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**CITY OF SEABROOK
ORDINANCE NO. 2023-11**

**AMENDMENT TO THE OFFICIAL ZONING MAP
REZONE OF 2817 SAMS DRIVE FROM R-1 TO C-1**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, “COMPREHENSIVE ZONING”, ARTICLE 2, “ADMINISTRATION”, SECTION 2.05, “OFFICIAL ZONING MAP”, BY REZONING, 1.54 ACRES OF LAND FROM A 2.48 ACRES TRACT SITUATED ON LOT THREE (3), OF RED OAK REPLAT A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN INSTRUMENT NO. 20110381323 OF THE MAP OF RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HARRIS COUNTY, TEXAS, FROM THE CURRENT CLASSIFICATION OF R-1 “SINGLE-FAMILY DETACHED RESIDENTIAL” TO C-1 “LIGHT COMMERCIAL DISTRICT”; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS REZONING; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$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, the applicant, Thomas G. Binig, P.O. 2904 Red Bluff Road, Seabrook, Texas 77586, as owner, applied for a zoning change of 1.54 acres of land from a 2.48 acres tract situated on Lot Three (3), of Red Oak Replat, a Subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Instrument No. 20110381323 of the Map of Records in the Office of the County Clerk of Harris County, Texas, more specifically described in the attached Exhibit “A”, which is incorporated by reference for all purposes; 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, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, public hearings on such request, allowing all persons attending to be heard on the question of whether the changes of the uses being requested would affect the public health, safety, or general welfare of the citizens of Seabrook; and

WHEREAS, the Planning and Zoning Commission recommended approval of this zoning change at its meeting of April 20, 2023 and has made its final report prior to City Council conducting its public hearing; 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 rezoning should be approved as in the best interest of the community, its health and general welfare.

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

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54 **SECTION 1. FINDINGS.**

55
56 The facts and matters set forth in the preamble of this Ordinance are hereby found to be
57 true and correct.

58
59 **SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE AND TO THE**
60 **OFFICIAL ZONING MAP.**

61
62 The Seabrook City Code of Ordinances, Appendix A, “Comprehensive Zoning”, Article
63 2, “Administration”, Section 2.05, “Official Zoning Map” is hereby amended by rezoning 1.54
64 acres of land from a 2.48 acres tract situated on Lot Three (3), of Red Oak Replat, a Subdivision
65 in Harris County, Texas, according to the Map or Plat thereof recorded in Instrument No.
66 20110381323 of the Map of Records in the Office of the County Clerk of Harris County, Texas,
67 (more specifically described in the attached Exhibit “A”, incorporated by reference).

68
69 Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be
70 amended to reflect this rezoning.

71
72 **SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.**

73
74 This ordinance is hereby incorporated and made a part of the Seabrook City Code.
75 Violation of this Ordinance is subject to the penalty section of said Code including, Section
76 11.06, “Criminal Enforcement” which provides that any person who shall violate any provision of
77 this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in
78 an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

79
80 **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

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82 All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are
83 hereby expressly repealed.

84
85 **SECTION 5. SEVERABILITY.**

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

94
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96 **SECTION 6. NOTICE.**

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

102 **PASSED, APPROVED, AND ADOPTED** on first reading with a quorum present, by an
103 affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City
104 Charter Section 2.10 on this 16th day of May, 2023.

105
106 **PASSED, APPROVED, AND ADOPTED**, as revised on final reading with a quorum present,
107 by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook
108 City Charter Section 2.10 on this 6th day of June, 2023.

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By: _____
Thomas G. Kolupski
Mayor

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ATTEST:

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By: _____
Robin Lenio, TRMC
City Secretary

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APPROVED AS TO FORM:

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Loren B. Smith
City Attorney