

Pre-Council Work Session of the Mayor and City Council of the City of Abilene, Texas, to be held in the Basement Conference Room of City Hall on Thursday, September 11, 1986, at 8:30 a.m. to consider the following:

1. Discuss consent and/or regular agenda items.

Regular Meeting of the Mayor and City Council of the City of Abilene, Texas, to be held in the Council Chambers of the City Hall on Thursday, September 11, 1986, at 9:00 a.m.

**CITY COUNCIL:** Mayor David Stubbeman; Council - Gary D. McCaleb, Betty Ray, Walter E. Wheat, A. E. Fogle, Jr., Walton Robinson and Harold Nixon.

1. Call to Order.
2. **INVOCATION:** Councilman Harold Nixon.
3. **APPROVAL OF MINUTES:** Pre-Council Work Session and Regular City Council Meeting held August 28, 1986.

#### CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

4. **Ordinances & Resolutions:**
  - a. Consider on first reading - an Ordinance changing zoning district boundaries - Z-7586 - Request from Don C. Garrett to add H (Historic Overlay) to underlying RM-3 (Residential Multi-Family) district, located at 1636 N. 20th St., and set a public hearing for September 25, 1986 at 9:00 a.m.
  - b. Consider on first reading - an Ordinance changing zoning district boundaries - Z-7686 - Request from Jim & Cynthia Matthews to add H (Historic Overlay) to underlying RM-2 (Residential Multi-Family) district, located at 1546 N. 5th St., and set a public hearing for September 25, 1986 at 9:00 a.m.
  - c. Consider on first reading - an Ordinance changing zoning district boundaries - Z-6786 - Request from Antilley Medical Plaza, agent, Charles A. McClure III, for an ordinance amendment to a PDMX (Planned Development Mixed Use) district, located on Antilley Road between the Fairways and Humana Hospital, and set a public hearing for September 25, 1986 at 9:00 a.m.
  - d. Consider on first reading - an Ordinance changing zoning district boundaries - Z-7386 - Request from R. J. Griffith, agent, Lyle Dailzell, to rezone from AO (Agricultural Open Space) to PI, LI, GC, and SC (Park Industrial, Light Industrial, General Commercial & Shopping Center) districts, located on I-20, north side northwest of E.N. 10th, and set a public hearing for September 25, 1986 at 9:00 a.m.

- e. 500 blocks of Grape Street, west side, 300 block of Reading Street, east side, and set a public hearing for August 28, 1986 at 9:00 a.m. Consider on first reading - an ordinance changing zoning district boundaries - **Z-0186** - Request from Doyce F. Clause to rezone from RS-6 (Residential Single Family) to L1 (Light Industrial) district, property located in the 3000 block of Elm Street, and set a public hearing for August 28, 1986 at 9:00 a.m.
  - f. Consider on first reading - Zoning Ordinance amendment to Section 23-317.3.C(1), Use and Area Requirements in Residential Districts, regarding swimming pool accessory buildings, and set a public hearing for August 28, 1986 at 9:00 a.m.
  - g. Consider on first reading - an ordinance amending the Abilene Municipal Code, Section 23-171, Special Regulations for Portable Signs, and set a public hearing for August 28, 1986 at 9:00 a.m.
  - h. Resolution authorizing amendment to contract with Community Action Program for Handicapped Van Service.
  - i. Consider on first reading - an Ordinance amending the Abilene Municipal Code to add Section 18-304, to provide for designating disabled parking.
  - j. Consider on second and final reading - an ordinance amending the Abilene Municipal Code, Chapter 18, Traffic, Sections 18-285 and 18-286, concerning speed limits; and Section 18-293, concerning parking prohibition.
  - k. Consider on second and final reading - an ordinance establishing the position of Airport Security Officer to be employed by the City of Abilene.
  - l. Oral Resolution to Consider street use license request from Double O, Inc., d/b/a Taco Bell, located at Pine and Ambler, for parking.
  - m. Oral Resolution to consider street use license request from Wylie, Inc., 2574 N. Treadaway, for underground airline.
  - n. Consideration of FY 1986 Community Development Block Grant Proposed Statement of Objectives and Projected Use of Funds.
- 5. Award of Bid**
- a. Spare power plant for transit bus, Bid #135.
  - b. Bulk Lime for Water Utilities Department, Bid #138.
  - c. Diesel fuel conditioner, Bid #136.

**REGULAR AGENDA**

- 6. Ordinances and Resolutions:**
- a. **APPEALED ITEM:**  
**Public Hearing - Consider on second and final reading -** An ordinance changing zoning district boundaries - **Z-3586**- Request from James A. Jay to rezone from RM-1 to MU district, property located at the northeastern corner of North 21st and Simmons Street.  
**APPEALED ITEM:**
  - b. **Public Hearing - Consider on second and final reading -** an ordinance changing zoning district boundaries - **Z-4386** - Request from J. J. Aguilar and Associates, agent, Eddie Chase, to rezone from O, SC, and RM-3 to PDS district property located on South 14th Street at South Danville and Frenchman's Creek Road.

c. **APPEALED ITEM**

- d. **Public Hearing - Consider on second and final reading - an ordinance for thoroughfare closure - TO-4486 - Request from J. J. Aguilar and Associates, Inc., agent Eddie Chase, for a thoroughfare abandonment for a portion of Frenchman's Creek Road.**
- e. Resolution to consider refunding bonds for Abilene Christian University.
- f. Adoption of Southeast Area Land Use Plan.
- g. Oral Resolution adopting operating policy for Abilene Transit System Demand-Responsive Paratransit Service.

7.

**Other Business:**

- a. Pending and Contemplated Litigation (see Notice for Executive Session, Litigation for listing subjects).
- b. Appointment and Evaluation of Public Officials (see Notice for Executive Session, Personnel for listing subjects).

**ADJOURN**

PRE-COUNCIL WORK SESSION, THURSDAY  
September 11, 1986, 8:30 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
BASEMENT CONFERENCE ROOM, CITY HALL

The City Council of the City of Abilene, Texas, met in a Pre-Council Work Session on **September 11, 1986**, at 8:30 A.M. in the Basement Conference Room of City Hall. Mayor David Stubbeman was present and presiding with Councilman Gary D. McCalieb, Councilwoman Betty Ray, Councilmen A. E. Fogle, Jr., Welton Robinson, and Harold Nixon. Also present were City Manager Jim C. Blagg, Assistant City Managers Roy L. McDaniel and Rickey Childers, City Attorney Harvey Cargill, Jr., City Secretary Patricia Patton and various members of the City Staff. Councilman Walter Wheat was absent.

