



Text File

Introduced: 6/7/2011

Bill No: 2011-1783, **Version:** 2

Committee: Committee on Land Use and Economic Development

Status: Died due to expiration of legislative council session

Ordinance amending and supplementing the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Table, Section 911.02, and Use Regulations, Section 911.04.A.1 to permit by right Adult Entertainment the UI & GI Zoning Districts and to amend the code from a Conditional Use in the GT district to Not Permitted.

WHEREAS, Adult Businesses are guaranteed important rights to Free Speech by the First Amendment of the U.S. Constitution, as well as other rights such as Due Process and Equal Protection under that same charter; and

WHEREAS, the City of Pittsburgh through its Zoning Code must make reasonable and real accommodations to permit the practice of various kinds of Adult Business within its boundaries in order to act in compliance with these constitutional guarantees; and

WHEREAS, it has been demonstrated empirically time and again that Sexually Oriented Businesses which provide Adult Entertainment tend in the aggregate to contribute toward serious deleterious Secondary Effects which can be visited upon its own Patrons and Employees, on the surrounding Neighborhood, and on the Region as a whole; and

WHEREAS, these predictable and deleterious Secondary Effects include increases in certain kinds of Crime, and decreases in Property Values through the effects of this Crime and the resulting Blight and Disinvestment; and

WHEREAS, entrepreneurial interest in launching new Sexually Oriented Businesses within the City of Pittsburgh has recently increased significantly ever since economic development has increased generally, especially on or near the North Shore, and particularly in connection with the opening of a state-licensed Gaming Casino on the western edge of the City; and

WHEREAS, this government has a substantial interest in and responsibility toward protecting its citizens from the deleterious Secondary Effects of Adult Entertainment, even while it must honor its commitment to zealously protect Free Speech and other Constitutional Rights for Sexually Oriented Business owners and employees; and

WHEREAS, the proper, well-established and repeatedly judicially reaffirmed method of balancing these rights and interests are to enact reasonable and effective Time, Place and Manner regulations on Sexually Oriented Businesses and the practice of Adult Entertainment which this City is now legislating into the Conduct (Title SIX, Chapter 625) and Business Licensing (Title SEVEN, Chapter 781) portions of its Code in connection with this Zoning legislation;

Committee: Committee on Land Use and Economic Development

Status: Died due to expiration of legislative council session

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 911, Use Regulations, is hereby amended at Section 911.02, Use Table, as follows:

911.02. Use Table

Use Classification The Pittsburgh Urban Zoning Code P = Permitted By Right A = Administrator Exception S = Special Exception C = Conditional Use	Base Zoning Districts*														Standard Section 911.04.x	
	Residential					Mixed-Use					Special			DT		
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R1D	R1A	R2	R3	RM	ND	LC	NDI	NC	UH	GI	UI	PO	OH	EM	GTDR

Committee: Committee on Land Use and Economic Development

Status: Died due to expiration of legislative council session

Adult Entertainment means Adult Bookstore, Adult Cabaret, Adult Mini-Theater, Adult Theater, Massage Establishment, Model Studio, or Sexual Encounter or Meditation Center. See Chapter 926 for definitions. (Ord. 28/November 17, 2000/A. U-25)											[S]	[C]				[C]		A.1
--	--	--	--	--	--	--	--	--	--	--	-----	-----	--	--	--	-----	--	-----

Section 2. The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 911, Use Regulations, is hereby amended at Section 911.04.A.1, as follows:

911.04.A.1 Adult Entertainment

Adult Entertainment uses shall be subject to the following standards:

(a) Separation From Other Adult Entertainment Uses

The building housing an Adult Entertainment use shall not be located within one thousand (1,000) feet of any of the following uses: Adult Entertainment uses, Amusement Arcade, Hotel/Motel, bar or nightclub or Gaming Enterprise. This one thousand-foot area shall be defined by a radius of one thousand (1,000) feet from the [center point of the subject building] property line of the subject building. This separation distance requirements may be waived upon a determination of the following:

- (1) That the proposed use shall not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Zoning Code shall be observed;
- (2) That the establishment of an additional regulated use in the area shall not be contrary to any program of neighborhood conservation nor shall it interfere with any program of urban renewal; and
- (3) That all applicable regulations of this Zoning Code shall be observed.

(b) Separation From Other Uses

The building housing an Adult Entertainment use shall be located at least five hundred (500) feet from the following uses. The five hundred-foot area shall be defined by a radius of five hundred (500) feet from the

Committee: Committee on Land Use and Economic Development

Status: Died due to expiration of legislative council session

property line of the subject building:

- (1) Religious Assembly;
- (2) Library;
- (3) Cultural Service;
- (4) Child Care Center;
- (5) Elementary or Secondary School;
- (6) Community Center;
- (7) Single-Unit Detached Residential;
- (8) Single-Unit Attached Residential;
- (9) Two-Unit Residential;
- (10) Three-Unit Residential; and

(11) Public Assembly (General).

(c) Separation from Highway On-ramps and Off-ramps

The building housing an Adult Entertainment use shall be located at least seven hundred fifty (750) feet from all Interstate highway on-ramps and off-ramps.

(d) Prohibited Activities

An Adult Entertainment use shall not be conducted in any manner that provides the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", from any public right-of-way and in all signage. **Signage must be non-illuminated and non-led in nature and in appearance.** This provision shall apply to any signage, display, decoration or show window.

(e) Operational Standards

- (1) Establish a minimum size space for adult cabaret performance.
- (2) Establish a minimum size space for showing movies or videos.
- (3) Stages are required for all live entertainment.
- (4) A floor layout of premises is required that ensures that the manager has visual control of the premises.
- (5) Operating days and hours shall be specified with the utilization of security cameras during said hours.
- (6) Access control measures shall be specified.
- (7) Posting and enforcement of a "no-loitering" policy is required.
- (8) All Adult Entertainment establishments shall be licensed with the Bureau of Building Inspections.