

**CITY OF SEABROOK
ORDINANCE NO. 2018-03**

AMENDMENTS TO THE SEASIDE RV RESORT AND CABANAS PUD

AN ORDINANCE AMENDING ORDINANCE 2017-07 APPROVING “SEASIDE RV RESORT AND CABANAS PUD”, A TRACT OF APPROXIMATELY 8.822 ACRES SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, LOCATED IMMEDIATELY EAST OF OLD HIGHWAY 146 AND NORTH OF RED BLUFF ROAD, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT “A,” BY REVISING THE EXISTING PLANNED UNIT DEVELOPMENT (“PUD”) PLAN, REGULATIONS, RESTRICTIONS AND CONDITIONS (“PLAN”) ONLY IN RELATION TO THE MODIFICATION OF THE SITE PLAN, TO PROVIDE FOR A SINGLE MEANS OF EGRESS TO BE LOCATED EAST OF OLD STATE HIGHWAY 146, ELIMINATING THE SECONDARY MEANS OF EGRESS NORTH OF RED BLUFF ROAD, ADJUSTING THE NUMBER OF “CLASS A” RV SITES FROM 90 SITES TO 86 SITES, AND THE NUMBER OF RENTAL CABANAS FROM 40 UNITS TO 37 UNITS, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “B”; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY AND NOTICE.

WHEREAS, Starship Seaside Seabrook, applicant and owner, (“Owner”) acting by and through its duly authorized representative Scott Monroe, has requested an amendment to Ordinance 2017-07 “Seaside RV Resort and Cabanas PUD,” consisting of approximately 8.822 acres generally located immediately east of Old Highway 146 and north Red Bluff Road, the same to be a “Class A” RV and Cabanas development and referred to as “Sea Side RV Resort,” consisting of 90 “Class A” RV Sites and 40 “Rental Cabanas”, legally described as approximately 8.822 acres Tract, situated in Abstract 52 of Ritson Morris Survey, in Seabrook, Harris County, Texas, being more particularly described in Exhibit “A” attached hereto and incorporated by reference, by revising the existing PUD Site Plan, to reflect as provided for in the attached “Exhibit B”, incorporated by reference, that the “Site Plan” is modified to now provide for a single means of egress to be located east of Old State Highway 146, eliminating the secondary means of egress north of Red Bluff Road, and adjusting the number of Class A RV sites from 90 sites to 86 sites, with the number of Rental Cabanas from 40 units to 37 units as previously provided in the original Site Plan made the basis of Ordinance 2017-07.

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 public hearings, 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, all public notices have been published, mailed and provided in accordance with statute and Appendix “A” of the City Code of Ordinances (Zoning Code); and

WHEREAS, as a result of the said public hearings and the recommendation of the Planning and Zoning Commission as contained in its final report, the City Council hereby finds and determines that the proposed amendments to Ordinance 2017-07 “Seaside RV Resort and Cabanas PUD”, as provided herein would not be detrimental to the community, and is in conformance with the zoning ordinance and comprehensive plan for development of the City;

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

SECTION 1. FINDINGS.

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

SECTION 2. AMENDMENT TO ORDINANCE 2017-07 “SEASIDE RV RESORT AND CABANAS PUD”, “SITE PLAN”.

The Plan made the basis of Ordinance 2017-07 is hereby revised as provided for in the attached Exhibit “B” to reflect for a single means of egress to be located east of Old State Highway 146; eliminating the secondary means of egress north of Red Bluff Road; approving the adjustment of the number of “Class A” RV sites from 90 sites to 86 sites; and the number of Rental Cabanas from 40 units to 37 units, as provided in the attached Exhibit B, which is incorporated by reference.

SECTION 3. REVISION

This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Seabrook, or prior Ordinance 2017-07, save and except the amendments permitted herein of said Property as described in Sections 1 hereof.

SECTION 4. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code including, Section 11.06, "Criminal Enforcement" 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 \$2,000.00. Each day of violation shall constitute a separate offense. Additionally, should the subject PUD project fail to meet the schedule as approved herein, or otherwise fail to comply with this Ordinance, the PUD Plan, the PUD classification and all related permits shall be immediately terminated, and the Property shall return to the zoning that existed immediately prior to the PUD as conditionally approved by this Ordinance.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Seabrook, save and except the change in zoning classification and specific uses/structures approved in the Plan, as provided herein.

SECTION 6. SEVERABILITY.

In the event any clause phrase, provision, sentence, or 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 of 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 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 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 16th day of January, 2018.

PASSED, APPROVED, AND ADOPTED 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 6th day of February, 2018.

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

By: _____
Steven L. Weathered
City Attorney