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**CITY OF SEABROOK
ORDINANCE NO. 2020-08
ISSUANCE OF CONDITIONAL USE PERMIT
TO ALLOW FOR AN “OPEN AIR MARKET” AT 902 HARDESTY AVENUE
IN THE OS OLD SEABROOK DISTRICT**

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AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 13, “TEMPORARY AND NONTEXT CHANGES,” SECTION 13.03, BY ADDING A NEW PARAGRAPH TWENTY SEVEN (27), GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR AN “OPEN AIR MARKET” AT 902 HARDESTY AVENUE WITHIN A OS (OLD SEABROOK) 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.

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WHEREAS, the ownership of 902 Hardesty Avenue is in the process of leasing the property located at 902 Hardesty Avenue to Jennifer Pitts of Jenuine Treasures Craft Boutique who has the intention of operating an “Open Air Market”; and

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WHEREAS, Jennifer Pitts of Jenuine Treasures Craft Boutique requests the issuance of a Conditional Use Permit (“CUP”) to allow for the operation of an “Open Air Market” to be located in a OS (Old Seabrook) district in accordance with the requirements of Section 4.11.13 of the City’s Comprehensive Ordinance which is Attachment A of the Code of the City of Seabrook (“Zoning 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 for the operation of an “Open Air Market” in an OS 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

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 January 16, 2020 recommending this CUP and the minutes of City Council of February 18th and

49 March 3, 2020), the performance of which City Council is specifically relying upon in granting
50 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 for the operation of an “Open Air
55 Market”, in the OS (Old Seabrook) district located at 902 Hardesty Avenue. Such Conditional
56 Use Permit shall be in conformance with all conditions contained herein, and city ordinances,
57 including the Comprehensive Zoning Ordinance and Subdivision Ordinance, specifically
58 including 4.11.13 of the Comprehensive Code.

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

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62 The Code of the City of Seabrook, Appendix A, “Comprehensive Zoning”, Article 13,
63 Section 13.03 “Conditional use permits granted” is hereby amended by adding a new paragraph
64 twenty-seven (27) which shall read as follows:

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66 **“(27) By Ordinance No. 2020-XX, a conditional use permit was granted to allow the**
67 **operation of an “Open Air Market” at 902 Hardesty Avenue which is located in an OS**
68 **zoning district. This permit shall not be transferred to any other address.”**

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

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

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

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

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84 **SECTION 6. SEVERABILITY.**

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

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94 **SECTION 7. NOTICE.**

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

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100 **PASSED, APPROVED, AND ADOPTED** on first reading with a quorum present, by an
101 affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City
102 Charter Section 2.10 on this 18th day of February, 2020.

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104 **PASSED, APPROVED, AND ADOPTED**, as revised on final reading with a quorum present,
105 by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook
106 City Charter Section 2.10 on this 3rd day of March, 2020.

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By: _____
Thomas G. Kolupski
Mayor

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113 ATTEST:

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116 By: _____
117 Robin Hicks, TRMC
118 City Secretary

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120 APPROVED AS TO FORM:

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124 Steven L. Weathered
125 City Attorney