



DOWNTOWN COMMISSION RECOMMENDATION 20150318-004

Date: March 18, 2015

Subject: Amendments to City Code 25-2-801 (Adult-Oriented Businesses)

Motioned By: Sunshine Mathon Seconded By: Jim Nix

Recommendation

The Downtown Commission recommends that the City Council approve the amendments as presented to the Downtown Commission (attached).

Vote: 9-0

For: Dale Glover, Dan Leary, Sunshine Mathon, Maureen Metteauer, Jim Nix, Joel Sher, Owen Snell, Bart Whatley, Bruce Willenzik

Against: none

Absent: Martin Barrera, Jude Galligan, Mark Gilbert, Brian Roark, Lindsey Sokol, Meredith Walker

Attest: Michael R. Knox
Michael Knox, Executive Liaison

CURRENT CODE w/ draft changes

§ 25-2-801 - ADULT-ORIENTED BUSINESSES.

(A) In this title:

- (1) ADULT ARCADE means a movie arcade, game arcade, or other business that primarily offers still or motion pictures or games that emphasize specified sexual activities or specified anatomical areas.
- (2) ADULT BOOKSTORE means a business:
 - (a) that primarily offers books, magazines, films or videotapes, periodicals, or other printed or pictorial materials that emphasize specified sexual activities or specified anatomical areas; and
 - (b) in which at least 35 percent of the gross floor area is devoted to offering merchandise described in Subsection (A)(2)(a).
- (3) ADULT CABARET means a business that primarily offers live entertainment that emphasizes specified sexual activities or specified anatomical areas.
- (4) ADULT LOUNGE means an adult cabaret that serves alcoholic beverages.
- (5) ADULT NOVELTY SHOP means a business that primarily sells products that emphasize specified sexual activities or specified anatomical areas, and in which at least 35 percent of the gross floor area is devoted to the sale of those products.
- (6) ADULT-ORIENTED BUSINESS means an adult arcade, adult bookstore, adult cabaret, adult lounge, adult novelty shop, adult service business, or adult theater.
- (7) ADULT SERVICE BUSINESS means an adult encounter parlor, adult retreat, nude modeling studio, or a commercial enterprise that holds itself out to be primarily in the business of offering a service that is distinguished or characterized by an emphasis on depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- (8) ADULT THEATER means a business that primarily exhibits motion pictures that emphasize specified sexual activities or specified anatomical areas.
- (9) SPECIFIED SEXUAL ACTIVITIES means:
 - (a) human genitals in a state of sexual stimulation or arousal;
 - (b) acts of human masturbation, sexual intercourse, or sodomy; or
 - (c) erotic touching of human genitals, the pubic region, the buttock, or the female breast.
- (10) SPECIFIED ANATOMICAL AREAS means:
 - (a) less than completely and opaquely covered:
 - (i) human genitals or pubic region;
 - (ii) buttock; or
 - (iii) female breast below a point immediately above the top of the areola; or
 - (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(B) On-premises advertisements, displays, or other promotional materials for an adult-oriented business that emphasize specified sexual activities or specified anatomical areas must not be visible from public or semi-public places outside the business.

(C) Except as provided in Subsection (E), an adult-oriented business other than an adult lounge is a permitted use in a ~~CBD, DMU~~, CS, CS-1, or CH zoning district and a conditional use in a CBD or DMU zoning district.

- (D) Except as provided in Subsection (E), an adult lounge is a permitted use in a CBD zoning district, and a conditional use in a **CBD**, DMU, CS-1, or CH zoning district.
- (E) An adult-oriented business may not be located on a lot:
 - (1) that is within 1,000 feet of a lot on which another adult-oriented business is located;
 - (2) that is within 1,000 feet of a lot on which a school, church, public park or playground, museum, public library, or licensed day-care center is located; or
 - (3) where 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use.
- (F) A radius or distance described in Subsection (E) is measured from the midpoint of a line joining the two most distant points on the boundaries of the lot.