ARTICLE FOUR
GENERAL AND SUPPLEMENTAL REGULATIONS

SECTION A: GENERAL

4.a.1. The regulations set forth in this Article clarify, supplement or modify the district regulations in Article Three of this Ordinance.

SECTION B: APPLICATION OF REGULATIONS

4.b.1. The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum aesthetics standards for all site clearing, development, buildings, structures or alterations to land within the City of Sumter and the unincorporated portion of the County of Sumter.

SECTION C: USE OF LAND, BUILDINGS, OR STRUCTURES

4.c.1. No land, building, or structure shall hereafter be used or occupied and no building or structure shall hereafter be constructed, erected, altered or moved unless in conformity with the regulations herein specified for the zoning districts in which it is or will be located. Uses of land, building or structures are excluded which are not designated as a permitted use or a permitted conditional use or a special exception within the applicable zoning districts.

SECTION D: HEIGHT OF BUILDINGS AND/OR STRUCTURES

4.d.1. No building or structure shall exceed the height specified within each district in Article Three, unless otherwise permitted in this Ordinance. Height shall be measured vertically from the highest point on a structure, excepting any chimney or antenna on a building, to the ground level of the grade where the walls or other structural elements intersect the ground. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, roof signs, flag poles, masts and aerials, provided that such building or structure is not a hazard to air navigation, and does not penetrate the airspace height zones of the Sumter Airport and Shaw Air Force Base. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

SECTION E: DENSITY

4.e.1. No building, structure or land shall hereafter be used or occupied in excess of the prescribed density regulations, nor accommodate a greater number of dwelling units than prescribed for in the zoning district in which it is or will be located.

4.e.2. In computing density for large tracts or multi-unit housing projects, the density limits established by the zoning district shall govern. However, densities may be allowed to exceed the maximum on a part of a tract, if the overall density on the total project site does not exceed the limits established by the zoning district. Individual pods of housing development shown on a General Development Plan or Site Plan must be of sufficient size and shape to realistically achieve estimated densities shown for those parcels. The Sumter City-County Planning Commission may require a sketch plan of individual pods shown on a General Development Plan or Site Plan to demonstrate the accuracy of proposed densities on the plan.

SECTION F: YARD REGULATIONS

4.f.1. Yards which abut streets shall be measured from the abutting street right-of-way line.

4.f.2. Yards Abutting Service Lanes: Whenever a lot abuts upon a service lane (i.e., alleyway) one-half (1/2) of the service lane width may be considered as a portion of the required yard.

4.f.3. Yards Located on Lots with More Than One Principal Building:

a. Unless expressly permitted elsewhere by this Ordinance, only one principal residential structure shall be located on an individual lot of record or combination of two or more lots of record.

b. Whenever more than one principal building is to be located on a lot, the required yards shall be maintained around the group of buildings, and the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

4.f.4. Front Yards:

a. The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within two hundred (200) feet on each side of such lot within the same block and district and fronting on the same side of the street, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the aforementioned existing buildings.

b. Where a lot fronts on two or more nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.

c. Where the principal building(s) or structure(s) are oriented to face inward, away from the street on which it fronts, said building or structure shall nonetheless observe the required front yard setback for the district in which it is located, and any accessory use(s) prohibited from the required front yards within such districts, also may be prohibited within the required front yard setback from the reoriented use facing away from the street.

d. Where a frontage is divided among districts with different front yard requirements, the deepest front yard shall apply to the entire frontage.

e. No structure other than a driveway, sign, fence, gate, sidewalk, or berm shall be erected or permitted to be located in a required front yard area.

4.f.5. Side Yards: Where a side yard abuts a street (i.e., corner lot), the minimum side yard requirement shall not be less than fifty (50%) percent required on the lot lying to the rear, when the rear lot faces a side street and no accessory building on said corner lot shall extend beyond the front yard line of the lot to the rear. If, however, the rear lot faces the opposite street, and in fact constitutes another corner lot, then the side yards setback for the district in which the lot is located shall prevail. Provision established herein may be excluded from a Planned Development (PD) which utilizing the Traditional Neighborhood Development (TND) design conventions.

