

ARTICLE 18 ADULT BUSINESSES

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Sec. 18.1. Purpose and Intent.

The Governing Body finds and declares that adult businesses, by their nature, generate secondary effects unless regulated. This finding is based on the experiences of other communities and municipalities and on studies, reports and findings of other communities. Among the acts identified with such establishments are disorderly conduct, prostitution, drug trafficking and drug use. Experience in other cities has shown that where adult businesses are concentrated, neighborhoods deteriorate and the areas become less desirable places in which to work and live. Accordingly, the purpose of this Article is to regulate certain types of businesses so that many types of criminal activities frequently engendered by such businesses will be curtailed.

This Article is intended to minimize the adverse land use impacts caused by the undesirable secondary effects of adult bookstores, adult businesses, and erotic dance establishments. The Governing Body finds that restricting adult businesses to manufacturing and industrially zoned areas and imposing development standards can legitimately regulate adult businesses by establishing zones where adult businesses are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult business uses and other uses so as to afford adequate protection to residential uses.

Public nudity (either partial or total) under certain circumstances, particularly establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the undesirable community conditions identified with nudity are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior described above, and acceleration of community blight by the concentration of such establishments in particular areas. Furthermore, other forms of adult entertainment, including but not limited to, adult bookstores, peep shows, adult theaters, and massage parlors have a deleterious effect upon the quality of life in neighborhoods, commercial districts, and urban life in general. The limitation of adult business to certain areas and distances from other land uses is in the public welfare, and it is a matter of substantial governmental interest to minimize the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which provide or establish adult entertainment or adult uses.

This Article represents a balancing of interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments and adult businesses versus the protected rights of such businesses and their patrons. It is not the intent, in enacting this Article, to deny to any person rights to speech protected by the United States or Georgia Constitutions, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books, or other materials. Further, the Governing Body does not intend to deny or restrict the rights of any adult to obtain or view any sexually oriented materials protected by the United

States or Georgia Constitutions, nor do they intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute, or exhibit such constitutionally protected materials.

Sec. 18.2. Adult Businesses are Principal Uses.

Adult businesses are hereby defined as principal uses. No such uses shall be considered an accessory use for purposes of this zoning ordinance.

Sec. 18.3. Location and Separation Restrictions.

No adult business, as defined in this ordinance, shall be located:

- (a) Within 1,000 feet of a residence on any parcel of land which is zoned for a conventional residential zoning district established in Article 6 of this zoning ordinance;
- (b) Within 1,000 feet of any parcel of land upon which a church, school, educational institution, religious institution, governmental building simultaneously owned and occupied by such government, library, civic center, hospital, public park or neighborhood playground is located;
- (c) Within 1,000 feet of any parcel of land upon which another adult business;
- (d) Within any zoning category other than Manufacturing and Industrial (M-I) as established in this zoning ordinance and shown on the official zoning map.

For the purposes of this Section, distance shall be from property line to property line along the shortest possible straight-line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by location and boundary.