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**ORDINANCE NO. 2023-16
ESTABLISHING DEFINITION OF “(CBD)
CANNABIDIOL SALES” AND PERMITTED
DISTRICTS OF USE**

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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 “(CBD) CANNABIDIOL SALES”; 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 “(CBD) CANNABIDIOL SALES” TO TABLE 3-A “USES PERMITTED BY RIGHT AND CONDITIONAL USES”, AS A “USE BY RIGHT” WITHIN THE (C-2), (C-3), AND (LI) ZONING DISTRICTS; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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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 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 March 16, 2023, June 22, 2023 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:

48 **SECTION 1. FINDINGS OF FACT.**

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50 That the facts and matters set forth in the preamble of this Ordinance are hereby
51 found to be true and correct.
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53 **SECTION 2. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE**
54 **1, SECTION 1.10. “DEFINITIONS”.**
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56 The Seabrook City Code, Appendix A, Section 1.10 “Definitions” is hereby
57 amended to create and add the definition of “Music Venue” as follows:
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59 *****

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61 **“(CBD) Cannabidiol Sales: The sale of Cannabinoid hemp products to include:**
62 **extracts, oils, topical creams, pills, capsules and food or beverages that are intended for**
63 **human consumption or application, for their cannabinoid content. Excluded from this**
64 **definition, is the sale of smoking and tobacco products and accessories, and other**
65 **products, devices and components reasonably assumed to be used for smoking and/or**
66 **the inhalation of any substances. Tobacco products may include, but are not limited to,**
67 **cigarettes, cigars, loose leaf tobacco, tobacco pipes, electronic smoking devices and**
68 **accessories, vaporizers and accessories and any other product, device or component**
69 **used in the inhalation of tobacco, nicotine or other substance.”**
70

71 *****

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73 **SECTION 3. AMENDMENT TO THE CODE, APPENDIX “A”,**
74 **ARTICLE 3, SECTION 3.15, TABLE 3-A “USES PERMITTED BY RIGHT AND**
75 **CONDITIONAL USES”.**
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77 The Seabrook City Code, Appendix “A”, Section 3.15, Table 3-A “Uses Permitted by
78 Right and Conditional Uses” is hereby amended as follows:
79

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	WAD	MMU	POD ₂	STCOD ₃	OS	MH	LI	146-S	146-M
<u>(CBD) Cannabidiol Sales</u>						X	X							X		

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82 **SECTION 4. INCORPORATION INTO THE CODE, PENALTY**
83 **CLAUSE.**
84

85 This Ordinance is hereby incorporated and made a part of the Seabrook City
86 Code. Violation of this ordinance is subject to the penalty section of said Code and
87 Ordinance, Section 1-15 “General Penalty and 11.06, “Criminal Enforcement” which
88 provides that any person who shall violate any provision of this Ordinance shall be
89 deemed guilty of an offense and, upon conviction, shall be fined in an amount not to
90 exceed \$2,000.00. Each day of violation shall constitute a separate offense.
91

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

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

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 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, 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 1st day of August 2023.

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 15th day of August 2023.

BY: _____
Thomas G. Kolupski, Mayor

ATTEST:

By: _____
Robin Lenio, TRMC
City Secretary

APPROVED AS TO FORM:

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Loren Smith
City Attorney