

**CITY OF SEABROOK
ORDINANCE NO. 2020-09
ISSUANCE OF CONDITIONAL USE PERMIT
TO ALLOW A “BAR” AT 2900 E. NASA PARKWAY, SUITE 250
IN THE C-2 MEDIUM COMMERCIAL DISTRICT**

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 SIX (26), GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR THE OPERATION OF A “BAR” AT 2900 E. NASA PARKWAY, SUITE 250 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 2900 E. NASA Parkway, Suite 250 is in the process of leasing the property to Bryon Marshall of Leo Lounge who has the intention of operating a “Bar”; and

WHEREAS, Bryon Marshall of Leo Lounge requests the issuance of a Conditional Use Permit (“CUP”) to allow the operation of a “Bar” to be located in a C-2 (Medium Commercial) district in accordance with the requirements of Section 4.11.14 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 requires the issuance of a Conditional Use Permit to allow a “Bar” 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 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 March 3rd, 2020), the performance of which City Council is specifically relying upon in granting this CUP, as provided hereafter.

SECTION 2. USE PERMITTED.

A Conditional Use Permit is hereby granted to allow for a “Bar”, in the C-2 (Medium Commercial) district located at 2900 E. NASA Parkway, Suite 250. Such Conditional Use Permit shall be in conformance with all conditions contained herein, and city ordinances, including the Comprehensive Zoning Ordinance and Subdivision Ordinance.

SECTION 3. AMENDMENT TO THE CODE.

The Code of the City of Seabrook, Appendix A, “Comprehensive Zoning”, Article 13, Section 13.03 “Conditional use permits granted” is hereby amended by adding a new paragraph twenty-six (26) which shall read as follows:

“(26) By Ordinance No. 2020-XX, a conditional use permit was granted to allow the operation of a “Bar” at 2900 E. NASA Parkway, Suite 250 which is located in a C-2 zoning district. 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.

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 February 18, 2020.

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 3rd day of March, 2020.

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney