

CITY COMMISSION WORK SESSION MINUTES

February 26, 2019

6:30 p.m.

PRESENT: Commissioners Chilton, Estrop, O'Neill, Rue and President Copeland. City Manager Heck, Community Development Director Meadows, Assistant Law Director Jill Allen.

HONORABLE COMMISSIONERS:

Topics discussed at the work session held on Tuesday, February 26, 2019, were:

1. Assistant Law Director Allen and Community Development Director Meadows presented the Commission an overview of the Sexually Oriented Business Regulations proposed for first reading at the March 12, 2019, meeting. Current code regulates the location of adult businesses through the Zoning Code by zoning district. Adult businesses are currently permitted with a conditional use permit in an M-1, General Manufacturing District; CI-1, Intensive Commercial District; and M-2, Heavy Manufacturing District provided they meet the buffer requirements. An adult business may not be located within 500 feet of an R district, public park, religious institutions, or school nor within 100 feet from a bar, cocktail lounge or tavern nor another adult business.

The First Amendment allows for the regulation of Sexually Oriented Businesses as long as they are (1) content neutral, (2) may regulate the time, place, and manner; and (3) must demonstrate there is a legitimate government reason. Staff addressed the following concerns related to unlawful activities, including prostitution; legitimate health concerns for the transmission of sexually communicable diseases; possible negative effects surrounding businesses and adjacent residential areas; increased crime; and depreciating property values. The proposed regulations minimize and control these adverse effects without limiting the First Amendment. Staff also reviewed secondary effects related to Sexually Oriented Businesses.

Mrs. Allen and Mrs. Meadows presented a map of locations that currently would permit adult businesses with conditional use permits outside of the buffer zone and would remain in the proposed legislation. The nearest

location that would permit an adult or sexually oriented business and meet the zoning and buffer requirements is south of Buck Creek and east of Fountain Avenue. There are no locations in the Central Business District that meet the requirements.

Staff presented a summary of the proposed comprehensive regulations including definitions, business licensing requirements, licensing and permitting procedures, employee work permits, and business conduct rules.

The proposed timeline for implementing new regulations include a review by the CEDA Board on March 7 and the City Planning Board on March 11. The City Commission will have a first reading on March 12, second reading and vote on March 26. If adopted, the proposed changes would take effect on April 9, 2019.

Mr. Copeland reminded citizens that the city cannot eliminate these types of businesses but may limit where they are permitted to operate.

Dr. Estrop asked about, and Mrs. Allen clarified, it is the type of operation, not the name, that classifies a business as a sexually oriented business.

2. On motion of Dr. Estrop, seconded by Mrs. Chilton, the meeting adjourned.

Yeas, Mrs. Chilton, Dr. Estrop, Mr. O'Neill, Mr. Rue and Mr. Copeland.

Yeas 5, Nays 0.

Adj. 6:55 p.m.

Respectfully submitted,



Regina E. Jeffers
Acting Clerk of the City Commission



SEXUALLY ORIENTED BUSINESS REGULATIONS

THE CITY OF SPRINGFIELD, OHIO

TRANSITIONING TO A COMPREHENSIVE BUSINESS REGULATIONS CODE

Our History- How have we addressed sexually oriented businesses in the Past?

- Our present Code only regulates the location of the “Adult Business” through our zoning code.
 - Currently, the City regulates adult business by zoning districts.
- Our present Code cannot respond to recent challenges.
 - Past “Gentlemen's Club” operations in downtown.
- The Staff analysis of existing local code raised concerns.

STATUS OF OUR CURRENT ORDINANCES

Only regulate the zoning of “Adult Business” which is vaguely defined.

No regulations whatsoever for business operations

Only addressed through our zoning code with 3 district Conditional Uses:

- M-1 Gen’l. Manufacturing → Permitted
- CI-1 Intensive Comm. District → Permitted
- M-2 Heavy Manufacturing → Permitted

EXAMPLE OF CURRENT ORDINANCE

1124.04 CONDITIONAL USES PERMITTED.

A lot or building may be occupied by the following conditional uses:

*(f) **Adult business** , provided it shall not be located within 500 feet of an R district, public park, religious institutions, or school nor within 100 feet from a bar, cocktail lounge or tavern or another **adult business** . No alcoholic beverage shall be served on the premises. (emphasis added)*

(Ord. 06-375. Passed 10-17-06.)

