

AN ORDINANCE TO AMEND

ARTICLE 10 DEFINITIONS, SECTION 1000

OF THE CITY OF LAWRENCEVILLE ZONING ORDINANCE 2020

The City Council of the City of Lawrenceville, Georgia hereby ordains that the City of Lawrenceville Zoning Ordinance 2020 is amended as follows:

Section 1. **Article 10 Definitions, Section 1000 is hereby amended by deleting the defined term Adult Entertainment Establishment in its entirety, and inserting in lieu thereof the following:**

ADULT ENTERTAINMENT

Entertainment that is characterized by an emphasis on the depiction, display, or the featuring of specified anatomical areas.

For purposes of this Article Adult Entertainment shall mean and include any of the following:

ADULT ENTERTAINMENT - ADULT BOOKSTORE

An establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such materials or five percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT - ADULT BUSINESS

Shall mean and include any of the following:

1. Each of those enterprises defined in this Article.
2. Any business other than those expressly specified in this division, where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or
3. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing, or relating to specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT - ADULT DANCING ESTABLISHMENT

A business that features dancers displaying or exposing specified anatomical areas.

ADULT ENTERTAINMENT - ADULT ENTERTAINER

Any person employed by an adult entertainment establishment who exposes his specified anatomical areas, as defined in this Article. The term "adult entertainer" includes employees as well as independent contractors.

ADULT ENTERTAINMENT - ADULT ESTABLISHMENT

Shall mean and include any of the following:

1. Any commercial establishment that employs or uses any person live, in any capacity in the sale of service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his specified anatomical areas.
2. Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume, or clothing as to expose any portion of his specified anatomical areas, as defined in this Article or where such performances are distinguished or characterized by an emphasis on specified sexual activities, as defined in this Article.
3. Any commercial establishment which holds, promotes, sponsors, or allows any contest, promotion, special night, event, or any other

activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in this Article.

4. Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as those terms are defined in this section, or having a segment or section comprising more than ten (10) square feet of its total floor space, devoted to the sale or display of such material or which derives more than five (5) percent of its net sales for the sale or rental of such material;
5. Any commercial establishment utilizing an enclosed building with a capacity of fifty (50) or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified anatomical areas, as defined in this Article, for observation by patrons therein.
6. Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined in this Article.

The term "adult entertainment establishment" does not include traditional or live theater (mainstream theater) which means a theater, concert hall, museum, educational institution or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of specified anatomical areas or specified sexual activities in that the depiction, display, description or featuring is incidental to the primary purpose of any performance.

ADULT ENTERTAINMENT - ADULT MINI-MOTION PICTURE THEATER

An enclosed building with a capacity of less than fifty (50) persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT ENTERTAINMENT - ADULT MOTION PICTURE ARCADE

Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT - ADULT MOTION PICTURE THEATER

An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT ENTERTAINMENT - ADULT VIDEO STORE

An establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five (5) percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT - CHILDREN'S DAY CARE FACILITY

A structure or portion of a structure wherein is provided care and supervision of children away from their place of residence for less than twenty-four (24) hours per day on a regular basis for compensation. For the purpose of this Article, the term "children's day care facility" includes, but is not limited to, the terms "nursery school," "early learning center," "day care center." "pre-kindergarten," "private kindergarten," "play school," or "pre-school."

ADULT ENTERTAINMENT - EROTIC DANCE ESTABLISHMENT

A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT - ESCORT BUREAU OR INTRODUCTION SERVICE

Any business, agency, or persons who, for a fee, commission, hire, reward, or profit, furnish or offer to furnish names of persons, or who introduce, furnish, or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of resort or within any private quarters.

ADULT ENTERTAINMENT - GOOD MORAL CHARACTER

A person is of good moral character according to this division if that person has not been convicted of a felony, or any crime not a felony if it involves moral turpitude, in the past five years. The City may also take into account such other factors as are necessary to determine the good moral character of the applicant or employee. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

ADULT ENTERTAINMENT - MINOR

Any person who has not attained the age of eighteen (18) years.

ADULT ENTERTAINMENT - OPERATOR

The manager or other person principally in charge of an adult entertainment establishment.

ADULT ENTERTAINMENT - OWNER

Any individual or entity holding more than a twenty (20) percent interest in an adult entertainment establishment.

