

ADULT ENTERTAINMENT BUSINESS STUDY

FOR

MANATEE COUNTY

PREPARED BY:

MANATEE COUNTY PLANNING AND DEVELOPMENT DEPARTMENT

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I. SUMMARY

The Planning and Development Department conducted this study upon request from the County Attorney's Office to investigate the impact of a proposed draft adult entertainment ordinance in order to develop a legally enforceable Adult Entertainment Code, the impacts of the proposed ordinance had to be examined. Additionally, there was a need to examine adult entertainment studies done by other cities and counties throughout the country to evaluate why other communities enacted adult entertainment ordinances. Using planning studies conducted elsewhere, this study attempts to determine what types of land-use controls may be appropriate for Manatee County.

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After a brief explanation of the purpose of this study, the two basic theories of controlling the development of the adult entertainment industry are discussed. Case studies of different communities are examined to identify the legal precedent issues and to identify model elements which Manatee County may wish to incorporate into the drafting of its adult entertainment ordinance. The study then presents short reports on several of the impact studies conducted throughout the country, which assess the effects of adult entertainment business on neighborhoods. These studies professionally evaluate the effects of adult entertainment businesses upon property values, crime rates, and economic development potential. A copy of each of these supporting reports has been available for review by the Planning Commission, the Board of County Commissioners and the public in the Board of County Commissioner's Chambers since Monday, June 22, 1987.

The next part of the study analyzes the proposed dispersal-type adult entertainment ordinance. As originally proposed the ordinance provided little opportunity for adult entertainment businesses in the urbanized portion of Manatee County. After further review, the regulatory separation criteria for the study were modified to examine buffer separations of 500 feet or greater from residential areas. The methodology has been presented in a step by step manner to explain how actual locations were identified. The final part of the study discusses the results of the Planning and Development Department's study.

Conclusions

It can be concluded from this study that sufficient research has been conducted upon the effects of adult entertainment businesses to justify imposing special land use controls over the location of adult entertainment businesses. Research from over fifteen cities and counties throughout the country, conducted between 1977 and 1987, indicates that adult entertainment businesses do have a negative effect upon Property value, particularly residential. This negative influence decreases the further adult entertainment establishments are away from residential areas. Property appraisers indicate that the negative property effects would be negligible beyond three (3) blocks.

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Impact studies also indicate that areas with adult entertainment businesses tend to have higher crime rates than areas without such uses. Additionally, sex-related crimes were substantially higher in study areas with adult entertainment establishments compared to the control areas without these businesses. It was also noted that areas with concentrations of adult entertainment businesses tended to even higher crime rates, lending credence to the theory that dispersal of adult entertainment businesses helps to control crime.

Although there is a significant amount of narrow commercial development along the roads flanked by residential areas, there appear to be opportunities for adult entertainment businesses with a 500 foot buffer separation. There are very few areas of the county that have 750 feet or 1,000+ feet of commercially zoned buffer area. Due to the additional restriction of 2,000 feet from land uses such as churches, schools and parks, the possibilities are more limited, but there still appear to be ample existing locations for adult entertainment businesses.

However, studies have indicated that adult entertainment establishments do have a deleterious effect upon neighborhoods and property values. It is, therefore, a responsibility of local governments to control such uses which may be injurious to the health, safety and welfare of the community. Furthermore, the control of adult entertainment businesses proposed in this study by no means prohibits their operation but only restricts their location to protect the welfare of the general public.

Recommendations

Based upon the findings of this study it is recommended that:

1. The Manatee County Board of County Commissioners consider the adoption of a dispersal-type adult entertainment ordinance, like the one drafted by the County Attorney's Office. Such ordinance

should amend Manatee County's Comprehensive zoning and Land Development Code to incorporate the restrictions for the location of adult entertainment businesses to provide (1) separation from residential districts; (2) separation from protected non-residential uses such as churches, schools, child care facilities, and public recreation area and (3) separation from other established adult entertainment businesses. It is further recommended with the adoption of a new adult entertainment ordinance, that existing local laws and regulation, which govern adult entertainment uses, such as Ordinance No. 84-11, be updated to reflect the adopted changes.

2. There should be at least 500 foot buffer separation from the property line of an adult entertainment

business to the nearest residential zoning district. The Board of County Commissioners may wish to consider greater butler distances, however, as the distance increases the available locations diminish.

3. As proposed in the draft ordinance, a 2,000 foot separation from adult entertainment establishments and certain land uses, like churches, schools, child care facilities, and public recreation areas, appears to be an appropriate buffer to protect these uses from the negative influences of adult entertainment businesses.
4. A minimum separation of 1.000 feet between -adult entertainment uses appears to be most appropriate. This requirement does not appear to be a limiting-factor with regard to the siting of adult.entertainment uses.
- 5.The Manatee County bard of County Commissioners may wish to consider placing a time limitation for those adult entertainment establishments which.would..be "nonconforming" once a new adult entertainment ordinance was adopted. The draft ordinance-includes a one year amortization period.
6. Sign regulations pertaining to adult entertainment businesses should be revisited.. The sign is often that most notable physical element of an.adult entertainment business. Adult entertainment signs should be controlled to protect the general public from the negative aesthetics of "poor-taste". Sign controls should be considered which still protect a business's freedom to advertise, but also minimize public's exposure to such uses.

