

**ORDINANCE NO. 2022-01
ESTABLISHING DEFINITION OF “MUSIC VENUE”
PERMITTED DISTRICTS OF USE, AND PARKING
REQUIREMENTS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX “A”, “COMPREHENSIVE ZONING”, ARTICLE 1, “IN GENERAL” SECTION 1.10 “DEFINITIONS”, BY CREATING A DEFINITION FOR “MUSIC VENUE”; AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX “A”, “COMPREHENSIVE ZONING”, ARTICLE 3, “ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS”, SECTION 3.15 “COMPREHENSIVE LAND USE REGULATION MATRIX”, BY ADDING “MUSIC VENUE” TO TABLE 3-A “USES PERMITTED BY RIGHT AND CONDITIONAL USES”, AS A CONDITIONAL USE WITHIN THE (C-2), (C-3), (WAD), (MMU) (POD), (STCOD), (OS), (LI), (146-S), AND (146-M) ZONING DISTRICTS; AND AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX “A”, “COMPREHENSIVE ZONING”, ARTICLE 5, “OFF-STREET PARKING, LOADING, INGRESS, AND EGRESS”, SECTION 5.04 “COMPREHENSIVE PARKING REGULATION MATRIX”, TABLE 5-C “REQUIRED PARKING SPACES BY LAND USE CATEGORY” BY ADDING “MUSIC VENUE”, AND CREATING NEW ASSOCIATED PARKING REGULATIONS.

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 City Council have received numerous complaints relating to nuisances of excessive noise, hours/time of operation, number and safety of attendees, parking congestion and related safety concerns created by business venues associated with outdoor amplified music detrimentally affecting the public safety, health, welfare, and corresponding need for protection of the attendees and residents; and

WHEREAS, due to the public safety, health and welfare concerns, it has been determined necessary to require conditional use permits for music venues for protection of the public; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, 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, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to permitted land uses; and

WHEREAS, the Planning and Zoning Commission recommended approval of this amendment at its meeting of October 21, 2021 and has made its final report; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

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

SECTION 1. FINDINGS OF FACT.

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

SECTION 2. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 1, SECTION 1.10. "DEFINITIONS".

The Seabrook City Code, Appendix A, Section 1.10 "Definitions" is hereby amended to create and add the definition of "Music Venue" as follows:

"Music Venue means a commercial establishment with a building, building complex, and/or an indoor or outdoor area where a ~~major~~ component of the business use is to accommodate sound amplified performances, including live amplified music, the presentation of music/sound played on amplified sound equipment operated by the owner, employee, an agent or a contractor commonly known as a "disc jockey", "DJ", and karaoke performance. A music venue is a specific use, where the business may sell tickets, imposes an admission charge, cover charge, or related charge to observe that entertainment or performance."

SECTION 3. AMENDMENT TO THE CODE, APPENDIX "A", ARTICLE 3, SECTION 3.15, TABLE 3-A "USES PERMITTED BY RIGHT AND CONDITIONAL USES".

The Seabrook City Code, Appendix "A", Section 3.15, Table 3-A "Uses Permitted by Right and Conditional Uses" is hereby amended as follows:

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	WAD	MMU	POD ²	STCO D ³	OS	MH	LI	146-S	146-M
Music Venue	-	-	-	-	-	C	C	C	C	C	C	C	-	C	C	C

SECTION 4. AMENDMENT TO THE CODE, APPENDIX “A”, ARTICLE 5, SECTION 5.04, TABLE 5-C “REQUIRED PARKING SPACES BY LAND USE CATEGORY”.

The Seabrook City Code, Appendix A, Section 5.04, Table 5-C “Required Parking Spaces by Land Use Category” is hereby amended as follows:

<u>“Land Use Activity</u>	<u>Required Parking</u>
Music Venue	One parking space per every 2.5 occupants + one parking space per every 2 employees on the largest shift; occupant limits are to be established by the City’s Building Official and Fire Marshal and shall be posted onsite as required by the City’s adopted Building and Fire Codes.”

SECTION 5. 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 and Ordinance, Section 1-15 “General Penalty and 11.06, “Criminal Enforcement” which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES.

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

SECTION 7. 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 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 8. 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 7th day of December 2021.

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 4th day of January 2022.

BY: _____
Thomas G. Kolupski, Mayor

ATTEST:

By: _____
Robin Lenio, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney