

**Department of Planning and Development**

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**MUNICIPAL-GWINNETT COUNTY  
PLANNING COMMISSION**

**SPECIAL CALLED MEETING  
PUBLIC HEARING AGENDA**

**GWINNETT JUSTICE AND ADMINISTRATION CENTER  
MONDAY, OCTOBER 26, 2015 AT 6:00 P.M.**

AS SET FORTH IN THE AMERICANS WITH DISABILITIES ACT OF 1992, THE GWINNETT COUNTY GOVERNMENT DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY AND WILL ASSIST CITIZENS WITH SPECIAL NEEDS GIVEN PROPER NOTICE (SEVEN WORKING DAYS). FOR INFORMATION, PLEASE CALL THE FACILITIES MANAGEMENT DIVISION AT 770.822.8015.

- A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG
- B. OPENING REMARKS BY CHAIRMAN AND RULES OF ORDER
- C. APPROVAL OF AGENDA
- D. AMENDMENT TO GWINNETT COUNTY ADULT ENTERTAINMENT ORDINANCE

AMENDMENT TO ADULT ENTERTAINMENT ORDINANCE, CONCERNING SECTION 86-70 THROUGH 86-99 ADULT ENTERTAINMENT ESTABLISHMENTS, ADDING OR AMENDING REGULATIONS PERTAINING TO ADULT ENTERTAINMENT ESTABLISHMENTS

- E. AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

**UDO A2015-00005** – AN AMENDMENT TO UNIFIED DEVELOPMENT ORDINANCE OF GWINNETT COUNTY, TITLE 1: ADMINISTRATION AND TITLE 2: LAND USE AND REZONING, TO ADD OR AMEND REGULATIONS PERTAINING TO ADULT ENTERTAINMENT ESTABLISHMENTS.

- F. AUDIENCE COMMENTS
- G. COMMENTS BY STAFF AND PLANNING COMMISSION
- H. ADJOURNMENT

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**ORDINANCE ENTITLED:** Amendment of Chapter 86, Article IV of the Code of Ordinances relative to Adult Establishments

**READING AND ADOPTION:** \_\_\_\_\_, 2015

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

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<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte Nash, Chairman		
Jace Brooks, District 1		
Lynette Howard, District 2		
Tommy Hunter, District 3		
John Heard, District 4		

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On motion of **Commissioner**\_\_\_\_\_, which carried **# - #**, the Code of Ordinances of Gwinnett County is hereby amended by amending Chapter 86 of the Gwinnett County Code of Ordinances by repealing Article IV, entitled “Adult Entertainment Establishments,” in its entirety, and by replacing that Article with a new Article IV, entitled “Adult Establishment Supplemental Use Standards”

**WHEREAS**, adult establishments require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the County; and

**WHEREAS**, the Board of Commissioners finds that adult establishments, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

**WHEREAS**, there is convincing documented evidence that adult establishments, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

**WHEREAS**, the Board of Commissioners desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

**WHEREAS**, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, *see, e.g., Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10th Cir. 2003) (“On its face, the Ordinance applies to all ‘sexually oriented businesses,’ which include establishments such as ‘adult motels’ and ‘adult novelty stores,’ which are not engaged in expressive activity.”); *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), *dismissed for want of a substantial federal question*, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); and

**WHEREAS**, the County intends to regulate adult establishments through a narrowly tailored ordinance designed to serve the substantial government interest in preventing the negative secondary effects of adult establishments; and

**WHEREAS**, the County’s regulations shall be narrowly construed to accomplish this end; and

**WHEREAS**, the County recognizes its constitutional duty to interpret and construe its laws to comply with constitutional requirements as they are announced; and

**WHEREAS**, with the passage of any ordinance, the County and the Board of Commissioners accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Georgia Constitutions, Georgia Code, and the Georgia Rules of Civil and Criminal Procedure; and

**WHEREAS**, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Georgia Constitution, but to enact legislation to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of adult establishments; and

**NOW, THEREFORE, BE IT ORDAINED** that the Gwinnett County Board of Commissioners hereby amends Chapter 86 of the Gwinnett County Code of Ordinances by repealing Article IV, entitled “Adult Entertainment Establishments,” in its entirety, and by replacing that Article with a new Article IV, entitled “Adult Establishment Supplemental Use Standards,” which such revisions are attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this ordinance shall be effective on \_\_\_\_\_, 2015.