II. INTRODUCTION

There has been a growing concern in Manatee County, Florida over the potential for uncontrolled and unplanned propagation of adult entertainment businesses. Recent development activities in Manatee County have intensified the concern.

This is not an unfounded fear. Increased establishment of adult businesses appears to be a common "spin-off" of growth and urbanization, such as Manatee County is experiencing. Such uses cannot be denied their U.S. Constitutional rights under the First Amendment from existing in Manatee County. However, their location can be planned and regulated to an extent that would minimize their effect upon surrounding properties and neighborhoods.

Cities and counties have utilized zoning over the past six decades to insure orderly and harmonious development thereby protecting the public health and welfare. More recently, zoning has been applied to regulating the location of adult entertainment businesses in communities, as an effort to control some of the possible negative impacts of such uses.

Purpose

In an effort to develop a legally enforceable adult entertainment ordinance, the purposes of this study are to:

- Review alternative regulatory approaches, controlling location and impact of adult entertainment uses, and identify those provisions which may be appropriate in developing an ordinance for Manatee County.
- Examine existing studies which empirically researched the possible negative impacts of adult entertainment businesses upon a community, and note their applicability to the circumstances in Manatee County, Florida.
- Analyze the specific impacts of the proposed adult entertainment ordinance and identify the possible locations for adult entertainment businesses.

For the purposes of this study the term "adult entertainment businesses" is a general term utilized to collectively designate businesses which primarily feature sexually stimulating material and or performances. These businesses include, but are not limited to, adult bookstores, adult theatres, adult drive-in theatres, adult mini-

notion picture theatres and arcades, adult (special) cabarets, and adult physical culture establishments.

Scope

The scope of the study includes all unincorporated areas of Manatee County. Zoning district classifications for the

unincorporated portion of Manatee County were utilized in the study. Zoning districts of the incorporated cities have not been examined as part of the study. If however, the study is sensitive to the land use compatibility issue with respect to Manatee County cities and Sarasota County. Property uses that are particularly affected by adult entertainment, such as churches, schools, day care centers, and public recreation facilities were examined on a county-wide basis, regardless of jurisdictional boundary. Efforts were also made to consider such uses along the county line in Sarasota which may also be affected.

The Planning and Development Department made every effort possible to conduct this study without prejudice. Professional methodologies in reviewing and presenting the material have been used to insure proper representation of the facts and recommendations.

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III. SUMMARY OF EXISTING RESEARCH AND LEGAL PRECEDENT

There are two basic methods of how adult entertainment businesses can be regulated. The first, often referred to as the Boston Model, concentrates all adult entertainment businesses into one zoning district. The alternative method is to disperse adult entertainment businesses, requiring buffer separations from residential ones and other regulated uses, known as the Detroit Model.

Boston Model

Boston's historical development of concentrated adult entertainment businesses occurred long before any regulatory measures were placed on the industry. However, to prevent the spread of these uses to other parts of the city, Boston developed a special overlay adult entertainment zoning district - The Combat Zone, which applied to only seven acres of city.

In addition to just concentrating adult entertainment businesses, the Boston Redevelopment Authority also infused public dollars for urban renewal into 'the Combat Zone' to improve the streets, sidewalks, lighting, and parks.

Boston's approach was to legitimize an existing circumstance.

i.e., a highly concentrated adult entertainment industry. This certainly is not to state that Manatee County should take up this approach. However, in examining the alternatives it is important to note what advantages exist with the Boston Model when opting not to choose such an approach, realizing that these advantages may not exist with the dispersal of adult entertainment businesses. The most notable of these advantages are:

- Like uses are treated alike. The same uniform district standards apply to all uses equally. Any changes to other districts will not have an effect upon the adult entertainment businesses within the special overlay district. Additionally, owners of such uses cannot say they are being regulated to prevent them from operating their business altogether.

- Lower administrative costs. Once the district is established and development standards set, there is no need for the costly case-by-case review of adult business requests.

- Control over both the total growth of pornographic uses and the development of specific new uses. This approach limits the area being developed for adult entertainment uses. The dispersal method has no upper

limit of adult businesses created, provided all the separation requirements are met. Additionally, since the Boston method covers all adult uses by its "adult-only" definition, it can easily regulate new adult entertainment uses, which were not considered at the

time of legislation. Dispersal ordinances which specify particular adult entertainment uses do not have this flexibility, potentially allowing the introduction of new adult businesses to communities exempt and unregulated by existing local laws.

-No definitional vagueness. Boston's ordinance eliminates the possible court litigation issue of vague definitions which many other cities have encountered in developing adult entertainment ordinances. Boston's definition of an adult entertainment use includes the key phrase, "such establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age." Manatee County should consider using this or similar adult-only policy statement when defining adult entertainment businesses to avoid the legal problem of definitional vagueness.

•Apparent constitutionality. Since the regulatory measures placed on adult entertainment businesses to operate in-a specified area are uniform for all, and these regulations are reflected in the community's goals, it appears- that the local government is within its constitutional powers.

-Easier evaluation of total public services impact of pornographic uses. Heavier traffic, limited parking space, higher police costs and other effects of the adult entertainment industry on the community can be easier to identify when the uses are concentrated into one area (Toner, 1977, p.8)

There are obvious disadvantages to the Boston Model. The concentration of adult entertainment businesses may appear as a major blighting influence to a neighborhood, reducing-property values immediately adjacent to the district. Concentration may create a gathering place for "undesirables."

Fayetteville, North Carolina provides a good example of the problems associated with proposing a Boston Model adult entertainment ordinance. Fayetteville, similar to Boston, had existing concentration of adult entertainment businesses. However, even after the planning advisory committee reviewed alternative regulatory measures and recommended to the council the concentrated approach, the council became politically susceptible to accusation of condoning sex businesses when considering approving concentration. The political realities such accusations are an obvious deterrent for decision-makers consider in contemplating the concentration of adult entertainment businesses.

Detroit Model

Detroit's effort to regulate adult entertainment businesses was a "spin-off" effect of trying to keep the typical "skid-row" uses

separated from each other and to separate them from residential areas. Detroit's ordinance regulated a series of skid-row uses including the typical adult entertainment business, by requiring no adult-type uses within 500 feet of a residentially zoned area and 1,000 feet from any two other such regulated uses.

An important point of Detroit's ordinance is that it has withstood challenges in court. The U.S. Supreme Court in 1976 ruled in the case of *Young vs. American Mini Theaters, Inc.* that the regulation was constitutional because the city was only regulating the time, place and manner of expression - not prohibiting. The court claimed that Detroit's interest in planning and regulating for business purposes is clearly adequate to support that kind of restriction for all theaters. Even though the First Amendment protects communication in the area of adult motion pictures from total suppression, the U.S. Supreme Court ruled that the state may legitimately use the content of these materials as the basis for placing them in a different Classification from other motion pictures.

Although Detroit's definition of adult entertainment uses was accepted by the courts, it was however, recognized that there were some basic definitional weakness. The definition of adult stated, "adult" is "distinguished or characterized by an emphasis on ...Certain specified activities or specified anatomical areas.' The problem arises when a motion picture has only a part of the film's subject qualify under -the definition of adult.

To avoid this problem of definitional vagueness, it is recommended in planning literature to base adult entertainment definitions on state obscenity laws, which make it a crime to distribute pornographic materials - including films - to minors. Therefore, an adult entertainment business is self defined since operators of adult entertainment business are careful to enforce their 'adult-only" policy to avoid criminal prosecution. As mentioned earlier Manatee County should incorporate some type of "adult-only' statement in its definitions of adult entertainment businesses.

Most cities and counties throughout the country have used a variation of the Detroit Model adult entertainment ordinance. New York City included physical culture establishments, otherwise known as massage parlors, in its variation of the Detroit adult entertainment ordinance.

Other communities such as Norwalk, California introduced additional separation requirements in their Detroit-Like ordinance by providing that adult book stores and adult theaters "shall not be located within 500 feet or, or in close proximity to, any residential zone or use, church, school, park or playground, or other areas where large numbers of minors travel or congregate.'" Dallas, Texas on the other hand required 1,000 feet from a churches and schools. Prince George's County, Maryland expanded the range of affected uses by stating, 'The

structure (of the adult book store/ theater) shall be at least 1,000 feet from the nearest property line on any land in any residential zone, or public, private, or parochial school, library, park, playground, or other recreational facility, whether commercial or non-profit, in any other zone, and at least 1000 feet from the nearest property line of any church, convent, monastery, synagogue, or similar place of worship. These regulations although more restrictive are generally upheld in court as long as the communities are prepared to show some justification. However, the Norwalk, California restriction requiring a separation from residential zone or use is too restrictive. This provision would most likely be overturned in the courts due to the vagueness of the phrase "in close proximity" and the phrase "residential zone or use" is far too inclusive. The major concern of having overly restrictive regulations controlling adult entertainment businesses is that they say be construed as a subtle technique of prohibiting such uses. by zoning adults-only uses out of the community.

Impact Studies

The following studies have been conducted by planning agencies throughout the country examining the effects of adult entertainment businesses upon the community. Primarily, the studies address issues such as loss at property value, increased crime, and introduction of blighting- influences in their analysis of adult entertainment businesses.