FINDING A BALANCE WITH FREEDOM OF EXPRESSION & REGULATING THE SECONDARY EFFECTS ON THE COMMUNITY

The First Amendment allows for the regulation of Sexually Oriented Businesses as long as:

1. Content neutral,
2. May regulate the time, place, and manner,
3. Must demonstrate there is a legitimate government reason.

Springfield's Concerns with Sexually Oriented Businesses:

- May be used for unlawful activities, including prostitution.
- Legitimate health concerns for the transmission of sexually communicable diseases.
- Possible negative effects surrounding businesses and adjacent residential areas.



- Resulting in increased crime.
- Depreciate property values.
- The proposed code changes seek to minimize and control these adverse effects without limiting the First Amendment.

ANALYSING SECONDARY EFFECTS

DOES THE PRESENCE OF SEXUALLY ORIENTED BUSINESSES RELATE TO INCREASED LEVELS OF CRIME? AN EXAMINATION USING SPATIAL ANALYSIS



Study concludes the presence of sexually oriented businesses is clearly related to crime in urban communities.

- Violent crime, property crime, and disorderly crimes are present at higher levels within buffers up to 1,000 feet
- There is no other variable more influential on crime rate than the existence of a sexually oriented businesses within a 500 foot buffer
- The study shows that a 500 foot buffer from residential properties is needed to protect from increased levels of violet crime, disorderly crimes, and property crime

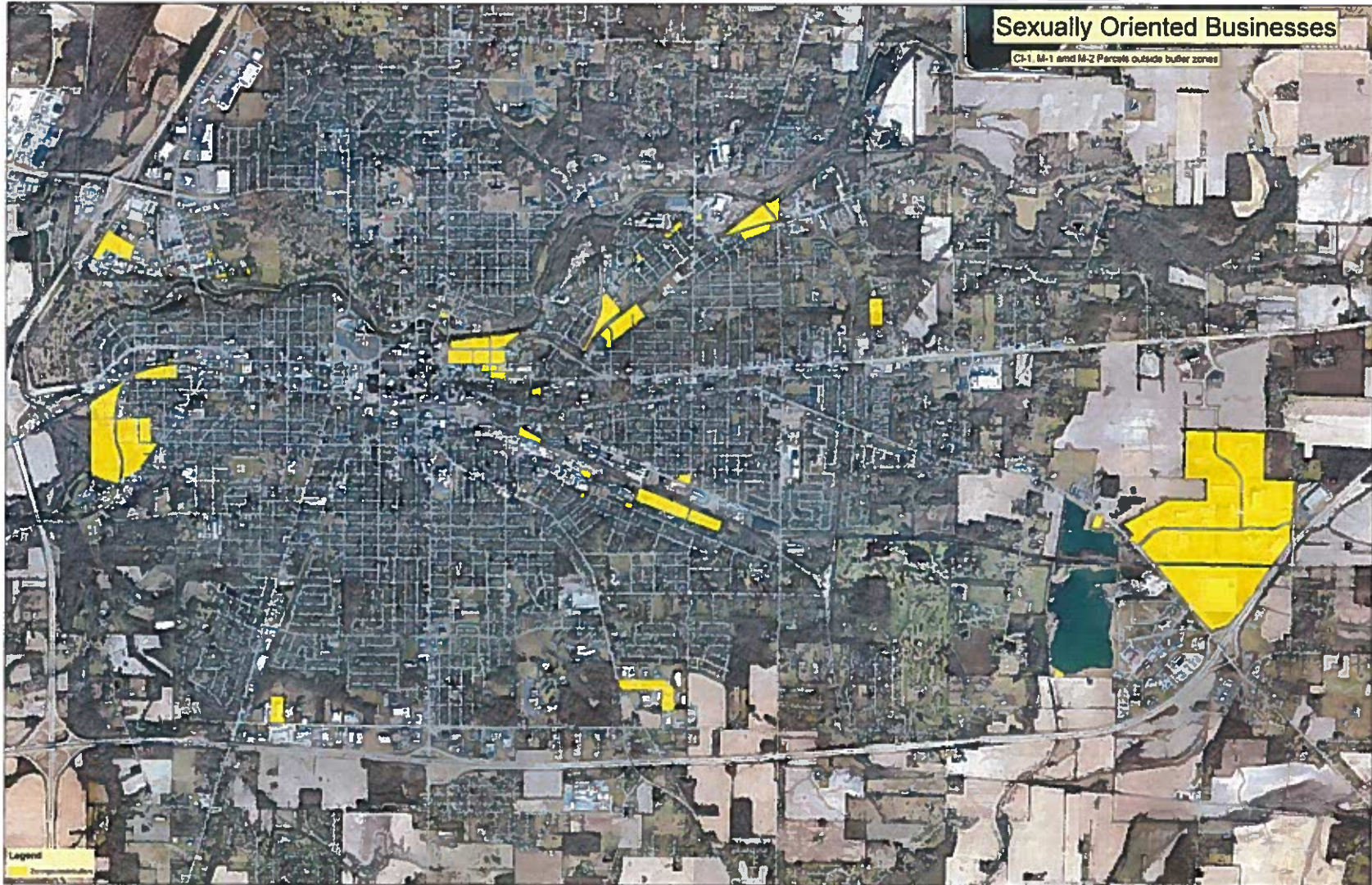
Concerns expressed by the community in connection with the “Gentlemen’s Club” centred on location

