

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

ORDINANCE #296-2023-33

**AN ORDINANCE TO AMEND THE TROUSDALE COUNTY ZONING RESOLUTION
ARTICLE V ZONING DISTRICTS
BY AMENDING SECTION 5.045 M-1 GENERAL INDUSTRIAL DISTRICT**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the land use controls of Hartsville/Trousdale County include uses permitted by right or by special exception within specific zoning districts; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended this amendment to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION that the attached section be added to Article V of the Trousdale County Zoning Resolution:

***See Attachment 1: Article V, Section 5.045, Item C, Part 3
First Amendment Protected Adult Oriented Entertainment***

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

Favorably recommended by Planning Commission July 10, 2023

Favorably recommended by Codes & Zoning Committee August 10, 2023

Public Hearing to be held on September 25, 2023 if passed at 1st reading

Motion: ***Motion to approve as presented***

		1M	<u>Lesley Overman</u>	Voice Vote			
First Reading:	<u>August 28, 2023</u>	2m	<u>Alan Carman</u>	Approved w/o opposition	Absent	<u>0</u>	PASSED

Motion: ***Motion to approve as presented***

		1M	<u>Brian Crook</u>	Voice Vote			
Second Reading:	<u>September 25, 2023</u>	2m	<u>Shane Burton</u>	Approved w/o opposition	Absent	<u>3</u>	PASSED

IN EFFECT AND APPROVED ON SEPTEMBER 25, 2023 IN REGULAR SESSION

Approved:

Attest:



Commission Chairman



County Clerk

Article V, Section 5.045, Item C

3. First Amendment Protected Adult Oriented Entertainment Businesses.

- a. The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult Oriented Entertainment Businesses, as defined by this resolution, are entitled to certain protections. Therefore, an Adult- Oriented Establishment shall be a conditional use in the M-1 General Industrial District and shall be a prohibited use in any other zoning district. The Adult Oriented Establishment may locate in the specified district only if all the requirements of this section and the applicable zoning district regulations are met.
- b. Definitions
 - i. **Adult Entertainment.** Any exhibition of any adult-oriented motion picture, live performance, display, or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, including removal of articles of clothing or appearing unclothed.
 - ii. **Adult Oriented Establishment.** Any commercial establishment, business or service or portion thereof, which offers, as its principal or predominant stock and trade, sexually oriented material or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or any class of adults. Includes but is not limited to:
 - **Adult Book Stores.** Any corporation, partnership or business of any kind which has as its principal or predominant stock or trade, books, magazines or other periodicals and which offers, sells, provides or rents for a fee any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or any sexually oriented material which has a substantial portion of its contents devoted to pictorial depiction of sadism, masochism or bestiality; Or any sexually oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age.
 - **Adult Theaters.** An enclosed building used for presenting film presentations which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and
 - **Adult Peep Shows.** Includes all adult shows, exhibitions, performances, or presentations which contain acts of depictions of specified sexual activities.
 - iii. **Specified Sexual Activities.** Means activities services or performances that include the following sexual activities and/or the exhibition of the following anatomical areas:
 - Human genitals in a state of sexual stimulation or arousal; or
 - Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or any excretory function, or representation thereof; or
 - Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.
 - iv. **Sexually Oriented Material.** Any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibit uncovered human genitals or pubic region

in a lewd or lascivious manner, or which depicts human male genitals in a discernibly turgid state, even if completely covered.

- c. Adult Oriented Entertainment Businesses shall be located:
 - i. at least one thousand (1,000) feet from any residential district line where a single-family residence is a principal use, playground lot line, public park lot line, or publicly owned recreation area; or
 - ii. at least one thousand (1,000) feet from any structure used as a residence, place of religious worship, public or private school, or "Youth-Facility" as defined in this resolution; or
 - iii. at least one thousand (1,000) feet from any other structure housing an Adult-Oriented Establishment.
 - iv. at least one thousand (1,000) feet from any structure housing an establishment which holds an alcohol beverage license.
- d. Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult Oriented Establishment to the residential district boundary lines, to the lot line of any lot used for park, playground, or any structure listed in item c. i-iv above.
- e. The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
- f. For Adult Oriented Entertainment Businesses located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the Adult Oriented Establishment.
- g. For any Adult Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult Oriented Establishment (excluding emergency exits).
- h. Subsequent location of any establishments described in above item c. i-iv within the applicable distance requirement of an existing Adult Oriented Establishment does not constitute a violation of this resolution by the Adult Oriented Establishment.