Discussion among Council regarding the first meeting in October was prompted by an invitation to the Council to attend a special flight tour with Dyess Air Force Base from October 6-9, 1986. Therefore, it was the consensus of the Council to change the first meeting date of the Council from Thursday, October 9th, to Thursday, October 16th, 1986.

The Council briefly discussed various consent and regular agenda items. There being no further questions, the meeting was recessed to the City Council Chambers for the Regular Council Meeting.

REGULAR CITY COUNCIL MEETING  
September 11, 1986, 9:00 A.M.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
CITY COUNCIL CHAMBERS OF CITY HALL

Mayor Stubbeman reconvened the City Council of the City of Abilene, Texas, into Regular Session September 11, 1986, at 9:00 a.m. in the City Council Chambers of City Hall.

Invocation was given by Councilman Harold Nixon.

The minutes of the Pre-Council Work Session and Regular City Council Meeting held August 28, 1986, stand approved.

Mayor Stubbeman and Mike Morrison, Housing and Community Development Administrator, presented an award to Coy Pullara, Social Worker, for her unselfish contribution of professional expertise to the Community Development Committee.

Mayor Stubbeman removed from the agenda Item 4f, Z-7986. The item was denied by the Planning and Zoning Commission and not appealed at the present time.

Councilman Fogle moved to approve the consent agenda items, being 4a through 4e, and 4g through 5c, as presented by the staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Robinson, Nixon, and Mayor Stubbeman.  
NAYS: None.

#### 4. Ordinances & Resolutions:

- a. Consider on first reading - an Ordinance changing zoning district boundaries - **Z-7586** - Request from Don C. Garrett to add H (Historic Overlay) to underlying RM-3 (Residential Multi-Family) district, located at 1636 N. 20th St., and set a public hearing for September 25, 1986 at 9:00 a.m.
- b. AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.  
Consider on first reading - an Ordinance changing zoning district boundaries - **Z-7686** - Request from Jim & Cynthia Matthews to add H (Historic Overlay) to underlying RM-2 (Residential Multi-Family) district, located at 1546 N. 5th St., and set a public hearing for September 25, 1986 at 9:00 a.m.
- c. AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.  
Consider on first reading - an Ordinance changing zoning district boundaries - **Z-6786** - Request from Antilley Medical Plaza, agent, Charles A. McClure III, for an ordinance amendment to a PDMX (Planned Development Mixed Use) district, located on Antilley Road between the Fairways and Humana Hospital, and set a public hearing for September 25, 1986 at 9:00 a.m.
- d. AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE AND ORDINANCE 49-1985, CONCERNING THE HUMANA WEST PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.  
Consider on first reading - an Ordinance changing zoning district boundaries - **Z-7386** - Request from R. J. Griffith, agent, Lyle Dalzell, to rezone from AO

(Agricultural Open Space) to P1, L1, GC, and SC (Park Industrial, Light Industrial, General Commercial & Shopping Center) districts, located on I-20, north side northwest of E.N. 10th, and set a public hearing for September 25, 1986 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

- e. Consider on first reading - an Ordinance changing zoning district boundaries - **Z-6086** - Request from Ira Duck to rezone from AO (Agricultural Open Space) to GC (General Commercial) district, property located on I-20, northeast side I-20 and E.N. 10th St., and set a public hearing for September 25, 1986 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

- f. Removed from Agenda.

- g. Consider on first reading - an Ordinance changing zoning district boundaries - **Z-7986** - Request from I. S. Gathright, agent, Eddle Chase, to rezone from AO (Agricultural Open Space) to RS-6 (Residential Single Family) district, property located south of Canyon Rock Lake Addition, and set a public hearing for September 25, 1986 at 9:00 a.m.

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

- h. Consider on first reading - an Ordinance for thoroughfare abandonment - **TC-7186** - Request from Don Joy for a thoroughfare abandonment being a 15-foot east-west alley and located between Sandefer & Ambler and Graham & Old Anson Road, and set a public hearing for September 25, 1986 at 9:00 a.m.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

- i. Consider on first reading - an Ordinance for thoroughfare abandonment - TC-7286 - Request from Florence Howard Merrell for a thoroughfare abandonment, being a portion of a 20-foot alley and located between S. 3rd & S. 4th and Meander & Jeanette, and set a public hearing for September 25, 1986 at 9:00 a.m.
- AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.
- j. Consider on first reading - an Ordinance for thoroughfare abandonment - TC-7486 - Request from Mack Owens for a thoroughfare abandonment, being a portion of a 20-foot alley located adjacent to 1141 N. Treadaway, and set a public hearing for September 25, 1986 at 9:00 a.m.
- AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.
- k. Consider on first reading - a Zoning Ordinance amendment to Section 23-320 and Section 23-329.4 concerning screening requirements, and set a public hearing for September 25, 1986 at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- l. Consider on first reading - a Zoning Ordinance amendment to section 23-306.4, Permitted Uses, concerning off-street parking for laundry and dry cleaning services, and set a public hearing for September 25, 1986, at 9:00 a.m.
- AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.
- m. Oral resolution to consider street use license request from the Southwest Golf Classic.
- n. Oral resolution to consider street use license request from the Mims Building, N. 3rd & Cypress.

- o. Resolution to consider acceptance of FAA Grant Agreement for Airport Improvements Project No. 3-48-0002-05.

The Resolution is numbered 44-1986 and is captioned as follows:

A RESOLUTION OF THE CITY OF ABILENE, TEXAS, APPROVING GRANT AGREEMENT FROM THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE MUNICIPAL AIRPORT.

- p. Resolution to consider authorizing an extension of contract with Abilene Economic Development Company, Inc.

The Resolution is numbered 45-1986 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING AN AMENDMENT TO THE CONTRACT WITH THE ABILENE ECONOMIC DEVELOPMENT COMPANY, INC.

- q. Oral Resolution to formalize Abilene Library Consortium and adopt bylaws for same.

- r. Resolution approving redesignation of the City of Abilene as area Metropolitan Planning Organization.

The Resolution is numbered 46-1986 and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE OF TEXAS ACCEPTING THE DESIGNATION OF THE CITY OF ABILENE, TEXAS, AS METROPOLITAN PLANNING ORGANIZATION FOR THE ABILENE URBANIZED AREA.

#### 5. Award of Bid:

- a. Paving for Airport Improvement Project No. 3-48-0002-05 - Bid #139. The bid was awarded to Stephens-Martin Paving Company.

- b. Pipe for Water Utilities Department - Bid #141. The bid was awarded to Trans-Tex Supply.

- c. Microcomputers for Transportation Planning for the Planning and Public Works Departments - Bid #142. The bid was awarded to Boggs-Daniels Office Machines.

Lee Roy George, Director of Planning, briefed the Council on the final report of the Lake Fort Phantom Hill Task Force. He reviewed with the Council in detail the entire report.



Mr. Bill North, Chairman, of the Lake Fort Phantom Hill Task Force, was present and expressed appreciation to the staff for their help. He recommended a favorable vote on the report.

Councilman Nixon moved to approve the report as presented by staff. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Robinson, Nixon, and Mayor Stubbeman.  
NAYS: None.

The Resolution is numbered **47-1986** and is captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ADOPTING THE LAKE FORT PHANTOM HILL STUDY.

Lee Roy George, Director of Planning, briefed the Council on an Ordinance considered on first reading concerning zoning ordinance amendment to regulate sex-oriented adult entertainment businesses, and set a public hearing for October 16, 1986, at 9:00 a.m. Mr. George's speech (a true and correct copy of which is attached hereto and incorporated herewith as a part of these minutes) described the purpose and intent of the proposed ordinance. Additionally, he presented copies of studies from other cities on the harmful effects of adult entertainment establishments, to be included as part of his report to the Council. Those studies are from the following cities: (1) Detroit; (2) Amarillo; (3) Los Angeles; (4) Indianapolis, (5) Phoenix, (6) St. Paul, MN, (7) Beaumont, TX; (8) Seattle; and (9) Austin.

He introduced to the Council a map which identifies those areas in the City where adult entertainment facilities could be located if the ordinance were adopted as presented. Those areas must be in an HC (Heavy Commercial), LI (Light Industrial), or HI (Heavy Industrial) zoning district. Additionally, he introduced maps that show the effect of the proposed ordinance on the placement of enterprises within the Abilene city limits. The maps illustrate areas with a 600' and 300' restricted spacing requirement from school, church, or resident; and a 1000' spacing requirement from one establishment to another. He reviewed the existing businesses and how their present location would be affected by the Ordinance. He presented a copy of a letter from Supertravel concerning the negative impacts that the World News Stand has on its business.

Councilwoman Ray moved to approve the Ordinance, on first reading, concerning a zoning ordinance amendment to regulate sex-oriented adult entertainment businesses, and set a public hearing for October 16, 1986, at 9:00 a.m. The motion was seconded by Councilman Fogle and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Robinson, Nixon, and Mayor Stubbeman.  
NAYS: None.

Roy McDaniel, Assistant City Manager, introduced Mr. Jim Jansen, Rate Analyst, to review their report concerning an Ordinance considered on second and final reading approving natural gas rates for Lone Star Gas. Mr. Jansen recommends \$493,110 compared to the requested \$638,247 from Lone Star Gas for customer rates. Mr. Sweatman, Rate Analyst, reviewed the rate design charges.

Buck Elliott, Regional Manager, Lone Star Gas, stated he appreciates the prompt effort taken by the City and professionalism exhibited. He agrees with the consultants' recommendation, even though they feel it is less than they can justify. They will review the rates again one year from now.

Mr. McDaniel explained that for the purpose of these rates, the life of their operating system has been changed from 37 years to 45 years.

Mayor Stubbeman opened a public hearing regarding the gas rate increase, and there being no one present and desiring to be heard, the public hearing was closed.

Councilman Fogle moved to approve the natural gas rates for Lone Star Gas as recommended by the Rate Analyst. The motion was seconded by Councilman McCaleb and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Robinson, Nixon, and Mayor Stubbeman.  
NAYS: None.

The Ordinance is numbered 74-1986 and is captioned as follows:

AN ORDINANCE FIXING AND DETERMINING THE GENERAL SERVICE RATE TO BE CHARGED FOR SALES OF NATURAL GAS TO RESIDENTIAL AND COMMERCIAL CONSUMERS IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS; PROVIDING FOR THE MANNER IN WHICH SUCH RATE MAY BE CHANGED, ADJUSTED, AND AMENDED; AND PROVIDING FOR THE RECOVERY OF ANY CURRENT AND UNRECOVERED PRIOR RATE CASE EXPENSE, PROVIDING FOR A SCHEDULE OF SERVICE CHARGES, AND PROVIDING FOR A MAIN LINE EXTENSION RATE.

Mayor Stubbeman recessed the Council into executive session in accordance with State law, Sections 2e, 2f and 2g of the Open Meetings Act, to consider pending and contemplated litigation, the appointment and evaluation of public officials, and the acquisition of land.

The Council reconvened from executive session and reported no action taken.

Bob Whitehead, Director of Public Works, briefed the Council on Resolutions to consider authorization for Eminent Domain Proceedings for the Cedar Creek Widening Project Phase II from I-20 to Buck Creek. It's been determined that further negotiations with property owners are futile; therefore, staff recommends the

Council approve the resolutions authorizing the eminent domain proceedings to begin.

Mayor Stubbeman moved to approve the resolutions authorizing Eminent Domain Proceedings in regard to the Cedar Creek Widening Project, as recommended by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Roblison, Nixon, and Mayor Stubbeman.  
NAYS: None.

The Resolutions are numbered consecutively **48, 49, 50, 51,** and **52-1985.** The captions are identical and therefore only one caption will appear as shown below:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY FOR THE CEDAR CREEK (1-20 TO BUCK CREEK) WIDENING PROJECT PHASE II, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

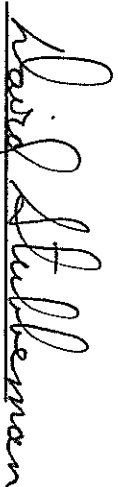
Councilman Fogle moved to appoint, by oral resolution, Sara A. Fauls Associate Municipal Judge as requested by staff. The motion was seconded by Councilwoman Ray and the motion carried.

AYES: Councilman McCaleb, Councilwoman Ray, Councilmen Fogle, Roblison, Nixon, and Mayor Stubbeman.  
NAYS: None.

There being no further business, the meeting was adjourned at 12:00 p.m.



