendix A, Comprehensive Zoning, Article III, Establishment
55 of Zoning Districts and Associated Uses”, Section 3.15, Comprehensive Land Use Matrix is
56 hereby amended to allow “Gasoline Service Stations/Convenience Stores” as a Conditional Use
57 in the "Medium Commercial District" (C-2), "Heavy Commercial District" (C-3), "The Seabrook
58 Town Center Commercial Development Overlay District" (STCOD), and "Light Industrial
59 District" (LI) zoning districts as shown on Attachment A which is made a part of this ordinance.
60

61 **SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.**

62
63 This Ordinance is hereby incorporated and made a part of the Seabrook City Code.
64 Violation of this ordinance is subject to the penalty section of said Code and Ordinance, Section
65 1-15 “General Penalty and 11.06, “Criminal Enforcement” which provides that any person who
66 shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon
67 conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall
68 constitute a separate offense.
69

70 **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

71
72 All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are
73 hereby expressly repealed.
74

75 **SECTION 5. SEVERABILITY.**

76
77 In the event any clause phrase, provision, sentence, or part of this Ordinance or the
78 application of the same to any person or circumstances shall for any reason be adjudged invalid or
79 held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate
80 this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid
81 or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would
82 have passed each and every part of the same notwithstanding the omission of any such part thus
83 declared to be invalid or unconstitutional, whether there be one or more parts.
84

85 **SECTION 6. NOTICE.**

86
87 The City Secretary shall give notice of the enactment of this Ordinance by promptly
88 publishing it or its descriptive caption and penalty after final passage in the official newspaper of
89 the City; the Ordinance to take effect upon publication.
90

91 **PASSED, APPROVED, AND ADOPTED** on first reading with a quorum present, by an
92 affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City
93 Charter Section 2.10 on this 21st day of March, 2023.
94

95 **PASSED, APPROVED, AND ADOPTED**, as revised on final reading with a quorum present,
96 by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook
97 City Charter Section 2.10 on this 4th day of April, 2023.
98
99

100 *[SIGNATURES & EXHIBITS ON FOLLOWING PAGES]*
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BY: _____
Thomas G. Kolupski, Mayor

ATTEST:

By: _____
Robin Lenio, TRMC, City Secretary

APPROVED AS TO FORM:

Loren B. Smith, City Attorney