ADULT ENTERTAINMENT - PREMISES

The defined, closed, or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

ADULT ENTERTAINMENT - SPECIFIED SEXUAL ACTIVITIES

Shall mean and include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation, or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, picquerism, sapphism, zoerastia.
2. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence.
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
6. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

ADULT ENTERTAINMENT - SPECIFIED ANATOMICAL AREAS

Shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals or pubic region; buttocks; or female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernably turgid state, even if completely and opaquely covered.

Section 2. Article 10 Definitions, Section 1000 is hereby amended by deleting the defined terms **Tattoo; Tattoo Artist or Practitioner; Tattoo Establishment; and Tattoo Operator** in its entirety, and inserting in lieu thereof in alphabetical order the following defined terms:

BODY ART STUDIOS

A tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes.

BODY ART STUDIOS - ARTIST

Any person who performs body art. Such term shall not include in its meaning any physician or osteopath licensed under O.C.G.A. Chapter 34 of Title 43, nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

BODY ART STUDIOS - STUDIO

Any facility or building on a fixed foundation wherein a body artist performs body art.

BODY ART STUDIOS - MICROBLADING OF THE EYEBROW

A form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powered tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.

BODY ART STUDIOS - TATTOO

To mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. Such term includes microblading of the eyebrow.

Section 3. Article 10 Definitions, Section 1000 is hereby amended by inserting the defined terms as follows:

COLOR

A phenomenon of light (such as red, brown, pink, or gray) or visual perception that enables one to differentiate otherwise identical objects; or the aspect of the appearance of objects and light sources that may be described in terms of hue, lightness, and saturation for objects and hue, brightness, and saturation for light sources; or a specific combination of hue, saturation, and lightness or brightness.

COLOR - ACCENT COLOR

A color used in sporadic quantities in a space, to add impact of interest.

COLOR - LIGHT REFLECTANCE VALUE (LRV)

The measure of the amount of visible and usable light that absorbs into or reflects from a surface. LRV shall be measured on a scale of 0 to 100 percent (%), with absolute black (0%) absorbing light to pure white (100%) reflecting light.

- Low LRV: 0% - 40%
- Medium LRV: Greater than 40% - 60%
- High LRV: Greater than 60% - 100% percent

COLOR - PRIMARY COLOR

Any of a set of colors from which all other colors may be derived.

COLOR - SECONDARY COLOR

A color formed by mixing two primary colors in equal or equivalent quantities.

COLOR - SHADE COLOR

A color is produced by adding black pigment or dye mixture to a pigment or dye mixture.

COLOR - TERTIARY COLOR

A color formed by mixing three primary colors in equal or equivalent quantities.

Section 4. Article 10 Definitions, Section 1000 is hereby amended by deleting the defined terms Dwelling; Dwelling, Apartment; Dwelling, Attached; Dwelling, Duplex; Dwelling, Fourplex; Dwelling, Live-Work; Dwelling, Mobile Home; Dwelling, One-Family; Dwelling, Residential/Business; Dwelling, Single-Family; Dwelling, Townhouse; Dwelling, Two-Family; Dwelling Unit; Dwelling, Apartment Studio; Dwelling, Villa; in its entirety, and inserting in lieu thereof in alphabetical and numerical order the following defined terms:

DWELLING

Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.

DWELLING - DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING - LIVE-WORK UNIT

A dwelling unit or sleeping unit in which a significant portion of the space includes non-residential use that is operated by the tenant.

DWELLING - MANUFACTURED HOME

A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures.

DWELLING – MULTIFAMILY RESIDENTIAL

A multifamily dwelling constructed in a group of twelve attached dwelling units but not more than twenty-four attached dwelling units including single-level units located in a multistory building. Each attached dwelling unit is accessed internally, via a double-loaded corridor; a building design in which there are multifamily or other individual dwelling units on both sides of a passage corridor connecting twelve, but not more than twenty-four attached units.

DWELLING - ONE-FAMILY RESIDENTIAL

A one-family dwelling constructed of one detached dwelling unit, and only one detached dwelling unit, in which a detached dwelling unit extends from foundation to roof and with a yard or public way on not less than four sides. A one-family dwelling shall have at least one (1) story above the centerline grade of an adjacent public right-of-way, or private street (Utility Easement).

DWELLING – TOWNHOUSE-FAMILY RESIDENTIAL

A one-family dwelling constructed in a group of three attached dwelling units, but not more than eight attached dwelling units in which each dwelling unit extends from foundation to roof and with a yard or public way on at least two sides. Each dwelling unit is separated from any other unit by one or more vertical common fire-resistance-rated walls. A townhouse family residential (infill) dwelling shall have at least two stories above the centerline grade of an adjacent public right-of-way, or private street (Utility Easement).