" Austin, Texas

The City of Austin, Texas, special Program Division at the office of Land Development services, prepared a Report On Adult Oriented Businesses in Austin in a May of 1986. The study showed that sex-related crime rates in the study areas~(areas with adult businesses) were found to be two to nearly five times the city-wide average. Also sex-related crime rates were found to be 66% higher in the study areas with two adult businesses compared to study areas with only one business. A questionnaire survey of 120 real estate appraisal and Lending firm conducted in conjunction with the study indicated an adult book store would decrease property values within one block (according to 88% of those responding). Fifty-nine percent (59%) indicated that residential property values would decrease within three blocks of an adult book store. According to the survey, lead mortgage underwriters believed that the existence of adult entertainment businesses indicated that the neighborhood was in decline, making 95% financing difficult. The study also validated another interesting fact about adult businesses. Almost half (44% of the customers of adult businesses were from areas outside the City of Austin. This indicates that adult entertainment businesses are not neighborhood or community commercial businesses but rather serve a regional market.

Austin found that much of the city had narrow commercial strips flanked by residential zones and uses, which precluded the 1,000 foot separation at adult entertainment businesses from residential zones and uses. Due to this situation, Austin's Special Programs Division had recommended the elimination of this requirement and replaced it with the use of a Conditional use permit to protect neighborhoods.

Based upon the findings of the study, the Special Programs Division of the Office of Land Development Services recommended:

1. Adult businesses should be limited to highway or regionally- oriented zone districts.
2. Adult businesses should be dispersed to avoid the over concentration of such businesses.
3. Conditional use permits should be required for adult businesses On certain specific tone districts.

- Indianapolis, Indiana

The Indianapolis Division of Planning conducted a study on Adult Entertainment Businesses in Indianapolis: An Analysis in 1984 to examine the negative impacts of adult entertainment businesses on Indianapolis's neighborhoods, The study did a comparison of study areas (containing adult entertainment businesses) with control areas (containing no adult entertainment businesses) for crime rates, real estate listings, and real estate market values. Additionally, a survey was conducted of the American Institute of Real Estate Appraisers and colleagues of the Member Appraisers Institute (MAI) to ask appraisers what they felt the effect of adult book stores was on a property value.

The result of this study are at follows:

- Major crimes occurred 23% higher in the study areas compared to the control areas and 46% higher than the Police District at large.
- Crime rates for sex-related crimes were almost twice as high in the study areas as the control areas.
- A correlation study of crime in residential versus commercial parts of the study areas (containing adult entertainment businesses indicated that crime frequency was 56% higher in the residential areas compared to the commercial areas. This supports the theory that adult entertainment businesses located in residential areas tend to experience greater conflicts, i.e. increased crime frequency, than adult entertainment businesses in commercial areas. Adult businesses tend to be more compatible, with respect to land use, with other commercial businesses.

-Sex-related crimes were four times more frequent in residential areas with at least one adult entertainment business compared to Control areas with a substantial commercial district make-up having adult entertainment businesses.

- The housing market value in the study areas appreciated at about one-half the rate of the control areas.
- Properties in the study areas were placed on the market at an increasing rate while properties in the control areas saw a 50% decrease in listing.
- Twice as many houses were placed on the market at lower prices than would be expected in the study area.
- Property appraisers who responded to the survey felt that an adult book store within one block would have a negative effect on both residential and commercial property value. Fifty percent (50%) of those responding foresaw an immediate depreciation in excess of 10% of the property's value.
- A majority of the property appraisers felt that at a distance of three (3) blocks the negative effect of the adult book store would be negligible, although residential-properties would be more adversely affected than commercial properties.

From the results of this study, the Indianapolis Division of Planning recommended that*

1. Adult entertainment businesses be allowed to-locate in zoning areas for district-oriented commercial businesses.
2. No adult entertainment businesses be allowed in neighborhood-oriented commercial zoning districts.
3. Each adult entertainment business location require a special exception, which would appropriate development standards designed to buffer and protect adjacent property.
4. Adult entertainment businesses not be allowed to locate within 500 feet of a residential, school, church or park property line nor within 500 feet of an established historical area.

* Los Angeles, California

The Los Angeles City Planning Department prepared for the Planning Committee of the Los Angeles City Council in 1977 a Study on the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles. This was a very -extensive study of the effect of adult entertainment Establishments in the City of Los Angeles, which examined crime

rates, public perception, surveyed property appraisers, assessed property value, and the applicability of existing laws and regulations (other than zoning) for controlling adult entertainment businesses.

To summarize some of the findings of this study, Los Angeles City Planning Department found that:

-Crime statistics showed a proportionally larger increase in certain crimes in areas with adult entertainment establishment:.

-Survey of the general public and real estate property appraisers supported the theory that adult entertainment establishments had a negative effect upon property values and perception of a neighborhood.

- Studies of the change in assessed value of properties with a concentration of adult entertainment establishment indicated that assessed values increased more than areas without such concentration. However, due to insufficient evidence to support direct correlation, as pointed out by the Los Angeles City Planning Department, the increased valuation of property in concentrated areas does not indicate that sex-oriented businesses were the primary cause of increased valuation.

The study also indicated that Los Angeles had numerous other laws and regulations, other than zoning, to effect proper regulation of adult entertainment businesses.

The Los Angeles city Planning Department recommended the following:

1. Los Angeles City Council should consider the adoption of a dispersion-type ordinance to control the propagation of adult entertainment establishments with:
 - a. A 1,000 foot separation between adult entertainment establishments.
 - b. A distance requirement separating adult entertainment establishments from churches, schools, parks, and the like by at least 500 feet.
 - C. The possibility of enacting additional provisions to regulate signs and similar forms of advertising.
2. City Council should consider whether the different class and subject of adult entertainment establishments should be regulated the same or differently.

3. If such ordinance is adopted, other portions of the Municipal Code relating to adult entertainment businesses

should be amended to be consistent with the provisions of the zoning ordinance.

4. Additional studies appear to be necessary to ensure that all portions of the existing regulations are consistent with any proposed zoning changes to regulate adult entertainment businesses.
5. Vigorous enforcement of all regulations pertaining to adult entertainment businesses.

* Phoenix, Arizona

The City of Phoenix Planning Department conducted a study in May of 1979 On Relation of Criminal Activity and Adult-Businesses. From the results of the study there appears to be a significantly greater difference between the study areas (with adult-entertainment businesses) and the control areas (without adult entertainment businesses) for sex-related crimes. On the average sex crimes were six (6) times greater in frequency in the study areas than in the control areas. Crimes against property and violent crimes in the study areas were slightly higher than the control areas, about 40% higher

• Saint Paul, Minnesota

A study on the Effects On Surrounding Areas of Adult Entertainment Businesses in Saint Paul was conducted by the Division of Planning, Department of Planning and Economic-Development and the Community Crime Prevention Project. Minnesota Crimes control planning Board in June of 1978. The results of this study are:

1. The presence of adult entertainment establishments correlates statistically with poor neighborhood conditions.
2. Adult entertainment businesses tend to both locate in areas of poorer residential condition and followed by a relative worsening of the residential condition.
3. Statistical tests indicate that there is a threshold effect associated with adult entertainment businesses.: This means that one or even two adult entertainment businesses in an area might not be associated with notable change
4. However, more than two adult entertainment businesses in an area is associated with a statistically significant decrease in residential property value.
5. Likewise, more than one adult entertainment businesses in an area is associated with a statistically significant increase in crime rates.

There is, however, a notable qualifier for the Saint Paul study. In this study adult entertainment businesses included alcohol-serving establishments.

- Other Studies

In Amarillo, Texas a study found that adult entertainment uses were distinguishably different from other commercial businesses, noting a correlation between high crime rates and the proximity of adult businesses. Additionally, the study found adult businesses created special problems for the adjacent neighborhood in increased glare, noise, and traffic.

Beaumont, Texas conducted a study the examining the effect of adult businesses an economic decline. The study concluded that concentration of adult entertainment businesses drove off neighborhood-oriented businesses and added to increased crimes such as prostitution, drug abuse, and muggings.

IV. MANATEE COUNTY ADULT ENTERTAINMENT BUSINESS IMPACT ANALYSIS

Preliminary Review

As part of the study requested by the Manatee County Board of County Commissioners and the County Attorney's Office, the Planning and Development Department was requested to examine the possibility of requiring 2,000 feet buffer separation between adult entertainment businesses and residential and suburban agricultural zoning districts.

A preliminary review of the proposed distance separation restrictions placed upon the establishment of adult entertainment uses indicates:

- I. There appears to be almost no land west of I-75 (except for a small portion along Hillsborough County line) which meets the separation distance requirement of, "any property located within 2,000 feet of any properties zoned A-I, R-1, R-1a, R-1b, R-1c, R-1d, R-1E, R-1AB, R-1H, R-1T, R-2, R-3A, R-3B, R-3A, R-5, PDR, V-1, V-2, V-3, & WR. for the siting of an adult entertainment use. see attached map (map 1) indicates the estimated demarcation line between where adult entertainment uses would and would not be permitted to establish.

The Department has tried to take into account proposed development plans and pending rezoning cases when determining this line.

After reviewing the preliminary result of the Planning and Development Department's study, the County Attorney's Office requested the Planning and Development Department to examine residential buffer separations of 1,500 and 1,000 feet from adult entertainment businesses, indicating that 2,000 feet appears to provide little urban area for such uses.

Methodology

In developing the methodology for this impact analysis, the Planning and Development Department attempted to examine all possible locations of adult entertainment businesses with some buffer separation from residential areas and protected nonresidential uses.

The following assumptions were made:

1. All provisions of the proposed adult entertainment code would be adjusted as needed.
2. Adult entertainment businesses would be located on established commercial corridors and would be located only on commercially zoned property.