**BE IT FURTHER RESOLVED** that all ordinances, regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Charlotte J. Nash, Chairman

Ordinance Number \_\_\_\_\_-2015-\_\_\_\_\_  
GCID: 2015-\_\_\_\_\_

Date Signed: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_ (Seal)  
Diane Kemp, County Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
County Attorney

## Exhibit A

### Chapter 86 – PLANNING AND DEVELOPMENT

#### ARTICLE IV. – ADULT ESTABLISHMENT SUPPLEMENTAL USE STANDARDS

##### Section

- 86-70. - Purpose; findings and rationale.
- 86-71. - Definitions.
- 86-72. - Adult establishment spacing requirements.

##### **Sec. 86-70. - Purpose; findings and rationale.**

- (a) *Purpose.* It is the purpose of this article to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the County. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.
- (b) *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Commissioners, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

*Trop, Inc. v. City of Brookhaven*, 296 Ga. 85 (2014); *Oasis Goodtime Emporium I, Inc. v. City of Doraville*, 773 S.E.2d 728 (Ga. 2015); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232

(11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloon Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food & Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); *Fairfax MK, Inc. v. City of Clarkston*, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Goldrush II v. City of Marietta*, 267 Ga. 683 (1997); *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County*, 272 Ga. 887 (2000); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food & Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County*, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants*,

*Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005);

and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, “Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD,” *Journal of Urban Health* (2011); “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?” *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; “Rural Hotspots: The Case of Adult Businesses,” *19 Criminal Justice Policy Review* 153 (2008); “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA),

the Board of Commissioners finds:

- (1) Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the County’s rationale for this article, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County’s interest in regulating

adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the County. The County finds that the cases and documentation relied on in this article are reasonably believed to be relevant to said secondary effects.

The County hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

**Sec. 86-71. - Definitions.**

For purposes of this article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

“*Adult Establishment*” shall have the same meaning as set forth in Chapter 18, Article XI of the Gwinnett County Code of Ordinances.

“*Children’s day care facility*” means a Child Day Care Center, a Family Day Care Home, and a Group Day Care Home as those terms are defined in The Unified Development Ordinance of Gwinnett County, Georgia.

**Sec. 86-72. – Adult establishment spacing requirements.**

- (a) It shall be unlawful to establish, operate, or cause to be operated an adult establishment within an Activity Center/Corridor Overlay District, a Community Improvement District, or a Tax Allocation District.
- (b) It shall be unlawful to establish, operate, or cause to be operated an adult establishment in unincorporated areas of Gwinnett County within 1,000 feet of another adult establishment. Measurements for this subsection (b) shall be made in a straight line without regard to intervening structures or objects, between the closest parts of the structures occupied by the two adult establishments. Where an adult establishment is within a multi-tenant development, the measurement shall be to or from the closest part of the tenant space occupied by the adult establishment.
- (c) It shall be unlawful to establish, operate, or cause to be operated an adult establishment in unincorporated areas of Gwinnett County, unless said adult establishment is at least:
  - (1) 1,000 feet from all parcels of land within the following zoning districts referenced in the Gwinnett County Unified Development Ordinance: RA-200, RLL, R-140, R-100, R-75, R-60, R-TH, OSC, R-ZT, RM, RMD, RM-6, RM-8, RM-10, RM-13, RM-24, RL, MH, MHS, TND, R-SR, HRR, O-R, MU-C, MU-N, MU-R, MUR, and MUO;
  - (2) 1,000 feet from all parcels of land on which a church, school, college campus, public park, or children’s day care facility is located; and



- (3) 500 feet from all parcels of land upon which any establishment authorized to sell alcoholic beverages or malt beverages and wine for consumption on the premises is located.
- (d) For the purpose of subsection (c), measurements shall be made in a straight line from the closest part of any structure occupied by the adult establishment to the closest property line of the zoned property and uses identified in subsection (c) above. Where a use identified in subsection (c) is located in a multi-tenant development, the distance shall be measured to the closest part of the tenant space occupied by that use rather than the property line of the entire development, so as to maximize the number of locations available to adult establishments.
- (e) The zoning and/or use of land in adjacent jurisdictions shall not disqualify any location within unincorporated Gwinnett County from being available to an adult establishment.
- (f) Notwithstanding any provision in the Gwinnett County Code of Ordinances to the contrary, an adult establishment in a location that satisfies the standards in this Section 86-72 shall not be deemed noncompliant with this section by virtue of the subsequent establishment or expansion of a land use, zoning district, community improvement district, or tax allocation district specified in this section.

**Sec. 86-73 – 86-99. - Reserved.**

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**ORDINANCE ENTITLED:** Amendment of Gwinnett County Unified Development Ordinance relative to Adult Establishments

**READING AND ADOPTION:** \_\_\_\_\_, 2015

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

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Name	Present	Vote
Charlotte Nash, Chairman		
Jace Brooks, District 1		
Lynette Howard, District 2		
Tommy Hunter, District 3		
John Heard, District 4		

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On motion of **Commissioner**\_\_\_\_\_, which carried **# - #**, the Code of Ordinances of Gwinnett County is hereby amended by amending portions of the Unified Development Ordinance relative to Adult Establishments.

**WHEREAS**, adult establishments require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the County; and

**WHEREAS**, the Board of Commissioners finds that adult establishments, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

**WHEREAS**, there is convincing documented evidence that adult establishments, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

**WHEREAS**, the Board of Commissioners desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

**WHEREAS**, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, *see, e.g.*,

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*Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10th Cir. 2003) (“On its face, the Ordinance applies to all ‘sexually oriented businesses,’ which include establishments such as ‘adult motels’ and ‘adult novelty stores,’ which are not engaged in expressive activity.”); *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), *dismissed for want of a substantial federal question*, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); and

**WHEREAS**, the County intends to regulate adult establishments through a narrowly tailored ordinance designed to serve the substantial government interest in preventing the negative secondary effects of adult establishments; and

**WHEREAS**, the County’s regulations shall be narrowly construed to accomplish this end; and

**WHEREAS**, the County recognizes its constitutional duty to interpret and construe its laws to comply with constitutional requirements as they are announced; and

**WHEREAS**, with the passage of any ordinance, the County and the Board of Commissioners accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Georgia Constitutions, Georgia Code, and the Georgia Rules of Civil and Criminal Procedure; and

**WHEREAS**, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Georgia Constitution, but to enact legislation to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of adult establishments; and

**NOW, THEREFORE, BE IT ORDAINED** that the Gwinnett County Board of Commissioners hereby amends portions of the Unified Development Ordinance relative to Adult Establishments, which such revisions are attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this ordinance shall be effective on \_\_\_\_\_, 2015.

**BE IT FURTHER RESOLVED** that all ordinances, regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Charlotte J. Nash, Chairman

Date Signed: \_\_\_\_\_

ATTEST:

Ordinance Number \_\_\_\_\_-2015-\_\_\_\_\_  
GCID: 2015-\_\_\_\_\_

By: \_\_\_\_\_(Seal)  
Diane Kemp, County Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
County Attorney

## **EXHIBIT A**

### **Revisions to the Unified Development Ordinance of Gwinnett County, Georgia**

**That Title 1, Chapter 110, Subsection 110-40 General Definitions is amended by alphabetically inserting the following defined term:**

**Adult Establishment:** “Adult Establishment” shall have the same meaning as set forth in Chapter 18, Article XI of the Gwinnett County Code of Ordinances.

**That Title 2, Chapter 230, Subsection 100.5 is amended by deleting the existing Subsection in its entirety, and inserting in lieu thereof the following:**

230-100.5      Restrictions on the location and operation of adult establishments are provided in Section 230-130.

**That Title 2, Chapter 230, Table 230.4 “Table of Permitted and Special Uses” is amended by deleting the existing term “Adult Entertainment Establishment” and inserting in lieu thereof the term “Adult Establishment.”**

**That Title 2, Chapter 230, Table 230.4 “Table of Permitted and Special Uses” is amended by amending the row labeled “Adult Establishment” (formerly labeled “Adult Entertainment Establishment”) to reflect that an “Adult Establishment” is permitted, subject to supplemental use standards, in the M-1 district and in the M-2 district, by inserting “P” in the columns labeled “M-1” and “M-2,” and deleting “P” from the columns labeled “C-2” and “C-3,” and by retaining “Y” in the column “Supl. Reg.”**

**That Title 2, Chapter 230, Subsection 130.3.A. is amended by deleting the existing Subsection in its entirety, and inserting in lieu thereof the following:**

**A.      Adult Establishment.**

Adult Establishments shall conform to Chapter 18, Article XI and Chapter 86, Article IV of the Gwinnett County Code of Ordinances.

**That Title 2, Chapter 240, Table 240.1 “Minimum Parking Requirements” is amended by deleting the existing term “Adult entertainment establishment”, and inserting in lieu thereof the term “Adult establishment.”**

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**That UDO Appendix Section 5.0 – Inactive Zoning Districts, Section 5-180.6.A.5.c is amended by deleting the phrase “Adult Entertainment Facilities are not permitted” and inserting in lieu thereof the phrase “Adult Establishments are not permitted.”**