DWELLING – TOWNHOUSE-FAMILY RESIDENTIAL (INFILL)

A one-family dwelling constructed in a group of four attached dwelling units, but not more than six attached dwelling units in which each dwelling unit extends from foundation to roof and with a yard or public way on at least two sides. Each dwelling unit is separated from any other unit by one or more vertical common fire-resistance-rated walls. A townhouse family residential (infill) dwelling shall have at least two stories above the centerline grade of an adjacent public right-of-way, or private street (Utility Easement).

DWELLING – TWO-FAMILY RESIDENTIAL

A one-family dwelling constructed in a group of two attached dwelling units, but not more than two attached dwelling units, in which each attached dwelling unit extends from foundation to roof and with a yard of public way on not less than two sides. Each attached dwelling unit is separated from any other dwelling unit by one or more vertical common fire-resistance-rated walls. A two-family dwelling shall have at least one (1) story above the centerline grade of an adjacent public right-of-way or private street (Utility Easement).

DRAFT

Section 5. Article 10 Definitions, Section 1000 is hereby amended by inserting the defined terms as follows:

ESTATE SALES – ESTATE SALE

The sale of personal property, which is open to the public and conducted from or on any property located on any residential lot by an individual, company, firm, corporation, or other entity for a profit and on behalf of another person or persons. The term "estate sale" shall not include yard sales, garage sales or carport sales which are conducted directly by individuals who own the goods or merchandise to be sold.

ESTATE SALES - PERSONAL PROPERTY

Any property which is owned, utilized, and maintained by an individual and acquired in the normal course of living in or maintaining a residence. Such term includes, but is not limited to, clothing, furniture, jewelry, artwork, household items, dishes, antiques, and other similar goods owned by the person or persons who reside or formerly resided in the residence where such estate sale is to take place.

DRAFT

Section 6. Article 10 Definitions, Section 1000 is hereby amended by inserting the defined terms as follows:

GARAGE, RUMMAGE, YARD, AND SIMILAR SALES

The sale of personal property, which is open to the public and conducted from or on any property located on any residential lot by an individual company, firm, corporation, or other entity for a profit and on behalf of another person or persons. The term "garage, rummage, yard, and similar sales" shall not include estate sales which are conducted directly by individuals who own the goods or merchandise to be sold.

GARAGE, RUMMAGE, YARD, AND SIMILAR SALES - PERSONAL PROPERTY

Any property which is owned, utilized, and maintained by an individual and acquired in the normal course of living in or maintaining a residence. Such term includes, but is not limited to, clothing, furniture, jewelry, artwork, household items, dishes, antiques, and other similar goods owned by the person or persons who reside or formerly resided in the residence where such garage, rummage, yard, and similar sales is to take place.

DRAFT

Section 7. Article 10 Definitions, Section 1000 is hereby amended by deleting the defined term Fortune Telling in its entirety, and inserting in lieu thereof the following:

HANDWRITING ANALYSTS AND FORTUNE TELLERS - FORTUNE TELLING

The prediction of the future for a fee, gift, or donation.

HANDWRITING ANALYSTS AND FORTUNE TELLERS - HANDWRITING ANALYSIS

The interpretation of human experience based upon an examination of handwriting or other inscription done by hand for fee, gift, or donation.

DRAFT

Section 8. Article 10 Definitions, Section 1000 is hereby amended by adding the defined terms as follows: **Massage Therapist Businesses – Act; Massage Therapist Businesses – Board; Massage Therapist Businesses – For Hire; Massage Therapist Businesses – Licensed Massage Therapist; Massage Therapist Businesses – Massage Therapy; Massage Therapist Businesses – Massage Therapy Business; Massage Therapist Businesses – Massage Therapist, Masseuse, Masseur, Massage Practitioner, Or Person Practicing Massage; Massage Therapist Businesses – Provisional Permit; Massage Therapist Businesses – Sexual Or Genital Area; Massage Therapist Businesses – State License:**

MASSAGE THERAPY BUSINESSES – ACT

The Georgia Massage Therapy Practice Act, enacted by and defined in O.C.G.A. § 43-24A-1 et seq. as amended.

MASSAGE THERAPY BUSINESSES – BOARD

The Georgia Board of Massage Therapy, enacted by the provisions of O.C.G.A. § 43-24A-4.