4.f.6. Side Yard Requirements For Special Housing Types: In the following residential districts (i.e., R-6, GR) and in the following commercial districts (i.e., GC, LC, NC, and PO), the side yard setback may be waived on one side of the lot, when two semi-detached structures[1] sharing a common wall are placed simultaneously on the alternate side of the same property line to create an effect similar to a duplex on one lot. This may occur when:

a. The applicant wishes to place simultaneously detached units on the alternate side of the same property line of two adjoining lots held under the same ownership at the beginning of construction; or,

b. The applicant wishes to subdivide the lot, as well as the existing building through the common wall as long as:

1. The opposite side yard is not less than the minimum side yard setback required within the applicable zoning district, and is perpetually maintained free and clear of any obstructions;

2. No portion of either dwelling or architectural features project over any property line;

[1] Definition: Dwelling, Semi-Detached – A single family dwelling attached to one other single family dwelling by a common vertical wall, and each dwelling located on a separate lot.

3. The total area of development is in compliance with all area regulations of the corresponding zoning district, including lot area, setbacks, screening, and parking;

4. Each semi-detached structure is constructed on a lot where the minimum lot area and the minimum lot width at the building line is not less than one half (1/2) the minimum requirement of the corresponding zoning districts and all other subdivision regulations are met;

5. Only one (1) accessory building is allowed per semi-detached structure;

6. The common wall located at the zero side yard setback is constructed in accordance with all specifications of the latest addition of the Standard Building Code.

4.f.7. Structures Projecting into Required Yards: The following structures within the limits set forth may project into the required yards:

a. Steps and open porches without roofs shall be allowed in any required yard, but shall not be closer than seven (7) feet to any property line;

b. Eaves, cornices, gutters, fireplaces, and other minor architectural features projecting no more than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard;

c. Ramps, lifts, and access facilities for the handicapped;

d. Fences, walls and hedges may be erected in any required yard or setback area or along the edge of a property line, provided that no fence, wall or hedge; shall,

   1. impede the vision clearance for driveways or streets as provided in 4.h.1;

   2. include gates that swing outward into sidewalks or public rights-of-way;

4.f.8. Height, Fencing Materials, and Proximity Regulations for Fences Allowed in Required Yards: A solid fence or wall not over five (5) feet in height is permitted outright in any side or rear yard provided; that a said fence is no closer than twelve (12") inches from a street right-of-way line. Where a fence is in fact over five feet in height, said fence may not be permitted within six feet of a structure on an adjacent property. In addition, a solid fence which is over six (6) feet in height must be an additional one (1) foot from the adjacent structure for every foot in height. No fence may exceed eight (8) feet in height**.** Hurricane, cyclone and wire fences are permitted along any side or rear property line. All solid fences in the front yard setback area will have an exterior finish facing outward.

4.f.9. Yard Setback Requirements from Railroad Rights-of-Way: Structures within commercial and/or industrial zones may locate closer to a railroad right-of-way than the typical

side or rear yard setback requirement may be in a zoning district. However, the location must be in accordance with the applicable railroad standards and conform to all other pertinent provisions of the Zoning and Development Standards Ordinance.

SECTION G: ACCESSORY BUILDINGS AND USES

4.g.1. General: Accessory buildings and uses may be located in required yards under the following conditions.

4.g.2. Residential Accessory Structures: Residential accessory structures shall comply with the following conditions:

a. Conditions & Exceptions:

1. No accessory building or structure shall be constructed on any residential lot prior to the time of construction of the principal building to which it is accessory.

2. Accessory buildings attached to the principal structure by a common roofline or breezeway shall be treated as part of the principal structure and shall meet all principal setbacks for the zoning district in which it is located.

3. Any accessory building 120 sq. ft. in size or smaller (i.e. play houses, well pump houses, and other similar uses) will not be counted as accessory structures however they must comply with accessory structure 5 ft. minimum setbacks and shall be limited to two (2) per parcel.

b. Development Standards:

1. **Maximum Height** – No accessory structure shall exceed the height of 25 ft; the height is the vertical distance between the finished grade along the front of the structure to the highest point of the structure.

2. **Separation Criteria** – No accessory structure shall be located within 10 ft. of the principal structure.

3. **Number** – No residential parcel shall have more than two (2) accessory structures; the aggregate floor area of both structures added together shall not exceed the maximum size allowed under Exhibit 4-1.

4. **Location Requirements** – Detached garages shall only be located in the side or rear yard of a parcel and shall be located no further forward on the lot than the principal structure; storage shall be located in the rear yard only.

5. **Setbacks** – Note: accessory structures over 1200 sq. ft. in size must be a minimum of 10 ft. from all side and rear property lines.

   i. Interior Lots – Front – N/A; Side – 5 ft.; Rear – 5 ft.

   ii. Corner Lots – Front – N/A; Interior Side – 5 ft.; Exterior Side – (local collector street) – 17.5 ft.; Exterior Side (arterial street) – 22.5 ft.; Rear – 5 ft.

6. **Maximum Size** – the maximum size of residential accessory structures shall be governed by Exhibit 4-1 and shall be based on the gross acreage of the parcel of land on which it is located.

c. **Accessory Apartments**: Accessory apartments shall be treated as a permitted use on any parcel that's principal use is single-family detached residential regardless of zoning classification.

EXHIBIT 4-1

Maximum square footage of residential accessory structures based on gross acreage

Acreage	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
**<0.5	See note 1									
0.5	1100	1120	1140	1160	1180	-	-	-	-	-
1.0	1200	1225	1250	1275	1300	1325	1350	1375	1400	1425
2.0	1450	1475	1500	1525	1550	1575	1600	1625	1650	1675
3.0	1700	1725	1750	1775	1800	1825	1850	1875	1900	1925
4.0	1950	1975	2000	2025	2050	2075	2100	2125	2150	2175
5.0	2200	2225	2250	2275	2300	2325	2350	2375	2400	2425
6.0	2450	2475	2500	2525	2550	2575	2600	2625	2650	2675
7.0	2700	2725	2750	2775	2800	2825	2850	2875	2900	2925
8.0	2950	2975	3000	3025	3050	3075	3100	3125	3150	3175
9.0	3200	3225	3250	3275	3300	3325	3350	3375	3400	3425
>= 10.0	Exempt, see note 2									

NOTES:

1) Maximum size for accessory structures on all parcels less than 0.5 acres in size is 1000 sq. ft.

2) All parcels over 10 acres in size are exempt from maximum square footage requirements, however, each zoned parcel shall not exceed the maximum impervious surface ratio for the given zoning district.

ACCESSORY USE	**CONDITIONS**
Off-street parking	May be located in required yards in all zoning districts. Off-street parking shall not be allowed in any required bufferyard or within three (3) feet of any property line.
Signs	Must comply with the development standards established in Article 8, Section H: Sign Regulations
Accessory buildings, including Garages, carports, animal shelters, Storage sheds, etc.	See Section 4.g.2. Where the accessory use is a combined garage and living space (or office use), the second story of the accessory use, when used as a living space or office use, shall not count against the square gross floor area limit as established in Exhibit 4-1. The number of accessory structures shall not exceed two in any zoning district. The maximum floor area established in Exhibit 8A is the total floor area of all accessory structures; this means that each residential parcel is entitled to a total of two (2) non-exempt accessory structures with a combined total floor area not to exceed the square footage limitations established in Exhibit 8A. No accessory use shall be located in any required bufferyard.
Accessory apartments	Shall be developed in accordance with 4.g.2. and the following criteria – An accessory living unit (limit one per residential lot) cannot be larger than one thousand square fee (1,000 sq. ft.) nor smaller than three hundred square feet (300 sq. ft.). Further, it cannot exceed more than forty percent (40%) of the principal structure's floor area, nor have more than two (2) bedrooms. There must be at least one parking space per unit. The accessory apartment must be a complete living space with a kitchen and bathroom facility entirely separated from the primary unit. The building's exterior should give every appearance that it is a single-family house with the exterior finishes matching the exterior finishes of the principal structure. Accessory units may be created as a second story within a detached garage provided that the height of the structure does not exceed the height of the principal structure on the lot.
Portable on Demand Storage (PODS) units or other similar portable on demand storage containers such as sea vans	Permitted as a temporary use only, **See Article 5, Section C: Temporary Uses** for guidelines.

