#286

AN ORDINANCE SPECIFICALLY PROHIBITING THE USE OF ANY PROPERTY IN ANY ZONED DISTRICT FOR ADULT ENTERTAINMENT, AND AMENDING THE CITY OF LAKEWOOD ZONING ORDINANCE AND THE LAKEWOOD MUNICIPAL CODE, TITLE 11

WHEREAS, the City of Lakewood is a Tennessee municipal corporation incorporated within the boundaries of Davidson County, Tennessee; and

WHEREAS, the Zoning Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, provide for and allows the establishment "adult entertainment businesses" within the downtown area of Nashville/Davidson County, Tennessee; and

WHEREAS, the Board of Commissioners of the City of Lakewood find that there is sufficient area within Davidson County for the establishment of a "adult entertainment businesses".

NOW THEREFORE, BE IT ORDAINED by the City of Lakewood as follows:

SECTION 1. Within the City of Lakewood agricultural districts, residential districts, commercial districts, and industrial districts, the use of any property for the purpose of establishing an "adult entertainment business" is prohibited.

SECTION 2. The Lakewood Municipal Code, Title 11, Chapter 2, Section 11-210(c) is hereby amended by adding the following definition as a new subsection (c), with the following subsections thereafter to be renumbered or redesignated accordingly in successive order:

Subsection (c). "Adult entertainment" Business means any "adult bookstore," "adult video store," "adult theater," "adult nightclub," or any commercial establishment which for a fee or incidentally to ~~another~~ any other service, presents material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

Video

Escort Services!

2. "Adult nightclub" means a theater, concert hall, auditorium, nightclub, bar, restaurant or similar commercial establishment which regularly features live performances that are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas," as defined below.

3. "Adult theater" means an enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

4. "Adult video" means a video, CD, laser disk or similar medium with a cover available that depicts "specified sexual activities" or "specified anatomical areas."

5. "Adult video store" means a commercial establishment having a majority of its stock or a majority of its floor space dedicated to "adult videos," as defined herein, which are rented or sold or presented for a fee or incidentally to another service which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.

6. "Specified anatomical areas" means:

a. Less than completely and opaquely covered:

1. Human genitals, pubic region,

ii. Buttock, and

iii. Female breast below a point immediately above the top of the areola; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

7. "Specified sexual activities" means:

a. Human genitals in a state of sexual stimulation of arousal;

b. Acts of human masturbation, sexual intercourse or sodomy;

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SECTION 3. The Lakewood Municipal Code, Title 11, Chapter 2, Section 11-205 is hereby amended by adding the following subsection (16):

Subsection (16). In all agricultural districts, the use of property or improvements thereon for an "adult entertainment business" shall not be allowed.

SECTION 4. The Lakewood Municipal Code, Title 11, Chapter 2, Section 11-206 is hereby amended by adding the following subsection (18):

Subsection (18). The use of any residential zoned district for "adult entertainment business" shall not be allowed.

SECTION 5. The Lakewood Municipal Code, Title 11, Chapter 2, Section 11-207 is hereby amended by adding the following subsection (27):

Subsection (27). Prohibited uses in commercial districts (p): "adult entertainment businesses".

SECTION 6. The Lakewood Municipal Code, Title 11, Chapter 2, Section 11-208 is hereby amended by prohibiting the following uses in industrial districts (52) "adult entertainment businesses".

SECTION 7. This Ordinance shall take effect at the earliest date allowed by law, the public welfare requiring it.

SECTION 8. If any portion or clause of this Ordinance shall be deemed unconstitutional or unenforceable, the remaining portions of this Ordinance shall remain in full force and effect.

Escort Services (added)

SECTION 9. Should this Ordinance, or any portion thereof, be in conflict with any other Ordinance, the most restrictive provision shall prevail.

FIRST READING _____

SECOND READING _____

PUBLIC HEARING DATE _____

_____
MAYOR

ATTEST:

_____
CITY RECORDER

1. "Adult bookstore" means an establishment having a majority of its stock in trade books, magazines, or other periodicals, or other goods or items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.
2. "Adult nightclub" means a theater, concert hall, auditorium, nightclub, bar, restaurant or similar commercial establishment which regularly features live performances that are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas," as defined below.
3. "Adult theater" means an enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.
4. "Adult video" means a video, CD, laser disk or similar medium with a cover available that depicts "specified sexual activities" or "specified anatomical areas."
5. "Adult video store" means a commercial establishment having a majority of its stock or a majority of its floor space dedicated to "adult videos," as defined herein, which are rented or sold or presented for a fee or incidentally to another service which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.

6. "Specified anatomical areas" means:
   a. Less than completely and opaquely covered:
      1. Human genitals, pubic region,
      ii. Buttock, and
      iii. Female breast below a point immediately above the top of the areola; and
   b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
7. "Specified sexual activities" means:
   a. Human genitals in a state of sexual stimulation of arousal;
   b. Acts of human masturbation, sexual intercourse or sodomy;
   c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.