ARTICLE XXIII.
ADULT ENTERTAINMENT ESTABLISHMENT REGULATIONS

SECTION A. PURPOSE.

1. The regulations established herein are intended to ensure that the adverse effects created by Adult Entertainment Establishments are minimized and controlled so as not to cause or contribute to crime, increased blighting, or downgrading of adjacent property and the surrounding neighborhood by restricting their proximity to public parks, schools, hospitals, churches, certain governmental and civic facilities, and residentially zoned areas.

2. The regulations established herein are intended to protect and preserve the quality, property values, integrity and character of the city's neighborhoods and commercial districts, deter the spread of urban blight, and protect the citizens of Carrollton from the objectionable effects of Adult Entertainment Establishments.

3. It is the intent of this Article to prevent the concentration of Adult Entertainment Establishments within the city of Carrollton. The provisions of this Article are not intended to impose a limitation or restriction on the content of any communicative materials, nor restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States, nor to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market.

SECTION B. USES REGULATED.

Uses regulated by the provisions of this Article shall hereinafter be designated as Adult Entertainment Establishments, and shall be further defined as follows:

1. An Adult Entertainment Establishment shall be defined as any commercial establishment open to the public which:

   a. Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents or leases a substantial or significant portion, as herein defined, of its stock in trade, any material defined by the Texas Penal Code, Section(s) 43.21 and/or 43.24, or characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined; or

   b. Utilizes a substantial or significant portion, as herein defined, of its display areas, including but not limited to, floor, shelf, rack, table, stand or case display areas, boxes, cabinet drawers, cartons, or any other storage area or apparatus, for any material defined by the Texas Penal Code, Section(s) 43.21 and/or 43.24 or characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined; or

c. Exhibits for a substantial or significant portion, as herein defined, of the total presentation time any material defined by the Texas Penal Code, Section(s) 43.21 and/or 43.24 or characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined.

2. An Adult Entertainment Establishment shall be further defined as any commercial establishment open to the general public which involves employees or customers who engage in conduct which is distinguished or characterized by "specified sexual activities" or "specified anatomical areas", as herein defined.

3. The definition of Adult Entertainment Establishment and the provisions of this Article shall apply to the opening or commencement of a new business, the conversion of an existing business to any sexually oriented business, the addition to or expansion of an existing Adult Entertainment Establishment, or the relocation of any Adult Entertainment Establishment.

4. Adult Entertainment Establishments specifically identified and regulated by the provisions of this Article shall include, but are not necessarily limited to:

a. Adult arcades;
b. Adult bookstores;
c. Adult cabarets;
d. Adult motion picture theaters;
e. Adult theaters;
f. Escort agencies;
g. Massage parlors;
h. Nude modeling studios;
I. Sexual encounter centers.

SECTION C. LOCATIONAL CRITERIA.

1. OPERATION:

a. It shall be unlawful to operate an Adult Entertainment Establishment, as herein defined, within the city of Carrollton unless such use is located on property zoned to the (HC) Heavy Commercial District of the city of Carrollton.

b. Adult Entertainment Establishments shall be excluded as a permitted use on any property which is zoned by reference to the (C) or (HC) Commercial Districts in an ordinance creating a (PD) Planned Development District.

c. Adult Entertainment Establishments shall be subject to, and comply with, the rules and provisions of the building code, fire code, or any other applicable code or ordinance of the city of Carrollton. Where conflict exists between the prescriptions established in this Article and the requirements of the building code, fire code, or any other applicable code or ordinance of the city of Carrollton, then the more restrictive requirements shall apply.

2. LOCATION:

a. An Adult Entertainment Establishment, as herein defined:

1. Shall not be located or expanded within one thousand (1,000) feet of any residentially zoned property; and

2. Shall not be located or expanded within one thousand (1,000) feet of any other Adult Entertainment Establishment; and

3. Shall not be located or expanded within one thousand (1,000) feet of any church, synagogue or temple, civic facility, hospital, school or public park, as such uses are defined by this ordinance, or any day care center, day nursery or kindergarten operating under authorization of a Special Use Permit approved by the city of Carrollton.

b. Measurements pursuant to Section C(2)(a) shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of an Adult Entertainment Establishment to:

1. The nearest boundary of a district restricted to any residential use by the Comprehensive Zoning Ordinance of the city of Carrollton; and

2. The nearest portion of the building or structure used as a part of the premises of any other Adult Entertainment Establishment; and

3. The nearest property line of the premises of a church, synagogue, temple, civic facility, hospital, school, public park, day care center, day nursery, or kindergarten.

SECTION D. BUILDING REQUIREMENTS.

1. FREESTANDING BUILDING:

   An Adult Entertainment Establishment shall be located in a freestanding building, containing no other uses or Adult Entertainment Establishments.

2. EXTERIOR SIGNS:

   Exterior signs located on the building or premises of an Adult Entertainment Establishment shall conform to the requirements of Chapter 153 of the Carrollton Code of Ordinances, otherwise known as the Sign Ordinance. Such exterior signs shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any "specified sexual activity" or "specified anatomical area", as herein defined.
   (Ord. No. 1947, 10/19/93)

3. SCREENING:

   a. Screening walls applicable to the separation of uses, screening of satellite television reception dishes, trash receptacles, and other items shall be provided in accordance with the prescriptions established in Article XXV of this ordinance.

4. LANDSCAPING:

   Landscaping shall be provided on the premises of any Adult Entertainment Establishment in accordance with the prescriptions established in Article XXV of this ordinance.