ACCESSORY USE	CONDITIONS
Stockyards, Slaughter Houses, Commercial Poultry Houses And Kennels, and Livestock Auction Houses	These uses are subject to review and approval by the Sumter City-County Board of Zoning Appeals as special exception uses**.** Referenced uses set forth herein, with SIC Codes 025 and 20, shall not be located closer than one thousand (1,000 ft) feet to any adjacent residential use on a separately platted parcel of land under separate ownership. No incineration of animals or animal refuse shall be permitted on site.
Swimming pools, tennis courts and Recreational uses	May be located in all side and rear yards, provided said uses shall be no closer than ten (10 ft) feet to the nearest property line, and shall not be located in any required buffer yard, and shall have all lighting shielded or directed away from adjoining residences.
Satellite dishes, ham radio towers, and ground supported TV antennas	May be located in required rear yards setbacks in all districts; provided such uses shall be located no closer than ten (10 ft) feet from all property lines, the foundation shall be approved by the Building Official, and said uses shall not be located in any required bufferyard. Furthermore, digital TV dishes shall be allowed on roofs and exterior walls of buildings within all districts.

4.g.3. Commercial Accessory Structures: commercial accessory structures shall comply with the following:

a. All accessory buildings shall meet the principal setbacks, shall not exceed the maximum height for the zoning district and shall be treated as principal structures for zoning purposes;

b. All buildings greater than 200 sq. ft. in size are required to be shown on the commercial site plan and shall be reviewed through the site plan review process;

c. Any structure 200 sq. ft. or less in size will not be treated as an accessory structure but are limited to two (2) structures per parcel.

4.g.4. Agricultural Accessory Structures:

a. Conditions and Exceptions:

1. Accessory buildings constructed for the exclusive use of sheltering agricultural machinery or storage of agricultural products shall be exempt from the accessory building standards;

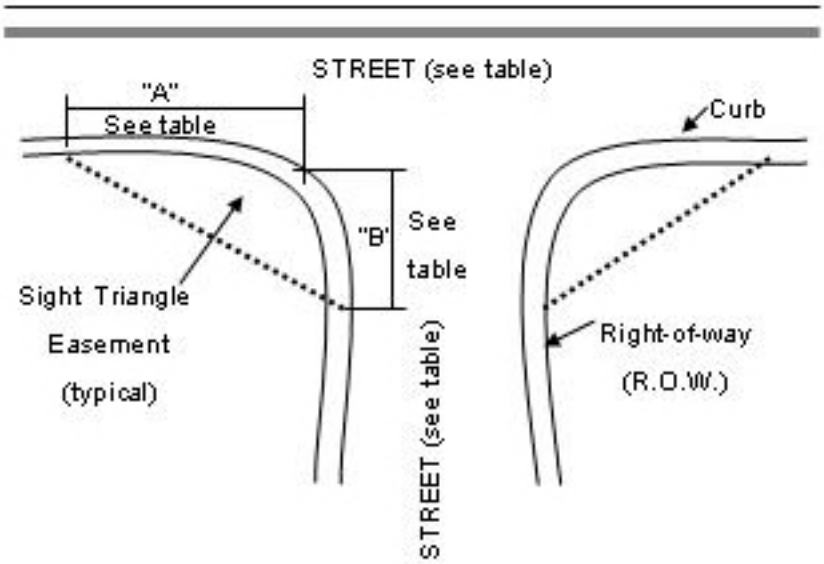
2. All agricultural structures shall be treated as principal structure for the purpose of this Zoning Ordinance; agricultural structures shall meet non-residential setbacks and shall meet all other non-residential development criteria for a given zoning district to include maximum height, distance between buildings, and impervious surface ratio requirements.

SECTION H: VISUAL CLEARANCE AT INTERSECTIONS

4.h.1. **General:** On any corner lot in any district except in the Central Business District (CBD) no plantings shall be placed or maintained and no fence, building, wall or structure shall be constructed or erected after December 30, 1991, if such planting or structure thereby obstructs vision at any point between a height of three and a half (3 ½ ft) feet and ten (10 ft) feet above upper face of the nearest curb or street center line (if no curb exists). This requirement is established within the sight triangle area bounded on two sides by the street rights-of-way lines, and on the third side by a straight line connecting points on the two street rights-of-way lines as required by the illustration shown herein.

