

**CITY OF SEABROOK
ORDINANCE NO. 2016-06**

**ISSUANCE OF CONDITIONAL USE PERMIT
TO ALLOW A HOTEL WITHOUT A FULL SERVICE RESTAURANT**

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 (22) GRANTING A CONDITIONAL USE PERMIT FOR A "HOTEL (WITHOUT FULL SERVICE RESTAURANT)" TO BE LOCATED AT 2710 NASA PARKWAY, WITHIN THE C-2 (COMMERCIAL - MEDIUM) ZONING DISTRICT AND ESTABLISHING ANY APPLICABLE CONDITIONS FOR THE OPERATION OF THE BUSINESS IN ACCORDANCE WITH LAW; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$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, Harshy Seabrook Hospitality Inc., "Applicant", in accordance with the requirements of Section 4.11 of the City's Comprehensive Ordinance, Appendix A of the Code of the City of Seabrook ("Zoning Ordinance"), has requested the issuance of a Conditional Use Permit ("CUP") to allow the construction and operation of a Hotel, without a full service restaurant, to be located at 2710 NASA Parkway, within a C-2 (Medium Commercial) district; and

WHEREAS, the Zoning Ordinance, Section 3.15 requires the issuance of a Conditional Use Permit to allow a Hotel without a full service restaurant 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 of November 19, 2015 recommending this CUP and the minutes of City Council of March 1 and March 15, 2016), 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 a Hotel without a full service restaurant, in the C-2 (Medium Commercial) district located at 2710 NASA Parkway. Such Conditional Use Permit shall be in conformance with all conditions contained herein, and city ordinances, including the Comprehensive Zoning Ordinance and Subdivision Ordinance. Failure of Applicant 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.

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-Two (22) which shall read as follows:

"(21) By Ordinance No. 2016-06, a conditional use permit was granted to allow the construction and operation of a Hotel without a full service restaurant at 2710 NASA Parkway which is located in a C-2 zoning district. Failure to comply with any conditions imposed and 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."

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 AND APPROVED on first reading this 1st day of March, 2016.

PASSED, APPROVED, AND ADOPTED on second and final reading this 15th day of March, 2016.

By: 
Glenn Royal

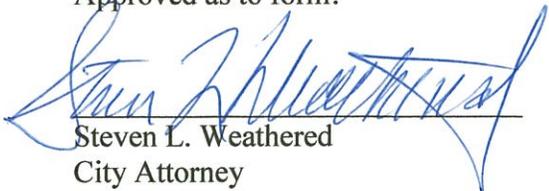
Mayor

ATTEST:

By: 
Robin Hicks, TRMC
City Secretary



Approved as to form:


Steven L. Weathered
City Attorney