3. There would be adequate buffer separation between location of an adult entertainment business and residential areas. For the purposes of this study residential areas means all properties zoned A-1, R-1, R-1a, R-1B, R-1c, R-1D, R-1E, R-1AB, R-1H, R-1T, R-2, R-3A, R-2b, R-4b, R-5, PDR, V-1, V-2, , V-3, and WR

4. The degree of adequate buffer separation from residential areas will be determined by the Manatee County Board of County Commissioners. However, for the Purposes of this impact analysis a minimum of 500 feet buffer separation was the smallest distance analyzed.

5. There would be adequate buffer separation between nonresidential land uses, such as churches, schools, public recreation facilities, and day care centers, and adult entertainment businesses, hereafter referred to as "protected non-residential uses"

6. The degree of adequate buffer separation from protected non-residential uses will be determined by the Manatee County Board of County Commissioners. However, for the purposes of this impact analysis a minimum of 2,000 feet buffer separation is assumed to be necessary.

7. These protected non-residential uses would be listed in the Manatee County Property Appraiser's property listing according to their specified property use code.

a. Most adult entertainment businesses which exist in Manatee County should be identified and licensed by the Manatee County Sheriff, pursuant to Manatee County Ordinance No. 84-11.

9. After the further analysis of the preliminary review, it was assumed that 1,500 feet and greater buffer separation between adult entertainment businesses and residential zoning districts would not provide opportunities for establishment of adult entertainment businesses in the urbanized portion of Manatee County. Therefore, the greatest distance considered was 1,000 feet. This was based upon a cursory review of the county's historical development of narrow strip commercial development pattern.

Based upon these assumptions the impact analysis has five (5) basic steps:

Step 1. Determine the depth of Corridor for all established commercial corridors. Utilizing The Manatee Plan, Manatee County's comprehensive plan, all established corridors were identified (See page 4-7 and 4-8 of the Plan). Once the corridors were identified, the Manatee County Zoning Atlas was used to measure the depth of commercially toned properties along the

corridors. There was no distinction made between different commercial zoning classifications. Corridor depth measurements were taken for both sides of the right-of-way. Distance measurements were grouped together in intervals of 250 feet, starting with 500 feet. These distance groupings were less than 500 feet, 500 - 750 feet, 750 - 1,000 feet, 1,000 and greater feet. The depth of corridor would then be mapped according to these distance measurements. However, in some portions of Manatee County there is no commercial zoning district along the corridor. In these cases no corridor depth was indicated.

Step 2. - Determine possible adult entertainment business locations based upon corridor depth and buffer separation from residential areas. Since an assumption was that adult entertainment businesses would only be located on established corridors and on commercially zoned properties and another assumption was an adequate buffer separation between adult entertainment and residential areas is necessary, therefore, if those commercial areas which do not meet the adequate buffer separation requirement are eliminated from consideration, the remaining locations indicate those commercial areas which qualify to have sufficient buffer separation from residential areas. This is accomplished by examining the map prepared in the first step and determining if adequate corridor depth exists on both sides at the road and is sufficiently long to meet the buffer separation. The same distance groupings were used as in Step 1. Once those areas which did not meet the buffer separation are eliminated, the remaining areas may qualify for establishment of adult entertainment businesses. These areas are then identified on a separate map according to their respective qualifying buffer separation. Remember there will be three different possible combinations.

Those areas that meet the 1,000 and greater feet buffer separation also qualify with the smaller buffer separation groups (750 -1,000 and 500 -750).

Step 3. Identify all the protected non-residential uses which may restrict the location of adult entertainment businesses. As the adult entertainment ordinance has been proposed, adult entertainment businesses would be prohibited to be located within 2,000 feet of any church, school, day care center or public recreation facility. - from now on referred to as protected nonresidential uses. Based upon assumption number eight, (the protected non-residential uses would be listed in the Manatee County Property Appraiser's property listing according to use code) the Planning and Development Department requested a property use search for a listing of all properties in the county with the following classifications:

PROTECTED NON-RESIDENTIAL USES

<u>Category</u>	<u>Property use Code</u>	<u>Discription</u>
Institutional	71	Church
Institutional	72	Private Schools, colleges, Day Care Centers
Government	82	Forests, Parks, Recreation Areas
Government	83	Public County schools
Government	84	Colleges

Since there are over six hundred protected non-residential uses in Manatee County, locating and mapping all of these uses would be an extremely time consuming task. However, the information on suitable locations for adult entertainment establishments developed in Step 3 can be used to target research efforts to the appropriate areas, thereby reducing the number of protected non-residential uses to be mapped. Using the map developed with Step 3, section-township-range coordinates for each possible qualified adult entertainment location are identified. With these coordinates, the protected non-residential uses within that section can be mapped, with their corresponding 2,000 feet buffer separation indicated.

Step 4. Identify and map all existing adult entertainment businesses. It is fairly easy to identify, locate, and map all such establishments. The proposed ordinance, like other Detroit-type ordinances, stipulates a 1,000 foot separation between two regulated adult entertainment businesses. A 1,000 foot buffer separation is indicated around each adult entertainment business.