Patricia Patton  
City Secretary



David Stubbeman  
Mayor

Exhibit A to City Council Minutes  
of September 11, 1986  
ADULT ENTERTAINMENT

- THANK YOU MISTER MAYOR AND MEMBERS OF THE CITY COUNCIL
- ITEM 7.5 ON YOUR CITY COUNCIL AGENDA IS FIRST READING ON A ZONING ORDINANCE AMENDMENT CONCERNING ADULT ENTERTAINMENT ENTERPRISES.
- LET ME BEGIN BY SPENDING A FEW MINUTES TO TELL YOU WHAT THE ORDINANCE IS NOT, BEFORE GOING ON TO TELL YOU WHAT THE ORDINANCE IS AND HOW IT WORKS.
- THE ORDINANCE IS NOT A PANACEA THAT WILL RID ABILENE OF SEXUALLY EXPLICIT MATERIAL FROM BOOKSTORES, VIDEO STORES, AND DRIVE-IN GROCERY STORES. THE PROPOSED ORDINANCE IS NOT AN ANTI-PORN ORDINANCE.
- THE ORDINANCE DOES NOT SET THE CITY OF ABILENE UP IN THE ROLE OF CENSOR TO REGULATE CONTENT OF MATERIAL IN ABILENE.
- THE ORDINANCE DOES NOT ARTICULATE WHAT IS PORNOGRAPHIC AND WHAT IS NOT.
- FIRST AMENDMENT RIGHTS ARE PROTECTED UNDER THE CONSTITUTION.
- ZONING ORDINANCES ARE PRIMARILY GEARED TOWARD REGULATING LAND USES.
- ZONING ORDINANCES REGULATE HEIGHT, AREA, AND PLACEMENT STANDARDS FOR VARIOUS KINDS OF LAND USES.
- IT IS WITH THESE THOUGHTS IN MIND THAT STAFF DRAFTED THE PROPOSED ORDINANCE BEFORE YOU.
- IN RESPONSE TO THE PROLIFERATION OF ADULT THEATERS, BOOKSTORES, PEEP SHOWS, TOGETHER WITH PERIODIC QUESTIONS FROM THE PUBLIC ABOUT THE POSSIBILITY OF THE CITY REGULATING SUCH USES, THE STAFF BEGAN SEVERAL MONTHS AGO TO DRAFT AN ORDINANCE REGULATING SUCH USES.
- THE PROCESS BEGAN BY A LETTER FROM SEVERAL CITIZENS REQUESTING

PLANNING COMMISSION TO CONSIDER THE POSSIBILITY OF INITIATING SUCH AN ORDINANCE.

● THE PLANNING COMMISSION AND THE STAFF DISCUSSED THE SUBJECT OF ADULT ENTERTAINMENT ON SEVERAL OCCASIONS.

● AT ITS JUNE 2ND, 1986, MEETING, THE PLANNING COMMISSION REQUESTED THE STAFF TO RESEARCH THE SUBJECT OF ADULT ENTERTAINMENT AND TO BRING TO THE COMMISSION A DRAFT ORDINANCE FOR REVIEW.

● ON AUGUST 4, 1986, THE PLANNING AND ZONING COMMISSION RECOMMENDED THE PROPOSED ORDINANCE BY A VOTE OF 5 IN FAVOR AND 1 OPPOSED. EXPLAIN THE ONE OPPOSED.

● IN REACTION TO THE PROLIFERATION OF ADULT THEATERS, ADULT BOOKSTORES, PEEP SHOWS, AND LIKE USES, COMMUNITIES AROUND THE COUNTRY HAVE ADOPTED LAND USE CONTROLS THAT ATTEMPT TO MAINTAIN A CERTAIN DISTANCE BETWEEN THEM AND ACTIVITIES THAT ARE MORE SENSITIVE TO THEIR NEGATIVE IMPACTS, SUCH AS CHURCHES, SCHOOLS, PARKS, AND RESIDENTIAL NEIGHBORHOODS.

● RATHER THAN TRYING TO CONTROL THE ACTUAL CONTENT OF CERTAIN FILMS AND LITERATURE, THESE COMMUNITIES HAVE FOUND THAT THE EXISTENCE OF SEXUAL<sup>LY</sup> ORIENTED ESTABLISHMENTS HAVE HAD DETRIMENTAL IMPACTS ON THE QUALITY OF SURROUNDING LAND USES IN THEIR VICINITY.

● THE U.S. SUPREME COURT HAS HELD THAT UNDER APPROPRIATE CIRCUMSTANCES, LOCAL COMMUNITIES CAN USE ZONING REGULATIONS TO CONTROL THE LOCATION OF ADULT ENTERTAINMENT BUSINESSES.

● IN YOUNG VS. AMERICAN MINI THEATERS, 427 U.S. 50 (1976), THE COURT HELD THAT "...EVEN THOUGH THE FIRST AMENDMENT PROTECTS COMMUNICATION IN THIS AREA (SEXUALLY EXPLICIT ACTIVITIES) FROM TOTAL SUPPRESSION, WE HOLD THE STATE (MICHIGAN) MAY LEGITIMATELY USE THE CONTENT OF THESE MATERIALS AS A BASIS FOR PLACING THEM IN A DIFFERENT CLASSIFICATION FROM OTHER MOVIE THEATERS." FURTHER, THE COURT ADDED THAT "...WE HAVE NO DOUBT THAT THE MUNICIPALITY MAY CONTROL THE LOCATION OF THEATERS...EITHER BY CONFINING THEM TO CERTAIN SPECIFIC COMMERCIAL ZONES OR BY REQUIRING THAT THEY BE DISPERSED THROUGHOUT THE CITY."

● COURTS HAVE UPHELD LOCAL COMMUNITY VALUES IN THEIR RIGHT TO PROTECT PROPERTY VALUES AND THE QUALITY OF LIFE VALUES IN THE REGULATION OF ADULT ENTERTAINMENT USES.

● IN ~~THE~~ YOUNG VS. AMERICAN MINI THEATERS, JUSTICE POWELL NOTED THAT "ZONING, WHEN USED TO PRESERVE THE CHARACTER OF SPECIFIC AREAS OF A CITY, IS PERHAPS THE MOST ESSENTIAL FUNCTION PERFORMED BY LOCAL GOVERNMENT, FOR IT IS ONE OF THE PRIMARY MEANS BY WHICH WE PROTECT THAT SOMETIMES DIFFICULT-TO-DETERMINE CONCEPT OF QUALITY OF LIFE."

● JUSTICE STEVENS OBSERVED THAT "THE CITY'S INTEREST IN ATTEMPTING TO PRESERVE THE QUALITY OF URBAN LIFE IS ONE THAT MUST BE ACCORDED THE HIGHEST RESPECT."

● THE SUPREME COURT OF WASHINGTON STATE ECHOED THOSE SENTIMENTS WHEN IT UPHELD SEATTLE'S 1976 ORDINANCE THAT PROVIDED FOR THE GRADUAL ELIMINATION OF NON-CONFORMING THEATERS, IN NORTHEND CINEMA VS. CITY OF SEATTLE, 585 P. 2D 1153 (1978). THE COURT SAID THAT "THE CITY'S PARAMOUNT INTEREST IN PROTECTING, PRESEVING, AND IMPROVING THE QUALITY OF LIFE WAS SUFFICIENT TO JUSTIFY ZONING THE LOCATION OF ADULT THEATERS TO CERTAIN AREAS."

NEED

● DURING THE LATE 1970S AND THE EARLY 1980S, A NUMBER OF CITIES BEGAN LOOKING AT THE NEED TO REGULATE THE LOCATION OF ADULT ENTERTAINMENT USES.

● NUMEROUS STUDIES, REPORTS AND FINDINGS CONCERNING THE HARMFUL EFFECTS OF ADULT ENTERTAINMENT USES ON SURROUNDING LAND USES AND NEIGHBORHOODS HAVE BEEN PRODUCED.

● FOLLOWING ARE SEVERAL EXAMPLES OF LOCAL STUDIES ON THE HARMFUL EFFECTS OF ADULT ENTERTAINMENT ESTABLISHMENTS. *only mentioned in the above studies were referred to the Council.*

1. DETROIT - THE DETROIT ADULT ENTERTAINMENT USE REGULATIONS WERE ADOPTED IN 1972 AS PART OF AN "ANTI-SKID ROW ORDINANCE" THAT PROHIBITED AN ADULT ENTERTAINMENT BUSINESS WITHIN 500 FEET OF A RESIDENTIAL AREA OR WITHIN 1000 FEET OF ANY TWO OTHER

REGULATED USES. THE TERM REGULATED USE APPLIES TO A VARIETY OF OTHER SEXUAL ENTERTAINMENT ESTABLISHMENTS, INCLUDING ADULT THEATERS, ADULT BOOKSTORES, CABARETS, BARS, TAXI DANCE HALLS, AND HOTELS. DURING THE HEARINGS ON THE ORDINANCE, THE CITY INTRODUCED EXTENSIVE DOCUMENTATION THAT DEMONSTRATED THE ADVERSE SOCIOECONOMIC AND BLIGHTING IMPACTS THAT ADULT ENTERTAINMENT USES HAVE ON SURROUNDING DEVELOPMENT. THE DOCUMENTATION CONSISTED OF REPORTS AND AFFIDAVITS FROM SOCIOLOGISTS, URBAN PLANNERS, AND REAL ESTATE EXPERTS, AS WELL AS SOME LAYMAN ON THE CYCLE OF DECAY EXPECTED IN DETROIT FROM THE INFLUX AND CONCENTRATION OF SUCH ESTABLISHMENTS. MUCH HAS BEEN WRITTEN ABOUT THE DETROIT EXPERIENCE ALTHOUGH THE ACTUAL REPORTS, TESTIMONY, AND AFFIDAVITS REMAIN SEQUESTERED.

*Complete Report*

2. <sup>IN 1977,</sup> AMARILLO THE AMARILLO PLANNING DEPARTMENT PREPARED A REPORT ENTITLED, "A REPORT ON ZONING AND OTHER METHODS OF REGULATING ADULT ENTERTAINMENT USES IN AMARILLO." THE REPORT CONCLUDED THAT ADULT ENTERTAINMENT USES HAVE ADVERSE IMPACTS ON SURROUNDING LAND USES, AND THAT THOSE IMPACTS CAN BE DISTINGUISHED FROM THOSE OF OTHER BUSINESSES. THE STUDY FOUND THAT STREET CRIME RATES ARE CONSIDERABLY ABOVE THE CITY'S AVERAGE IN AREAS IMMEDIATELY SURROUNDING THE ADULT-ONLY BUSINESSES, AND THAT LATE AT NIGHT, DURING THEIR PRIMARY OPERATING HOURS, THESE BUSINESSES CREATE UNIQUE PROBLEMS OF NOISE, GLARE, AND TRAFFIC.

*Complete Report*

3. LOS ANGELES - A NOVEMBER 1984 REPORT, "THE CURRENT STATUS OF PORNOGRAPHY AND ITS EFFECTS ON SOCIETY," PREPARED BY THE LOS ANGELES POLICE DEPARTMENT'S VICE DIVISION, IDENTIFIES THE ADVERSE EFFECTS OF CONCENTRATING ADULT ENTERTAINMENT BUSINESSES. THE REPORT STATES, "THE PROLIFERATION AND CLUSTERING OF SEX-ORIENTED BUSINESSES ADVERSELY IMPACTS THE CRIME RATE IN THOSE ADJACENT AREA. ...THE OVERWHELMING INCREASE IN PROSTITUTION, ROBBERIES, ASSULTS, THEFTS, AND PROPORTIONATE GROWTH IN POLICE PERSONNEL DEPLOYED THROUGHOUT HOLLYWOOD ARE ALL REPRESENTATIVE OF THE BLIGHTING THAT THE CLUSTERING OF ADULT ENTERTAINMENT ESTABLISHMENTS HAS ON THE ENTIRE COMMUNITY."

*Selected Pages*

4. INDIANAPOLIS - IN 1984, INDIANAPOLIS SURVEYED REAL ESTATE

*City of Inglewood Survey City Center 1979*

EXPERTS ON THE IMPACT THAT ADULT ENTERTAINMENT USES HAD ON SURROUNDING PROPERTY VALUES. A RANDOM SAMPLE (20 PERCENT) OF THE NATIONAL MEMBERSHIP OF THE AMERICAN INSTITUTE OF REAL ESTATE APPRAISERS WAS USED IN ADDITION TO A SAMPLING OF MEMBER APPRAISERS INSTITUTE MEMBERS WHO PRACTICED IN 22 METROPOLITAN AREAS. THE OPINION SURVEY FOUND THAT "RESPONDENTS OVERWHELMINGLY (80 PERCENT) FELT THAT AN ADULT BOOKSTORE LOCATED IN THE HYPOTHETICAL NEIGHBORHOOD DESCRIBED WOULD HAVE A NEGATIVE IMPACT ON RESIDENTIAL PROPERTY VALUES OF PREMISES LOCATED WITHIN ONE BLOCK OF THE SITE."

5. <sup>1979</sup> PHOENIX - AN PLANNING DEPARTMENT STUDY COMPARED THREE STUDY

AREAS CONTAINING ADULT ENTERTAINMENT USES WITH THREE CONTROL AREAS THAT HAD SIMILAR DEMOGRAPHIC AND LAND USE CHARACTERISTICS BUT NOT ADULT ENTERTAINMENT BUSINESSES. THEIR STUDY INDICATED THAT, ON THE AVERAGE, "IN THE THREE STUDY AREAS, PROPERTY CRIMES WERE ~~36~~ PERCENT HIGHER, VIOLENT CRIMES WERE ~~4~~ PERCENT HIGHER, AND SEX CRIMES WERE OVER 600 PERCENT HIGHER THAN IN THE CONTROL AREAS."

*Entire  
Project*

6. ST. PAUL, MINNESOTA - IN 1978, THE PLANNING DEPARTMENT OF ST.

PAUL COMPLETED A STUDY OF "EFFECTS ON SURROUNDING AREA OF ADULT ENTERTAINMENT BUSINESSES." THE STUDY CONCLUDED: (1) THAT THERE WAS A STATISTICALLY SIGNIFICANT CORRELATION BETWEEN NEIGHBORHOOD DETERIORATION AS REFLECTED IN HOUSING VALUES AND CRIME RATES AND THE LOCATION OF ADULT ENTERTAINMENT BUSINESSES; (2) THE STATISTICAL RELATIONSHIP WAS STILL SIGNIFICANT AFTER TAKING INTO ACCOUNT CERTAIN MARKETING FACTORS, AND; (3) THERE WAS A STRONGER CORRELATION WITH NEIGHBORHOOD DETERIORATION AFTER ESTABLISHMENT OF AN ADULT ENTERTAINMENT BUSINESS THAN BEFORE.

*Selected  
the sites*

7. <sup>Selected  
sites</sup> BEAUMONT, TEXAS - THE EFFECTS OF THE CONCENTRATION OF ADULT

ENTERTAINMENT USES IN BEAUMONT WAS CLEARLY ILLUSTRATED IN THE COMMERCIAL REVITALIZATION PLAN FOR THE CHARLTON-POLLARD NEIGHBORHOOD THAT WAS PREPARED BY THE CITY'S PLANNING DEPARTMENT IN MAY OF 1981. THIS PLAN DESCRIBED THE ECONOMIC DECLINE THAT FOLLOWED THE ESTABLISHMENT OF ADULT ENTERTAINMENT USES IN A SPECIFIC NEIGHBORHOOD. IT WAS NOTED THAT THE GROWING PRESENCE OF ADULT BUSINESSES DROVE AWAY NEIGHBORHOOD



COMMERCIAL STORES.

*Exhibit  
C-10008*

8. ✓ SEATTLE, WASHINGTON - IN 1976, THE CITY OF SEATTLE AMENDED ITS ZONING ORDINANCE PROVIDING FOR THE GRADUAL ELIMINATION OF NONCONFORMING ADULT THEATERS. IN A MEMORANDUM TO THE CITY PLANNING COMMISSION FROM THE PLANNING DEPARTMENT, PROPOSED ZONING ORDINANCE AMENDMENTS ARE RECOMMENDED BASED ON THE EVIDENCE THAT NEIGHBORHOOD PROPERTY VALUES WILL BE NEGATIVELY IMPACTED AND THAT RESIDENTS FEAR THAT SOME OF THE PEOPLE ATTRACTED BY ADULT THEATERS MAY CONSTITUTE A THREAT TO THE COMFORT AND SAFETY OF THE RESIDENTS, PARTICULARLY WOMEN AND CHILDREN. EVIDENCE WAS PRESENTED IN THE REPORT WHICH INDICATED THAT ADULT THEATERS WERE NOT COMPATIBLE WITH ADJACENT RESIDENCE AND OTHER TYPES OF USES SUCH AS CHURCHES, SCHOOLS, ETC.

*Selected  
Areas*

9. ✓ AUSTIN, TEXAS (1986) - IN MAY OF 1986 THE AUSTIN PLANNING DEPARTMENT PUBLISHED A REPORT ON ADULT BUSINESSES IN AUSTIN. AN ANALYSIS OF CRIME RATES IN AUSTIN WAS CONDUCTED BY COMPARING AREAS WITH ADULT BUSINESSES TO AREAS WITHOUT ADULT BUSINESSES. FOUR (4) STUDY AREAS WERE CHOSEN THAT DID NOT CONTAIN ADULT BUSINESSES, TWO STUDY AREAS WERE CHOSEN CONTAINING ONLY ONE ADULT BUSINESS EACH, AND TWO STUDY AREAS WERE CHOSEN CONTAINING TWO ADULT BUSINESSES EACH.

WITHIN THOSE STUDY AREAS CONTAINING ADULT BUSINESSES, SEX CRIMES WERE FOUND TO BE FROM TWO (2) TO NEARLY FIVE (5) TIMES THE CITY-WIDE AVERAGE. ALSO, SEX RELATED CRIME RATES WERE FOUND TO BE 66% HIGHER IN STUDY AREAS CONTAINING TWO ADULT BUSINESSES AS COMPARED TO STUDY AREAS CONTAINING ONLY ONE (1) ADULT BUSINESS.

AUSTIN CONDUCTED A SURVEY OF 120 REAL ESTATE APPRAISERS AND LENDING INSTITUTIONS. EIGHTY-EIGHT PERCENT (88%) OF THOSE RESPONDING INDICATED A BELIEF THAT AN ADULT BOOKSTORE WOULD DECREASE RESIDENTIAL PROPERTY VALUES WITHIN ONE (1) BLOCK, AND 59% FELT THAT RESIDENTIAL PROPERTY VALUES WOULD DECREASE WITHIN THREE (3) BLOCKS. A SURVEY OF THREE ADULT BUSINESSES IN AUSTIN REVEALED THAT ONLY THREE (3) CUSTOMERS HAD ADDRESSES WITHIN ONE MILE OF AN ADULT BUSINESS AND 44% OF ALL CUSTOMERS

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VISITING THE THREE (3) ADULT BUSINESSES HAD ADDRESSES OUTSIDE THE CITY OF AUSTIN. THE IMPLICATIONS ARE THAT ALMOST NONE OF THE CUSTOMERS WHO VISITED AN ADULT <sup>entertainment</sup> BUSINESS ~~IN AUSTIN~~ <sup>IN Austin</sup> RESIDED WITHIN ONE MILE OF THAT BUSINESS AND NEARLY ONE-HALF OF THE CUSTOMERS OF AN ADULT BUSINESS ~~RESIDED~~ EVEN LIVE IN THE CITY OF AUSTIN.