- Discouraging patronage (particularly family) of nearby businesses
- Devaluation of surrounding property values

Research shows that these concerns were well founded, and sexually oriented businesses attract crime as well as depress property values



LIMITING PLACE: PROPOSAL IS TO CONTINUE TO REQUIRE A CONDITIONAL USE PERMIT TO LOCATE A SEXUALLY ORIENTED BUSINESS, AND REQUIRE THAT THE BUSINESS “SHALL NOT BE LOCATED WITHIN 500 FEET OF AN R DISTRICT, PUBLIC PARK, RELIGIOUS INSTITUTION, OR SCHOOL; NOR WITHIN 100 FEET FROM A BAR, COCKTAIL LOUNGE OR TAVERN, OR ANOTHER SEXUALLY ORIENTED BUSINESS; AND THAT THE ZONING BE LIMITED TO CI-1, M-1, AND M2 AREAS.



Sexually Oriented Businesses

CI-1, M-1 and M-2 Parcels outside buffer zones

Legend
Sexually Oriented Businesses

Prepared by: Clark County Auditor's Office Department

SUMMARY OF THE PROPOSED COMPREHENSIVE REGULATIONS

Definitions

- Sexually Oriented Business replaces Adult Business.
- Specifically define subsidiary terms such as adult arcade, etc.
- Expansion of definitions is meant to avoid substantial doubt as to whether a given business is sexually oriented.

Business Licensing Requirement

- Owners and Operators must provide information that allows the City to “weed out” individuals with a history of sex crimes or the loss of a similar license from another community.

Licensing and Permitting Procedures

- The City Manager will issue licenses and work permits.

- Permit process must protect constitutional rights and must be prevented from becoming an unlawful lengthy prior restraint.

Employee Work Permits

- Individuals with a history of sex offenses can be disassociated from these types of businesses that have higher incidences of illicit sexual behaviour.

Business Conduct Rules

- Business will be conducted entirely indoors and not visible from the outside.
- No minors may be admitted.
- Businesses not having a liquor license must be closed between midnight & 8AM.
- No contact with patrons (per adult cabarets rules).
- Lap dances are prohibited.



CONCLUSION



SECONDARY EFFECTS

The City cannot pass judgment on any form of sexually explicit material or expression. However, the City can recognize that sexually oriented business negatively impact the value, use and enjoyment of surrounding properties.

Full text studies, reports, and journal publications are on file in the City Clerk's Office and the Community Development Department.

PROPOSED IMPLEMENTATION TIMELINE

CEDA PLAN BOARD – MARCH 7

PLANNING BOARD – MARCH 11

CITY COMMISSION FIRST READING – MARCH 12

CITY COMMISSION SECOND READING – MARCH 26

SEXUALLY ORIENTED BUSINESSES REGULATION
CHANGES EFFECTIVE – APRIL 9



APPROPRIATE MEANS TO ADDRESS SECONDARY EFFECTS

The City Commission must decide if the recommended means to address the negative secondary effects caused by sexually oriented businesses are appropriate and if the means address the adverse secondary effects.

Proposed means include

- Specific, unambiguous definitions
- Business licensing
- Employee work permits
- Business Conduct Rules



The City of
Springfield
Ohio

QUESTIONS?

JILL ALLEN,
ASSISTANT LAW DIRECTOR

324-7351

SHANNON MEADOWS,
COMMUNITY DEVELOPMENT DIRECTOR

324-7381