



MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: February 23, 2015

Re: **Ordinance amending Chapter 22, Businesses to add Adult Oriented Businesses**

The City's Zoning Ordinance, Section 38, regulates sexually oriented businesses. This section is primarily a business regulation, rather than a zoning regulation (except to the extent that permissible locations are set out in that section). In developing the Unified Development Code, potential, permissible locations for various businesses are being set out in a zoning matrix (and this will include Adult Oriented Businesses), but licensing (and other related business regulation) will be placed, generally, under Chapter 22 of the City Code. This helps streamline the code, and makes it easier to determine what is required for licensing those businesses that require such.

The ordinance under consideration modernizes the regulatory code (which is part of the reason for renaming the business class), adds some preparatory supporting language, and broadens the scope to include (at least potentially) some of the new business types that occasionally arise in that industry. The ordinance also repeals the current regulations on massage businesses because the state licenses and regulates the massage industry (and the city cannot enforce the existing regulations). The proposed ordinance would regulate some potential massage businesses that fall outside of state regulation.

Currently adult oriented businesses can be licenses in commercial and industrial zoning districts – if they meet the locational distance requirements. A business cannot be closer than 1500 feet from the downtown historic district, a residential district, a church, a school (of any type), a public park, any residential use, a bar (other than one located in the business) or another adult oriented business or within a 1000 feet of the centerline of IH-10. A license for the business would be required as well as permits for each of the business's employees.

At this time there are no known adult oriented businesses located in Seguin. The ordinance sets a fairly high bar (within the constitutional limits of the City's authority) that should help maintain the present status quo.