● AS ONE CAN ASCERTAIN FROM THE STUDIES THAT HAVE BEEN PRESENTED, CONCENTRATIONS OF ADULT ENTERTAINMENT USES WITHIN A COMMUNITY HAVE A SERIOUS DELETERIOUS PHYSICAL, SOCIAL, AND ECONOMIC EFFECT ON SURROUNDING AREAS. THE STUDIES SUGGEST THAT REGULATIONS REQUIRING THE DISPERSION OF ADULT ENTERTAINMENT USES ARE JUSTIFIED. THE STUDIES ALSO SUGGEST THAT BECAUSE OF THEIR VERY NATURE, ADULT ENTERTAINMENT USES CAN AND SHOULD BE RELEGATED TO NONRESIDENTIAL AND NONRETAIL ZONING DISTRICTS.

● CITY COUNCIL MEMBERS HAVE PREVIOUSLY RECEIVED A PACKET OF INFORMATION FROM THE CITY ATTORNEY, HARVEY CARGILL, CONCERNING ADULT ENTERTAINMENT ENTERPRISES. THE PACKET OF INFORMATION WAS TRANSMITTED BY A MEMORANDUM FROM HARVEY DATED AUGUST 14, 1986. THE MEMORANDUM INCLUDED A HISTORY OF THE DEVELOPMENT OF AN ADULT ENTERTAINMENT ORDINANCE FOR ABILENE, TOGETHER WITH THE INTENT OF SUCH AN ORDINANCE.

THE PACKET ALSO INCLUDED: NEWSPAPER CLIPPINGS FROM THE ABILENE REPORTER-NEWS CONCERNING THE PLANNING COMMISSION'S PUBLIC HEARING ON THE ADULT ENTERTAINMENT ORDINANCE; A COPY OF THE PROPOSED ORDINANCE; EXCERPTS FROM THE UNITED STATES LAW WEEK CONCERNING THE CITY OF RENTON VS. PLAYTIME THEATERS, INC.; INTELLIGENCE REPORTS FROM THE SPECIAL SERVICES BUREAU OF THE ABILENE POLICE DEPARTMENT CONCERNING THREE (3) ADULT ENTERTAINMENT ESTABLISHMENTS IN ABILENE; EXCEPTS FROM SECTION 43.21, SUBCHAPTER B - OBSCENITY, OF THE PENAL CODE; NEWSPAPER AND PERIODICAL CLIPPINGS CONCERNING ADULT ENTERTAINMENT.

RATIONALE

● AS I STATED IN EARLIER REMARKS, THE PLANNING COMMISSION RECEIVED A REQUEST FROM SEVERAL CITIZENS TO LOOK INTO THE POSSIBILITY OF

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REGULATING SEXUALLY-ORIENTED BUSINESSES.

- STAFF ON SEVERAL OCCASIONS DISCUSSED A DRAFT ORDINANCE WITH THE COMMISSION, PRIOR TO THE PUBLIC HEARING ON A FINAL DRAFT.

- THE RECOMMENDED ORDINANCE, AS PRESENTLY DRAFTED, SPECIFICALLY DEFINES ADULT ENTERTAINMENT ENTERPRISES, ~~REGULATES~~ THEM TO SPECIFIC ZONING DISTRICTS, AND CALLS FOR THE ELIMINATION OF USES NOT IN COMPLIANCE WITH THE NEW REGULATIONS ONE YEAR FOLLOWING THE ADOPTION OF THE ORDINANCE.

- AS HAS ALREADY BEEN POINTED OUT, STUDIES CONDUCTED IN OTHER CITIES AND STATES THROUGHOUT THE COUNTRY HAVE INDICATED A DECLINE IN NEIGHBORHOODS, AND NEIGHBORHOOD ORIENTED COMMERCIAL, RELIGIOUS AND INSTITUTIONAL FACILITIES WHEN EXPOSED TO ADULT ENTERTAINMENT FACILITIES.

- TO CURB SUCH NEIGHBORHOOD DECLINES, COMMUNITIES HAVE ESTABLISHED ZONING CONTROLS THAT DISPERSE THESE KINDS OF ACTIVITIES WITHIN ZONING DISTRICTS THAT ARE LESS SENSITIVE TO THEIR BLIGHTING INFLUENCES.

- THE SUPREME COURT HAS, IN FACT, RECENTLY UPHELD THE VALIDITY OF SUCH CONTROLS BASED ON THOSE STUDIES MENTIONED IN MY EARLIER REMARKS AS BEING IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

- THE CITY OF ABILENE IS RELYING ON THE FINDINGS OF THESE STUDIES AND IS ATTEMPTING TO BENEFIT THE PUBLIC WELFARE BY PROPOSING SUCH NEW ZONING RULES.

- IF I MAY, I WOULD LIKE TO HIGHLIGHT THE PROPOSED ORDINANCE FOR THE RECORD AND FOR THE BENEFIT OF THOSE NOT ENTIRELY FAMILIAR WITH IT.

- STAFF HAS ALSO PREPARED SOME MAPS THAT I WILL REFER TO SHOWING THE IMPACT OF THE ORDINANCE ON ADULT ENTERTAINMENT ENTERPRISES.

- ESSENTIALLY, THERE ARE TWO (2) MAJOR SECTIONS OF THE DRAFT ORDINANCE THAT WILL BE LOCATED IN DIFFERENT PORTIONS OF THE ZONING ORDINANCE, IF ADOPTED.

● FIRST, SECTION 23-306.4 OF THE PERMITTED USE CHART OF THE ZONING ORDINANCE WOULD BE AMENDED TO INCLUDE: ADULT ENTERTAINMENT ENTERPRISES, AND INDICATE IT TO BE A CONDITIONALLY ALLOWED USE IN THE HC (HEAVY COMMERCIAL), LI (LIGHT INDUSTRIAL), AND HI (HEAVY INDUSTRIAL) ZONING DISTRICTS.