Step 5. Composite comparison of adult entertainment buffer separation requirements. The final step in the process of identifying where adult entertainment businesses could possibly be located is to combine the three previous steps into a final composite map. By (1) taking the possible areas which qualify to meet the buffer separation from residential areas, (2) eliminating those areas which have churches, schools, parks, etc. within 2,000 feet, and then (3) disqualifying those areas which may be within 1,000 feet of any existing adult entertainment business, the resultant map identifies those areas in the urbanized portion of Manatee County which meet the proposed adult entertainment ordinance requirements.

Findings

• Corridor Depth

Map 2 indicates the average "Depth of the corridors" in Manatee County. A vast majority, over 75 percent, of all established corridors have an average depth of less than 500 feet on each side of the right-of-way. About 17 percent of the designated corridors in Manatee County are between 500 and 750 feet deep on each side of the road. A small percentage of the corridors have depths of 750 to 1,000 feet and greater than 1,000 feet. Most of these extremely deep corridors areas are located U.S. 41 and Cortez Road between 1st Street & 26th Street West.

* Areas with Buffer Separation from Residential Areas

Based upon depth of corridor results, map 3 shows those areas With a "Buffer separation from residential areas of 1000+, 750, and 500 feet" Most sites which have sufficient buffer are located on U.S. 41. There are, however, some possible sites on U.S. 301 in North County near Old Tampa Road, on State Road 70 next to 1-75, on Cortez Road west of 14th Street West and on 15th Street East in the southern portion of the county.

The number of possible sites which meet the buffer separation requirement is dependent upon on how great the separation is. There is very limited property in the urbanized part of the county that meets or exceeds the 1,000 feet buffet separation. There are only a few more properties that meet the buffer separation standard of 750 feet. With a buffer separation of 500 feet or greater, there are several areas along the major corridors with sufficient commercial zoning depth to satisfy this requirement.

Many of these areas are already developed with commercial developments. However, there is the possibility of replacing an existing customary commercial business with an adult entertainment use. It is important to note that adult entertainment businesses are not excluded from operating in Manatee County.

• Protected Non-Residential Uses

Utilizing the list prepared by the Manatee County Property Appraiser of "Protected non-residential uses," Map 4 was prepared. This map shows where the churches, schools, child care facilities and public recreation areas exist , with respect to those areas where adult entertainment businesses may possibly be located provided the buffer separation requirement from residential areas was satisfied. Map 4 does not attempt to identify all the protected non-residential uses in a sector but only those uses that could possibly affect the siting of adult

entertainment businesses. Churches are the most plentiful of the non-residential protected land uses. Although most of the protected non-residential uses are not located on designated corridors, the 2,000-foot buffer separation encroaches on several designated - 19 -

corridors, thereby possibly affecting the potential siting of adult entertainment Businesses.

* Existing Adult Entertainment businesses

According to the Manatee County Sheriff's office, there are only five adult entertainment businesses in Manatee County. Map 5 shows their general location. The following table lists each adult entertainment business, its zoning district and the distance to the nearest residential area.

ADULT ENTERTAINMENT BUSINESSES MANATEE COUNTY By NAME OF BUSINESS,
ZONING DISTRICT AND DISTANCE TO THE NEAREST RESIDENTIAL AREA

<u>Name Of Business</u>	<u>Zoning District</u>	<u>Distance to Residential Area</u>
1. C. & J. Book Mart 4949 14th Street West, Bradenton, FL 33507	C-1	50 Feet from R-4A
2. Peek-A-Boo Lounge 5A12 14th Street West, Bradenton, FL 33507	C-1	Immediately Adjacent to R-2
3. Illusions 2824 U.S. 41 North, Palmetto, FL 33551	C-1	Immediately Adjacent to R-1AB
4. Animal House 6735 14th Street West, Bradenton, FL 33507	C-1, R-1A	Rear Portion of Property in R-1A
5. Trail Drive-In Theatre 6801 N. Tamiami Tr., Sarasota, FL	C-1	Immediately Adjacent to R-1a

All the existing adult entertainment businesses in Manatee County are separated from each other by more than the minimum 1,000 feet. However, none of these businesses meet the minimum residential buffer separation of 500 feet, let alone possible more restrictive separation requirements. Three (3) of the existing adult entertainment establishments meet the 2,000 feet buffer separation from protected non-residential uses. The Peek-A-Boo Lounge is closer than 2,000 feet from the First Assembly of God of Bradenton church at 1820 53rd Avenue West. and the Trail Drive-in Theatre is less than 2,000 feet from the University of Sarasota Foundation, Inc. at 7121 North Tamiami Trail.

Possible Locations of Adult Entertainment Businesses.

Map 6 identifies those areas in the urbanized portion of Manatee County where adult entertainment businesses

appear to meet all

proposed regulatory requirements. Keep in mind those areas identified in Map 1 east of I-75 would also meet the proposed regulatory requirements.