4.h.2. Removal of Obstructions: Existing impediments to visual clearance shall be discontinued where/when feasible. However, structures (i.e., poles) less than twelve (12”) inches in diameter and free-standing signs at least ten (10 ft) feet above ground may be permitted in such visual clearance areas.

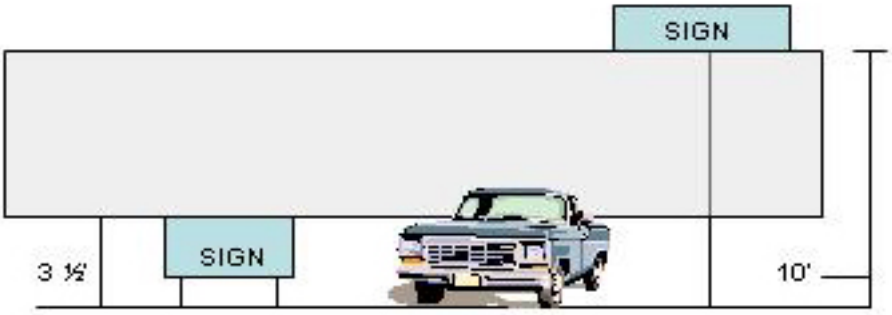
EXHIBIT 4-2
SIGHT TRIANGLES



TYPICAL REQUIREMENTS
By street type
(Measured along R.O.W. Line)

"A"	(Distance in Feet)	"B" (Distance in Feet)		
		Local	Collector	Arterial
15	Driveway	15	15	15
25	Local Street	25	50	75
35	Collector Street	25	50	75
50	Arterial Street	25	50	75

Vertical Vision Clearance Area



SECTION I: PARKING AND STORAGE OF CERTAIN VEHICLES IN RESIDENTIAL ZONES

4.i.1. General: In order to promote the health, safety, welfare, and aesthetics of residential areas the following rules shall apply:

a. No commercial buses shall be parked or stored in any residential district unless completely screened from public view;

b. Semi-tractor trailers or cargo trucks shall not be parked in residential zones or Central Business District except to load and unload at the premise which it is parked and shall not be parked overnight. However, the cab unit without the cargo body may be parked in residential zones;

c. Automobiles or trailers without a current license plate shall not be parked or stored in any front or side yard on any residentially occupied or zoned property;

d. Vehicles parked in a commercial or industrial zone which abuts a residential zone may not be closer than twenty-five (25 ft) feet to a residential property.

SECTION J: PARKING, STORAGE, OR USE OF CAMPERS OR OTHER MAJOR RECREATIONAL VEHICLES

4.j.1. No recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building, or immediately adjacent to the side or rear of the principal building, or sufficiently screened from view from the public right-of way. The vehicle may be parked for a period not to exceed 24 hours for purposes of loading or unloading. Such equipment shall observe an eight foot rear yard setback and all other yard requirements set forth within the district in which it is located. No such equipment shall be used for housekeeping purposes when parked or stored on a residential lot, or in any other location not approved for such use, except the housing or temporary guests for a period not to exceed two weeks per year.

SECTION K: CONTAINERS AND DUMPSTERS

4.k.1. All exterior dumpsters or exterior garbage containers (excluding containers or groups of containers with a combined capacity of less than six cubic yards) shall be screened on all but one side by a fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall be obscured from street visibility to the extent possible.

SECTION L: APPEARANCE OF FENCES AND WALLS

4.l.1. All fences and walls used as part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall my be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable bufferyard requirements, they shall be established along the inside line of the bufferyard toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls also may be established along the outer perimeter of the lot, with the approval of the Zoning Administrator.