● SECONDLY, SECTION 23-306.5.G, THE CONDITIONAL USE SECTION OF THE ZONING ORDINANCE WOULD BE AMENDED TO CONTAIN THE SPECIFIC CONDITIONS FOR LOCATIONAL CONTROL OF SUCH USES.

● AS DRAFTED, AN ADULT ENTERTAINMENT ENTERPRISE WOULD HAVE TO BE LOCATED 600 FEET FROM ANY SCHOOL, RESIDENCE, CHURCH, HOSPITAL, OR PARK.

SUCH DISTANCE WOULD BE MEASURED IN A STRAIGHT LINE FROM BUILDING WALL OF THE USE TO PROPERTY LINE OF THOSE MENTIONED USES. THIS IS THE SAME METHOD USED FOR LOCATING LIQUOR STORES IN ABILENE AND IS THE METHOD USED BY MANY COMMUNITIES FOR LOCATION OF ADULT ENTERTAINMENT USES.

● ANOTHER IMPORTANT ASPECT OF THE PROPOSED ORDINANCE IS THE AMORTIZATION CLAUSE. THIS PROVISION IS INTENDED TO BRING NONCONFORMING USES INTO COMPLIANCE WITHIN ONE YEAR FOLLOWING PASSAGE OF THE ORDINANCE. FOR EXAMPLE, AN ADULT BOOKSTORE THAT IS LOCATED CLOSER THAN 600 FEET TO A CHURCH WOULD HAVE ONE YEAR TO CEASE OPERATION AT THAT LOCATION, *or come into compliance.*

● CRITERIA FOR ADULT VIEWING BOOTH DESIGN AND LIGHTING WILL ALSO BE INCLUDED WITHIN THE CONDITIONAL USE SECTION OF THE ZONING ORDINANCE.

● TO THIS POINT, THE DRAFT ORDINANCE HAS SPOKEN TO REGULATING THE PLACEMENT OF ADULT ENTERTAINMENT ENTERPRISES IN THE COMMUNITY. THE NEXT SECTION OF THE ORDINANCE (SECTION 23-363), PAGE 4, ATTEMPTS TO DEFINE EXACTLY WHAT IT IS THAT THE ORDINANCE PROPOSES TO REGULATE.

● THE DRAFT ORDINANCE ACCOMPLISHES THIS BY BROAD DEFINITIONS AND BY INCLUSIVE EXAMPLE.

ENTERPRISE IS:

ADULT ENTERTAINMENT ENTERPRISE

ANY BUSINESS ACTIVITY WHETHER IN PUBLIC, SEMI-PUBLIC OR PRIVATE PREMISES, WHICH OFFERS THE OPPORTUNITY TO FEEL, HANDLE, TOUCH, PAINT, BE IN THE PRESENCE OF, OR ENTERTAINED BY THE UNCLOTHED BODY OR THE UNCLOTHED PORTION OF THE BODY OF ANOTHER PERSON, OR TO OBSERVE, VIEW, OR PHOTOGRAPH ANY SUCH ACTIVITY. EXCEPT AS SPECIFICALLY PROVIDED OTHERWISE HEREIN, NOTHING IN THIS SECTION IS INTENDED TO REGULATE:

1. ANY BUSINESS OPERATED BY OR EMPLOYING PSYCHOLOGISTS, PHYSICAL THERAPISTS, ATHLETIC TRAINERS, LICENSED MASSEUSE, COSMETOLOGISTS, OR BARBERS, LICENSED BY THE STATE OF TEXAS, PERFORMING FUNCTIONS AUTHORIZED UNDER THE LICENSES HELD;
2. ANY BUSINESS OPERATED BY OR EMPLOYING PHYSICIANS, OSTEOPATHS, CHIROPRACTERS OR NURSES, LICENSED BY THE STATE OF TEXAS, ENGAGED IN PRACTICING THE HEALING ARTS.
3. ANY RETAIL ESTABLISHMENT WHOSE MAJOR BUSINESS IS THE OFFERING OF WEARING APPAREL FOR SALE TO CUSTOMER.

THE DEFINITION OF ADULT ENTERTAINMENT ENTERPRISE GOES ON TO INCLUDE THE FOLLOWING:

- A ADULT BOOKSTORE/FILM STORE *10% or more store is trade - Employee sex*
- B MOVIE ARCADE *- Viewing Rents/Arades - Adult Motion Picture Theatre*
- ADULT CABARET *- Live entertainment - emphasis on sexual activity performance acts*
- ADULT ENCOUNTER PARLOR
- ADULT LOUNGE *- Adult Cabaret that Serves Liquor.*
- ADULT RETAIL STORE
- ADULT DRIVE-IN THEATRE
- ADULT RETAIL STORE *+ no store is trade*

THE DEFINITIONS ALSO INCLUDE:

SPECIFIED SEXUAL ACTIVITIES  
SPECIFIED ANATOMICAL AREAS

## STOCK IN TRADE

- ONE CAN SEE THAT THOSE ACTIVITIES MENTIONED PREDOMINATELY EMPHASIZE SPECIFIED SEXUAL ACTIVITIES AND SPECIFIED ANATOMICAL AREAS.
- WITHIN THE ADULT BOOKSTORE/FILM STORE DEFINITION THE ORDINANCE PLACES A 10% LIMITATION ON STOCK IN TRADE OF VIDEOS, TAPES, CASSETTES, PHOTOGRAPHS, BOOKS, MAGAZINES, AND OTHER PERIODICALS WHICH ARE DISTINGUISHED BY A PREDOMINANT EMPHASIS ON MATTER(S) DEPICTING, DESCRIBING, OR RELATING TO "SPECIFIC SEXUAL ACTIVITIES" OR "SPECIFIED ANATOMICAL AREAS" AS DEFINED IN THE ORDINANCE.
- AT THIS POINT I WOULD LIKE TO INTRODUCE THE MAPS THAT SHOW THE EFFECT OF THE PROPOSED ORDINANCE ON THE PLACEMENT OF ENTERPRISES WITHIN THE CITY OF ABILENE.
- THE MAPS WILL DEMONSTRATE THAT THERE ARE STILL ADEQUATE LOCATIONS FOR ADULT ENTERTAINMENT ENTERPRISES WITHIN THE CITY OF ABILENE.

Given by Lee Roy George  
Director of Planning  
September 11, 1986

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