

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION, BY AMENDING THE DEFINITION OF SEXUALLY ORIENTED BUSINESS IN ARTICLE III, AND BY AMENDING REFERENCES TO SEXUALLY ORIENTED BUSINESSES IN SECTION 1310 AND SECTION 1311, IN ORDER TO UPDATE THE ZONING ORDINANCE TEXT TO CORRESPOND WITH RECENT UPDATES TO THE CITY'S SEXUALLY ORIENTED BUSINESS ORDINANCE.**

**WHEREAS**, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

**WHEREAS**, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

**WHEREAS**, the Mayor and Council desire to amend references to sexually oriented businesses in the 2012 Zoning Resolution to correspond with recent updates in the City's sexually oriented business ordinance; and

**WHEREAS**, the City Council has previously considered the negative secondary effects of sexually oriented businesses in conjunction with its consideration and adoption of licensing requirements and operational regulations codified in City Code Chapter 14, Article XIV, and hereby adopts and incorporates herein its stated findings and legislative records related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects specified in Chapter 14, Article XIV; and

**WHEREAS**, the City recognizes its constitutional duty to interpret and construe its laws to comply with constitutional requirements as they are announced; and

**WHEREAS**, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Georgia Constitutions, Georgia Code, and the Georgia Rules of Civil and Criminal Procedure; and

**WHEREAS**, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Georgia Constitution, but to enact legislation to further the content-neutral governmental interests of the City, to wit, the controlling of secondary effects of sexually oriented businesses.

**NOW THEREFORE**, the Council of the City of Peachtree Corners hereby ordains, as follows:

**Section 1**

In Article III, Definitions, of the City of Peachtree Corners 2012 Zoning Resolution, the definition of "Sexually Oriented Business" shall be amended to read as follows (words ~~struck through~~ are deleted and words underlined are added):

Sexually Oriented Business. An "adult arcade," an "adult bookstore ~~or adult video store,~~" an "adult cabaret," an "adult motion picture theater," a "~~semi-nude lounge model studio,~~" or a

“sexual device shop” as those terms are defined in the Peachtree Corners Sexually Oriented Business Ordinance (City Code Chapter 14, Article XIV ~~Ord. No. O2012-07-57~~).

**Section 2**

In Section 1310, M-1 Light Industry District, of the City of Peachtree Corners 2012 Zoning Resolution, the permitted use of “Sexually Oriented Businesses” shall be amended to read as follows (words ~~struck through~~ are deleted and words underlined are added):

Sexually Oriented Businesses, subject to the terms of the Peachtree Corners Sexually Oriented Business Ordinance (City Code Chapter 14, Article XIV ~~Ord. No. O2012-07-57~~).

**Section 3**

In Section 1311, M-2 Heavy Industry District, of the City of Peachtree Corners 2012 Zoning Resolution, the permitted use of “Sexually Oriented Businesses” shall be amended to read as follows (words ~~struck through~~ are deleted and words underlined are added):

Sexually Oriented Businesses, subject to the terms of the Peachtree Corners Sexually Oriented Business Ordinance (City Code Chapter 14, Article XIV ~~Ord. No. O2012-07-57~~).

**Section 4**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Effective this 22<sup>nd</sup> day of June, 2021.

APPROVED:



Mike Mason, Mayor

ATTEST:



Kym Chereck, City Clerk  
(Seal)

