

Section 107. Regulation of Adult Establishments.

(Adopted 3/17/98)

WHEREAS, the Jacksonville City Council finds that there is convincing documented evidence that adult establishments, because of their very nature, have deleterious effects on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, the Jacksonville City Council recognizes that adult establishments, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other and near residential, religious, and educational uses, thereby contributing to urban blight and downgrading quality of life in the adjacent area; and

WHEREAS, the Jacksonville City Council wants to prevent these adverse effects and thereby protect health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods, and deter the spread of urban blight; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of adult establishments through time, place, and manner regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Jacksonville City Council as follows:

A. Purpose.

1. Generally:

The Jacksonville City Council has determined that adult establishments, in general, cause negative secondary impacts on neighboring properties. These secondary impacts include decreases in adjacent property values, contribution to neighborhood blight, and the creation of potential land use conflicts. In particular, the concentration of adult establishments tends to attract undesirable quantity and quality of transients, causes increases in crime, especially prostitution, and results in the relocation of residents and businesses elsewhere. The purpose of this section is to provide for the legal establishment of adult uses by imposing appropriate “time, place, and manner” regulations that disperse their location and minimize their negative secondary impacts.

2. Signage:

The Jacksonville City Council has also recognized that unregulated size, graphic and textual content of signage for adult establishments directly impacts neighboring property values, contributes to neighborhood blight, negatively affects traffic safety, and promotes prurient interests in the public, all of which undermine the substantial governmental purpose in regulating the negative secondary effects of adult establishments. Signage requirements as set forth for adult establishments in this section provide for adequate signage area for advertising businesses, but limit the size, numbers, and content of signs to protect community appearance, provide for traffic safety, prohibit prurient content to protect community interests, and protect and preserve adjoining property values.

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3. Building Design and Facade Treatment:

The Jacksonville City Council has determined that unregulated building design and facade treatment of adult establishments may also result in intensifying prurient interests in the public, may negatively affect minors, neighboring property values, and traffic safety. To this end, this section shall also regulate building design and facade treatment only to the extent necessary to prohibit the promotion of prurient interests in the public, and to minimize their negative secondary impacts on traffic safety and adjoining properties. This section shall outline distance, signage, and limited building design standards for the location and operation of adult establishments and their signage in Jacksonville and its extraterritorial jurisdiction.

B. Application and Review Procedures.

1. All adult establishments as primary or accessory uses of a property shall be allowed as permitted uses in the Business-1 (B-1), Business-2 (B-2), and Industrial (I) zones that are also located in the Adult Establishment Overlay Zone. In addition to the zone regulations, all adult establishments shall also meet the criteria outlined in this section.
2. Within 15 days of the submittal date, the Planning Department shall review the plans and make a determination to approve or disapprove plans based on the requirements of this ordinance. Staff approved plans shall be immediately reported to City Council. Approval shall become final unless further review of the proposal's compliance with the standards listed herein is requested by at least two (2) Council members or by the Mayor before the adoption of the agenda at the subsequent regularly scheduled City Council meeting.

C. Adult Establishment Overlay Zone.

1. The Adult Establishment Overlay Zone, as set forth on a map so entitled and dated March 17, 1998, as amended is hereby adopted by reference as an element of the Official Zoning Ordinance and Map of the City of Jacksonville.
2. All adult establishments shall be located within the Adult Establishment Overlay Zone (AEOZ). This shall include all parking, landscaping, signage, and all other site improvements associated with the regulated use.

D. Standards Applicable.

1. All adult establishments shall meet the following criteria:
 - a. Shall be located a minimum of five-hundred (500) feet in any direction from all of the following: 1) any residential use or zone; 2) church, synagogue, mosque,

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temple or any other structure used as a recognized place of worship; 3) public or private school, 4) state licensed day care; 5) public playground, public swimming pool, or public park. All measurements shall be taken from the exterior walls of the building(s) containing the adult use to the residential zone boundary or the lot line of the lot on which the building containing the above uses are located;

- b. All adult establishments shall be located a minimum of fifteen-hundred (1,500) feet in any direction from any other adult establishment located in the Adult Establishment Overlay Zone (AEOZ); *(Amended 7/7/98)*
 - c. All windows, doors, openings, entrances, etc., shall be located, covered, screened, or otherwise treated so the views into the interior of the establishment are not possible from any public or semi-public area, street, or way.
 - d. All adult establishments shall not exceed a floor area ratio (FAR) requirement of 0.25 and a lot coverage requirement of twenty (20) percent.
2. Additionally, the applicant must furnish the following information:
- a. A site plan meeting all City standards; and
 - b. Location of all land uses in any direction within fifteen hundred (1,500) feet from the proposed use measured from the exterior walls of the building(s) containing the regulated use.

E. Signage.

1. *Ground Signs:* All lots (both corner and interior) on which an adult establishment is located upon shall be limited to one (1) ground sign not to exceed twenty-five (25) feet in height. The size of the sign shall be limited to 0.3 square feet for every linear foot of road frontage that the sign fronts. In no case shall the size of the sign exceed seventy-five (75) square feet.
2. *Wall Signs:* All buildings within which an adult establishment is located shall be limited to one (1) wall sign not to exceed seventy-five (75) square feet. This wall sign shall include any sign that is painted or attached to any wall or any other portion of the building facade. No roof signs shall be permitted.

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3. *Additionally:*
 - a. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or the street in front of the building.
 - b. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.
 - c. No graphic or textual sign that is customarily construed as promoting the public's prurient interest may be directly or indirectly displayed referencing any of the following:
 - I) any nude or semi-nude activity occurring at the adult establishment,
 - ii) any portion of the human anatomy or reference to any "specified anatomical parts", and
 - iii) any other paraphernalia intended for use in "specified sexual activities".
 - iv) no flashing signs or lights may be used either on ground sign, wall sign or on any other portion of the building facade or site.

F. Building Facade Standards.

1. No external portion of any facade, or building, or part thereof shall be designed to imitate or suggest any "specified anatomical areas" or "specified sexual activities".
2. No substantial external portion (no more than 25 percent) of any facade, or any side of the building, or part thereof shall be colored or treated in garish or conspicuous shades that are customarily not used (for example, any florescent or bright shade of pink, blue, green, purple, yellow, red, etc.). Pastel shades and earthy tones shall be considered acceptable as facade colors.
3. The applicant shall submit architectural elevation drawings of all sides of the proposed or existing structure along with the site plan. The elevation drawing shall graphically illustrate all the external portions of the building and adequately address Subsections F 1 and F 2 above.

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G. Non-Conforming Adult Establishments.

1. *Definition:* Non-conforming adult establishments are all existing adult establishments as defined by Section 10. Definitions that have not met all the requirements of this ordinance at the time of adoption of this section of the ordinance.
2. *Standard Applicable:* All non-conforming adult establishments as defined above shall comply with all the requirements of this section within a period of five (5) years from the date of adoption of this section. Failure to comply shall render the business illegal and subject to zoning enforcement action.

H. Severability.

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this section are severable, and if any such section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this section since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

Section 108. Reserved