

1 Introduced by Council Member Cumber and Co-Sponsored by Council
2 Members Ferraro, Gaffney, Bowman and Becton and amended by the Land
3 and Zoning Committee:
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6 **ORDINANCE 2020-704-E**

7 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
8 CODE), ORDINANCE CODE, PART 11 (ADULT
9 ENTERTAINMENT AND SERVICE FACILITIES) TO AMEND
10 SECTION 656.1108 (RESERVED) TO ESTABLISH
11 FACILITY STANDARDS FOR ADULT BOOKSTORES, ADULT
12 MOTION PICTURE THEATERS AND ESTABLISHMENTS
13 CONTAINING ADULT MOTION PICTURE BOOTHS;
14 PROVIDING FOR AN EFFECTIVE DATE.
15

16 **Section 1. Amending Chapter 656 (Zoning Code), Part 11**
17 **(Adult Entertainment and Service Facilities), Section 656.1108**
18 **(Reserved), Ordinance Code.** Chapter 656 (Zoning Code), Part 11
19 (Adult Entertainment and Service Facilities), Section 656.1108
20 (Reserved), *Ordinance Code*, is hereby amended to read as follows:
21

22 **CHAPTER 656. ZONING CODE.**

23 * * *

24 **PART 11. ADULT ENTERTAINMENT AND SERVICE FACILITIES.**

25 * * *

26 **Sec. 656.1108 - Physical requirements for adult bookstores,**
27 **adult motion picture theaters and facilities containing any adult**
28 **motion picture booths.**

29 In addition to any other requirements contained in the Code,
30 unless otherwise exempted, each adult bookstore, adult motion
picture theater and any facility containing any adult motion

1 picture booths, as such terms are defined in Chapter 150, *Ordinance*
2 *Code*, shall meet each of the requirements of this Section. Every
3 building, structure and portion thereof regulated under this
4 Section, shall comply with the requirements of this Section,
5 whether or not the building or structure shall have been
6 constructed, altered or repaired before or after the adoption of
7 this Section, irrespective of any permits or licenses which shall
8 have been issued for the use or occupancy of the structure or
9 premises, and notwithstanding any which shall have been issued for
10 the construction or repair of the structure or for the permit to
11 operate prior to the effective date of this Section.

12 (a) The premises shall conform to the requirements of the
13 Building Code, except to the extent that a requirement in the
14 Building Code conflicts with a special requirement contained in
15 this Part, then the Building Code provisions shall control but only
16 to the extent of the conflict.

17 (b) The premises shall conform to the requirements of the
18 Fire Protection Code, except to the extent that a requirement in
19 the Fire Protection Code conflicts with a special requirement
20 contained in this Part, then the Fire Protection Code shall control
21 but only to the extent of the conflict.

22 (c) In erecting, installing, maintaining, altering or
23 operating any sign permitted by this Chapter, the premises shall
24 conform to the applicable requirements of Chapters 326 and 656.

25 (d) The premises shall have each and every glass area that
26 faces a public thoroughfare or through which casual passersby can
27 see the material or activity inside the premises, covered over by
28 black paint or other opaque covering; provided, that this
29 requirement shall not apply if the uncovered glass area exposes to
30 public view only a lobby or anteroom containing no adult material.

1 (e) The premises shall conform to the requirements of F.S.
2 Ch. 381 and the rules and regulations of the State Department of
3 Health made pursuant thereto, and for this purpose shall be deemed
4 to be a *place serving the public* for the purpose of sanitary
5 facilities; provided, that when more than one license is issued for
6 a single location, they shall collectively be considered as one
7 premises for the purposes of sanitary facilities if customers may
8 circulate freely throughout the entire area of the premises.

9 (f) In all cases wherein the occupant capacity, as determined
10 by the Chief, Fire Prevention, is at least 50 persons, exclusive of
11 attendants and assistants, the premises shall have electric,
12 battery-operated, emergency lights using reliable-type storage
13 batteries provided with suitable maintenance in properly charged
14 condition; provided, that dry batteries shall not be used; and
15 further provided, that electric storage batteries shall be approved
16 by the Chief, Fire Prevention for their intended use and shall
17 comply with the National Electrical Code (NFPA-70); and further
18 provided, that the provisions of this subsection shall not apply to
19 adult motion picture theaters which are open-air theaters designed
20 to permit viewing by patrons seated in automobiles.

21 (g) Except for adult motion picture theaters which are open-
22 air theaters designed to permit viewing by patrons seated in
23 automobiles, all premises shall have an entrance room or lobby,
24 i.e., the room which is entered from the outside, and sanitary
25 facilities as set forth in subsection (e) of this Section. The
26 entrance room or lobby may be as large or as small as the licensee
27 chooses.

28 (h) All other rooms in premises must either:

- 29 (1) Be not less than 1,000 square feet in area; or
30 (2) Be clearly marked in letters not less than two

1 inches in height, "No Customers or Patrons Allowed."

2 (i) Except for sanitary facilities, no doorway or entranceway
3 within any premises shall be locked at any time a customer is
4 anywhere within the premises or at any time the premises are open
5 to the public unless customers or patrons are prohibited at all
6 times from going into the rooms or areas behind such doorways or
7 entranceways and provided such doors are marked as set forth in
8 paragraph (h) (2) of this Section.

9 (j) At least one doorway into or out of the premises shall be
10 unlocked at any time a customer is anywhere within premises or at
11 any time the premises are open to the public.

12 (k) Except for an adult motion picture theater, all rooms
13 open to the public in the premises shall be lighted such that the
14 light intensity at every point 30 inches above the floor is not
15 less than one-half footcandle.

16 (l) The Sheriff shall have access to all rooms at all times
17 any premises are open to the public. Premises are irrebuttably
18 presumed to be open at any time a customer is on the premises. This
19 access shall be for inspection purposes only.

20 (m) No room other than a sanitary facility or room marked as
21 set forth in subsection (h) (2) of this Section shall have any
22 dividers or partitions or any other thing in excess of three feet
23 in height which blocks the view of any portion of the room.

24 (n) Private rooms are prohibited within the premises.

25 (o) Enclosed adult motion picture booths are prohibited
26 within the premises.

27 (p) Adult entertainment, as defined within the definition of
28 *adult entertainment establishment* in Chapter 150, *Ordinance Code*,
29 is prohibited within the premises.

30 (q) Nude entertainment, as defined in Chapter 150, *Ordinance*

1 Code, is prohibited within the premises.

2 (r) No room within the premises shall have its doorway or
3 threshold blocked or obscured by doors, curtains, drapes or any
4 other obstruction unless the room is (1) a sanitary facility, (2)
5 the room is an adult motion picture theater in which movies are
6 projected onto a screen, or (3) a room marked as set forth in
7 paragraph (h) (2), hereinabove.

8 **Section 2. Notice and compliance.** Prior to enforcement
9 of these requirements, the Sheriff shall direct a notice to each
10 operator of any legally operating business regulated under this
11 Section informing the operator that compliance with the
12 requirements of this Section must be completed within thirty (30)
13 days from the effective date of this Ordinance; however, under
14 exceptional circumstances an extension of this compliance deadline
15 may be granted by the Director of the Planning and Development
16 Department for a reasonable amount of time.

17 **Section 3. Effective Date.** This ordinance shall become
18 effective upon signature by the Mayor or upon becoming effective
19 without the Mayor's signature.

20 Form Approved:

21
22 /s/ Kealey A. West

23 Office of General Counsel

24 Legislation prepared by: Jason R. Teal

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