Most qualifying sites appear to be on U.S. 41, with a few scattered sites along 15th Street East. US 301 near Old Tampa Road and State Road 70 near I-75. It should be noted that there appears to be only one site - Depot Square Mall - which meets a buffer separation of 1,000 feet or greater, along with the separation from protected non-residential uses. There is only one other site which meets the 750-foot separation.

Most of the possible locations can only qualify if the buffer separation from residential areas is 500 feet. This is largely a result of Manatee County's Historical "Strip Commercial" development. Commercial areas are normally narrow and do not have sufficient breadth to provide 1,000 or 2,000 feet of commercial area buffering from residential areas. It should be noted that most of these sites with 500 feet separation are the location of large commercial centers.

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Determining the number of acres for potential siting of adult entertainment uses is not easy -nor exact, as one would expect. Although all identified areas have some portion of land that meets buffer separation requirements, some locations may not have lot lines which conform to these distance standards. Since the proposed ordinance bases separation upon lot lines, such sites would require some sort of subdivision to actualize a 500 foot separation between the lot line of an adult entertainment establishment and residential district. To get the 500 foot buffer separation, a prospective adult entertainment business would need at least one non-residential district property separating them from the residential zoning district.

Assuming that identified potential locations could provide for parcels 150 feet deep (a reasonable size for the use), there are over 250 acres of properly zoned property available for the potential siting of adult entertainment businesses -in the urbanized portion of Manatee County. Additionally, there are more than 520 square miles available County-wide which qualify to meet the buffer separation, but may need to be rezoned to a commercial zoning category before being used by adult entertainment establishments.

Consistency With the Manatee Plan

The proposed adult entertainment ordinance appears to be consistent with the Comprehensive Plan of Manatee County, The Manatee Plan. The following excerpts from The Manatee Plan identify several of the goals, objectives and policies which support the protection of residential neighborhoods and "protected non-residential uses" from the impact of adult entertainment businesses.

- B. Compatibility: Promote compatibility and efficiency of competing land uses through the development of land use controls and techniques that will guide commercial and industrial development, facilitate harmony with surrounding uses and the natural environment. (The Manatee Plan, page 4-4)

III. ENVIRONMENTAL QUALITY. PROVIDE FOR THE BEST POSSIBLE DISTRIBUTION of LAND USE, BY TYPE AND INTENSITY, IN SUPPORT OF THE SOCIAL, CULTURAL AND ECONOMIC NEEDS OF THE PRESENT AND FUTURE RESIDENTS AND TOURIST POPULATION IN A MANNER WHICH WOULD MAINTAIN OR IMPROVE THE QUALITY OF THE NATURAL AND MAN-MADE ENVIRONMENT. (The Manatee Plan, page 4-4)

- (5) Non-Residential development. Non-residential land development activities should be:

c. Separated from incompatible land uses by means of buffer strips including streets, open space, plantings and setbacks. (The Manatee Plan, page 4-10)

- E. Established Neighborhoods. The predominate design and cultural features of established neighborhoods shall be maintained and enhanced by encouraging infill development of similar design and scale; discouraging the encroachment of incompatible land uses along the periphery of neighborhoods; and encouraging the continuance of the individual identity of established neighborhoods. (The Manatee Plan, page 7-10)

V. REFERENCES

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Manatee

Map 1

Map of Manatee County is unavailable.

Map 2

Map of Depth of Corridors

Map 3

Buffer Separation from residential areas

Map 4

Protected Non Residential Areas identified with 2000 foot buffer zones identified

Map 5

Existing Adult Entertainment Businesses

Map 6

Possible Sites for Adult Entertainment Businesses

July 27, 1987

MANATEE COUNTY GOVERNMENT

MEMORANDUM

TO: Board of County Commissioners

THRU: H. Hamilton Rice, Jr. , County Attorney

FR: Mark P. Barneby, Assistant County Attorney

RE: Adult Entertainment Code

CAO File 1113-045

In reviewing the definition of special cabarets in the proposed ordinance, it appears that there has been some confusion as to whether the term "topless" or "bottomless" refers just to dancers or to the other types of entertainers specifically listed in the special cabaret section. In order to clarify this definition and to conform the language of this section to that of the other areas of the ordinance, this office recommends that the following definition for special cabarets be inserted in place of the definition provided in the 6/24/87 draft of the ordinance;

7. Special Cabarets: Any bar, bring your own bottle club, dance hall, restaurant, or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or other entertainers, or waiters or waitresses, that either engage in Specified Sexual Activities or display Specified Anatomical Areas, or any such establishment the advertising for, or a sign or signs identifying which, uses the words "topless", "nude", "bottomless", or other words of similar import, and which establishment excludes minors by virtue of age.

If you have any questions or comments regarding this matter, please do not hesitate to contact this office.

cc: Tedd N. Williams, Chief

Assistant County Attorney