SECTION M: ACCESS TO COMMERCIAL AND INDUSTRIAL ZONED PROPERTY PROHIBITED FROM RESIDENTIAL ZONES

4.m.1. Where a commercial or industrial zoning district is bounded by a residential zoning district, no portion of the residential zoning district shall be traversed by commercial or industrial vehicles. Access to such industrial or commercial properties, including off-street parking and loading areas, shall be restricted to streets and alleys within the respective commercial or industrial districts in which such uses are located; and no commercial or industrial vehicles or parking in connection with an industrial or commercial use shall occupy a public street or right-of-way separating commercial or industrial districts from residential districts.

SECTION N: MINI-WAREHOUSES

4.n.1. Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

a. Size: mini-warehouse sites shall not exceed four (4) acres.

b. Lot coverage: coverage of all structure shall be limited to fifty percent (50%) of the total lot.

c. In/Out: Vehicular ingress-egress shall be limited to one point for each side of the property abutting any street.

d. Storage only: no business activities other than rental storage units not to exceed 500 square feet per unit shall be conducted on the premises with no outside storage.

e. Landscaping and screening: Mini-warehouses shall meet all requirements setforth in Article Nine of the Ordinance.

SECTION O: SEXUALLY ORIENTED BUSINESSES

4.o.1. Purpose; findings and rationale.

a. *Purpose.* It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance 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 ordinance 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 ordinance 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 City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.L.*, 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,* 453 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

Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); *D.G. Restaurant, Inc. v. City of Myrtle Beach,* 953 F.2d 140 (4th Cir. 1991); *Giovani Carandola, Ltd. v. Fox,* 470 F.3d 1074 (4th Cir. 2006); *Independence News, Inc. v. City of Charlotte,* 568 F.3d 148 (4th Cir. 2009); *Steakhouse, Inc. v. City of Raleigh,* 166 F.3d 634 (4th Cir. 1999); *Hart Bookstores, Inc. v. Edmisten,* 612 F.2d 821 (4th Cir. 1979); *Wall Distributors, Inc. v. City of Newport News,* 782 F.2d 1165 (4th Cir. 1986); *Restaurant Row Associates v. Horry County,* 516 S.E.2.d 442 (1999); *Condor, Inc. v. Board of Zoning Appeals,* 493 S.E.2d 342 (1997); *Rothschild v. Richland County Bd. of Adjustment,* 420 S.E.2d 853 (1992); *Centaur, Inc. v. Richland County,* 392 S.E.2d 853 (1990); and

LLEH, Inc. v. Wichita county, 289 F.3d. 358 (5th Cir. 2002); *Ocello v. Koster,* 345 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); *Flanigan's Enters., Inc. v. Fulton County,* 596 F.3d 1265 (11th Cir. 2010); *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); *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); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *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); *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 sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Tucson, Arizona – 1990; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri – 2008; Louisville, Kentucky – 2004; 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); "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); and "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; Memphis, Tennessee – 2005-11; Fulton County, Georgia – 2001; Assorted Reports and Affidavits Concerning Secondary Effects (Memphis, Manatee County, Hillsborough County, El Paso, Metropolis, New Albany, Clarksville); and "A comparative analysis of infractions in Texas alcohol establishments and adult entertainment clubs," 2012 Criminal Justice Studies;

the City Council finds:

1. Sexually oriented businesses, 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. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is one of the City's rationales for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

4.o.2. Buffer Distance for Sexually Oriented Business in LI-W District: It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the LI-W District unless the sexually oriented business is at least one thousand (1,000) feet from any dwelling, church or religious institution, public or private school and/or educational facility, public park or recreational facility, a residential district (R-15, R-9, R-6. GR, RMF), or any other sexually oriented business.

4.o.3. Buffer Distance for Sexually Oriented Business in HI District: It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the HI District unless the sexually oriented business is at least seven-hundred-fifty (750) feet from any dwelling, church or religious institution, public or private school and/or educational facility, public park or recreational facility, a residential district (R-15, R-9, R-6. GR, RMF), or any other sexually oriented business.

4.o.4. Measurement Method: For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on a property boundary of any church or religious institution, public or private school and/or educational facility, public

park or recreational facility, a residential district (R-15, R-9, R-6. GR, RMF), or any other sexually oriented business. Measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest part of the structure of a dwelling that is not in a residential zoning district (R-15, R-9, R-6, GE, RMF).