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**CITY OF SEABROOK
ORDINANCE NO. 2019-01**

**ISSUANCE OF CONDITIONAL USE PERMIT
TO ALLOW A TATTOO PARLOR AT 2622 NASA ROAD 1, SUITE H
IN THE C-2 MEDIUM COMMERCIAL DISTRICT**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX “A”, COMPREHENSIVE ZONING, ARTICLE 12, “TEMPORARY AND NONTEXT CHANGES,” SECTION 12.03, “CONDITIONAL USE PERMITS GRANTED”, BY ADDING A NEW PARAGRAPH TWENTY FIVE (25), GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR A TATTOO PARLOR AT 2622 NASA ROAD ONE, SUITE H., WITHIN A C-2 (MEDIUM COMMERCIAL) DISTRICT OF THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 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 ownership of 2622 NASA Road One, Suite H. has leased the property located at 2622 NASA Road One, Suite H. to Atonement Tattoo who has the intention of operating a Tattoo Parlor; and

WHEREAS, Greg Votaw doing business as “Atonement Tattoo” has requested the issuance of a Conditional Use Permit (“CUP”) to allow the operation of a Tattoo Parlor, to be located in a C-2 (Medium Commercial) district in accordance with the requirements of Section 4.11 “Conditional Use Permit Criteria and Procedures” of the City’s Comprehensive Ordinance, which is Attachment “A” of the Code of the City of Seabrook (“Zoning Ordinance”); and

WHEREAS, the City’s Zoning Ordinance, Section 3.15, “Comprehensive Land Use Regulation Matrix” requires the issuance of a Conditional Use Permit to allow a Tattoo Parlor in a C-2 zoning district; and

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 Conditional Use Permit (“CUP”) with the condition that the hours of operation shall not be earlier than 11:00AM and no later than 10:00PM; and

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 December 6, 2018, recommending this CUP with conditions, and the minutes of City Council of January 15th and February 5, 2019), the performance of which City Council is specifically relying upon in granting this CUP, as provided hereafter.

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SECTION 2. USE PERMITTED.

A Conditional Use Permit is hereby granted to allow for the use of a Tattoo Parlor, in the C-2 (Medium Commercial) district located at 2622 NASA Road One, Suite H. Such Conditional Use Permit shall be in conformance with all conditions contained herein, city ordinances, including the Comprehensive Zoning Ordinance, Subdivision Ordinance and related State law. Failure to comply with all ordinances of the City of Seabrook shall result in the immediate termination of this permit. This permit shall not be transferred to any other address. In order to assure the proposed use meets all criteria contained in Section 4.11 of the Zoning Ordinance and related provisions of the Code of Ordinances, specifically including 4.11.07- 4.11.08 this CUP is specifically conditioned that the hours of operation shall not be earlier than 11:00AM and no later than 10:00PM.

SECTION 3. AMENDMENT TO THE CODE.

The Code of the City of Seabrook, Appendix A, "Comprehensive Zoning", Article 12, Section 12.03 "Conditional use permits granted" is hereby amended by adding a new paragraph twenty-five (25) which shall read as follows:

"(25) By Ordinance No. 2019-01, a conditional use permit was granted to Greg Votaw, doing business as "Atonement Tattoo", to allow the operation of a Tattoo Parlor at 2622 NASA Road One, Suite H which is located in a C-2 zoning district. Such Conditional Use Permit is conditioned that the Applicant's hours of operation shall not be earlier than 11:00AM and no later than 10:00PM; such use and operation shall be in accordance with the representations of Applicant's CUP Application, attached hereto and incorporated by reference. Failure to comply with all provisions of the Seabrook Code, this Ordinance, and state laws, rules and regulations pertaining to the operation and use made the basis of this CUP shall result in the immediate termination of this permit. This permit shall not be transferred to any other address."

SECTION 4. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code and violation of any provision hereof shall be subject to the penalty described in said Code, Section 1-15 "General Penalty; continuing violations" 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. Each day of violation shall constitute a separate offense.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

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

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.

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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 15th day of January, 2019.

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 day of February, 2019.

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

Attachment: CUP Application