ORDINANCE NUMBER 847-2016
(Zoning Case SUP-16-0372)

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT SPECIFIC USE PERMIT NUMBER SUP-16-0372 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A RESTAURANT THAT SERVES ALCOHOL; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 2.001 ACRES IN DICKINSON CROSSING (2006) ABSTRACT 19, LOT A, 2.001 ACRES, MORE COMMONLY KNOWN AS 614 FM 517 WEST, GENERALLY LOCATED SOUTH OF FM 517 AND WEST OF EVERGREEN IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED NEIGHBORHOOD COMMERCIAL ("NC"); PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Corsair Investments Inc. ("Owner") is the owner of ± 2.001 Acres, Dickinson Crossing (2006) Abstract 19, Lot A, 2.001 Acres, more commonly known as 614 FM 517 West, generally located south of FM 517 and west of Evergreen in the City of Dickinson, Galveston County, Texas (the "Property"), and

WHEREAS, the Property presently has a zoning classification of Neighborhood Commercial ("NC") pursuant to Ordinance No. 420-2001, the City's Comprehensive Zoning Ordinance; and

WHEREAS, TJ Reeds Better Burges and Shakes ("Applicant") has made application to the City for a Specific Use Permit ("SUP") for said Property to allow the use of a Restaurant that Serves Alcohol as authorized by the City's Zoning Ordinance; and

WHEREAS, the City Secretary of Dickinson, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Dickinson and laws of the State of Texas, at a meeting of the City Council, to be held on the 28th day of June, 2016, for the purpose of considering a Specific Use Permit ("SUP") to allow the use of a Restaurant that Serves Alcohol on the Property; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Dickinson, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 28th day of June, 2016; and

WHEREAS, the City Council is of the opinion and finds that the granting of the Specific Use Permit (SUP) to allow the Applicant to use the Property for a Restaurant that Serves Alcohol, as described herein, would not be detrimental to the public health, safety, or general welfare or otherwise offensive to the general public, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Dickinson, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Comprehensive Zoning Ordinance Number 420-2001, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit Number SUP-16-0372 allowing the Applicant to use the Property for a Restaurant that Serves Alcohol; such Property being legally described as ± 2.001 Acres, Dickinson Crossing (2006) Abstract 19, Lot A, 2.001 Acres, more commonly known as 614 FM 517 West, generally located south of FM 517 and west of Evergreen in the City of Dickinson, Galveston County, Texas, presently zoned Neighborhood Commercial ("NC").

Section 3. It is further ordered that Specific Use Permit Number SUP-16-0372, as amended by this Ordinance, is approved solely for the use of a Restaurant that Serves Alcohol by the Applicant, and therefore, all amendments to such SUP approved by this Ordinance are exclusively for the benefit of the Applicant and do not run with the land.

Section 4. It is directed that the official zoning map of the City of Dickinson, adopted on the 24th day of July, 2001, by Ordinance No. 420-2001, shall be revised and amended to reflect the Specific Use Permit (SUP) granted by this Ordinance, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 5. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now

pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section 7. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not more than two thousand dollars ($2,000.00). Each day a violation continues shall constitute a separate offense.

Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 Dickinson, 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 9. This Ordinance shall become effective upon final reading and adoption of this Ordinance, in accordance with law.

DULY PASSED AND APPROVED on first reading this the 28th day of June, 2016.

DULY PASSED AND APPROVED on second reading this 12th day of July, 2016. (Third Reading Suspended)

DULY PASSED, APPROVED, AND ADOPTED on third and final reading this ___day of _____, 2016.

_____
Julie Masters, Mayor
City of Dickinson, Texas

CITY OF DICKINSON, TEXAS 77539 INCORPORATED 1977

ATTEST:

_____
Alun W. Thomas, City Secretary
City of Dickinson, Texas

APPROVED AS TO FORM AND CONTENT:

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David W. Olson, City Attorney
City of Dickinson, Texas