MASSAGE THERAPY BUSINESSES – FOR HIRE

A reasonable expectation that the person to whom the massage is provided, or some third person on his or her behalf, will pay money, give other consideration, or provide any gratuity therefor.

MASSAGE THERAPY BUSINESSES – LICENSED MASSAGE THERAPIST

A person who holds a valid, current, unrevoked, and unsuspended State license in the practice of massage therapy issued by the Board pursuant to the Act.

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPY

The application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term "massage therapy" includes complementary methods, including, without limitation, the external application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands. The term "massage therapy" also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. The term "massage therapy" does not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities (O.C.G.A. § 43-24A-3).

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPY BUSINESS

A business with a location in the City at which any person engages in or offers massage therapy, regardless of the name of the business or the words used to describe the business through signage or advertisement or in filings with the Secretary of State. Massage therapy businesses are subject to regulation by a local government, pursuant to O.C.G.A. §§ 43-24A-22(a) and 48-13-9(b)(17), as amended.

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPIST, MASSEUSE, MASSEUR, MASSAGE PRACTITIONER, OR PERSON PRACTICING MASSAGE

A person who performs or engages in the practice of massage.

MASSAGE THERAPY BUSINESSES - PROVISIONAL PERMIT

A permit issued pursuant to Chapter 24A of Title 43 of the O.C.G.A. allowing the holder to practice massage therapy in this state.

MASSAGE THERAPY BUSINESSES - SEXUAL OR GENITAL AREA

The genitals, pubic area, anus, perineum of any person, or the vulva or breast of a female.

MASSAGE THERAPY BUSINESSES - STATE LICENSE

A license to practice massage therapy issued by the Board, pursuant to the Act.

DRAFT

Section 9. Article 10 Definitions, Section 1000 is hereby amended by adding the defined terms as follows:

PRECIOUS METALS DEALERS

Any person, partnership, sole proprietorship, corporation, association, or other entity engaged in the business of purchasing, bartering, or acquiring in trade any precious metals from persons or sources, other than from manufacturers of or licensed dealers in precious metals, for re-sale in its original form or as changed by melting, reforming, remolding, or for re-sale as scrap or in bulk.

PRECIOUS METALS DEALERS - NONPERMANENT LOCATION

Any location used to conduct business in a temporary location or for a limited time. The term "nonpermanent location" includes, but is not limited to, moveable vehicles, temporary or moveable structures, tents, awnings, hotels, or motels and the like.

PRECIOUS METALS DEALERS - PERMANENT LOCATION

A business domiciled within a properly constructed building located within an area zoned for such business.

PRECIOUS METALS DEALERS - PRECIOUS METALS

Any metals, including, but not limited to, in whole or in part, silver, gold and platinum.

Section 10. Article 10 Definitions, Section 1000 is hereby amended by adding the defined term as follows:

STRUCTURE – MIXED-USE AND OCCUPANCY

A mixed-use structure consisting of two or more distinct uses and occupancies. Each portion of a mixed-use structure is required to be classified in accordance with the use and occupancy classification groups and constructed to a minimum applicable standard.

DRAFT

Section 11. Article 10 Definitions, Section 1000 is hereby amended by adding the defined terms as follows:

TEMPORARY OUTDOOR ACTIVITY

For-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises is the principal use of the premises. The term "temporary outdoor activity" includes the sale of farm produce, carnivals, or sale of Christmas trees or Halloween pumpkins from property which is vacant, or which contains a separate and distinct primary use, such activities continuing for a period not exceeding 20 consecutive days, except Christmas tree sales shall be allowed between November 1 and December 31 and pumpkin sales shall be permitted from September 15 and October 31. Temporary outdoor activities shall occur in non-enclosed areas.

TEMPORARY OUTDOOR ACTIVITY - GOODS AND MERCHANDISE

Tangible or movable personal property, other than money.

TEMPORARY OUTDOOR ACTIVITY - TEMPORARY

A period of not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity.

TEMPORARY OUTDOOR ACTIVITY - TEMPORARY OUTDOOR ACTIVITY PERMIT

Written authorization by the Director of the Planning and Development Department or his/her designee, for the applicant to engage in temporary outdoor activities at a specific, fixed location meeting all the requirements of this division.

IT IS SO ORDAINED, this ____ day of _____, 2023.

Mayor David R. Still

Attest: -----
City Clerk

DRAFT