

Newport News, Virginia

ADULT USE STUDY



ADULT USE STUDY

**Newport News
Department of Planning and Development**

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I. INTRODUCTION

Merchants Associations and the residents in the City of Newport News that have adult uses near them have expressed concerns over the lack of controls over these uses.

This report identifies the need for an ordinance that would regulate Adult Uses in Newport News. Research in other cities on the impact of adult uses found that crime rates were higher and property values lower near adult uses. This report summarizes the findings of that research.

This report also identifies the adult uses in the Newport News. The report gives the police calls for service for incidents that would concern adjoining areas. It also provides opinions from the Board of Directors and Governmental Affairs Committee of the Virginia Peninsula Association of Realtors about the impact of adult uses on the value of nearby properties.

The report concludes with a proposed ordinance, Exhibits D-1 and D-2 in the Appendix, to control adult uses in the City.

Background

Cities which passed ordinances to regulate adult uses have been challenged in court over the violation of First Amendment and 14th Amendment rights. Courts have often struck down ordinances for various reasons:

1. The ordinances were motivated because of a distaste for the speech itself, and not on the desire to eliminate adverse effects.
2. The ordinances were not based on factual information that proved the existence of negative impacts on surrounding areas.
3. The ordinances severely restricted First Amendment Rights.
4. The ordinances placed arbitrary restrictions on legitimate businesses.
5. The licensing processes were confusing, and exorbitant license fees were punitive and bore little relation to the actual cost of the process or the public cost of the use.

Cities that have been successful in defending adult regulations used their police powers under zoning to develop performance oriented standards. Most cities are using variations of the Detroit, Michigan ordinance, that encourages dispersion of adult uses. A few use the Boston, Massachusetts model, (e.g. Seattle and Renton, Washington), which concentrates adult uses in certain areas.

The United States Supreme Court has upheld both types of zoning ordinances, (i.e. those ordinances that either disperse or concentrate adult uses). The Court is more likely to strike down an ordinance when . . . "cities attempt to regulate because they object to the sexually explicit messages conveyed by adult business. Courts will also void regulations that seek to exclude all adult uses through an outright ban, excessive locational requirements, or undue discretion placed in the hands of officials who review applications for special use permits or business licenses."¹

Detroit, Michigan

The Detroit Ordinance was challenged and upheld by the Supreme Court in 1976. In Young v. American Mini Theaters, 427 U.S. 50 (1976), 28 ZD 329, the Supreme Court held that "even though the First Amendment protects communication in this area (sexually explicit activities) from total suppression, we hold the State may legitimately use the content of these materials as a basis for placing them in a different classification from other movie theaters."²

The Detroit approach disperses adult uses. It separates adult use establishments from one another, keeps them separate from residential areas, and limits them to commercial and industrial zones. No adult uses are permitted within 500 feet of a residentially zoned area, or within 1,000 feet of any two other adult uses.

Boston, Massachusetts

The Boston approach, which concentrates adult uses, reflected an existing situation where adult uses were already clustered near each other in the city. The city created an "Adult Entertainment Zone," and provided urban renewal funding to upgrade the area. The objective was to concentrate the uses to a single, small area of the city, and prevent their spread to other parts of the city, especially

¹ Alan C. Weinstein, "Courts Take Close Look at Adult Use Regs," Land Use Law, May 1994

² Excerpt from City of Austin, Texas, Adult Use Study, citing McClendon, Bruce W., Zoning for Adults Only, Zoning News, American Planning Association, August, 1985

residential areas. This technique to concentrate adult uses in a small part of the city was upheld by the Supreme Court in City of Renton v. Playtime Theaters, Inc., 475 U.S.41 (1986), 38 ZD 310.

Proposed Newport News Ordinance

In Newport News, the adult uses are dispersed along major highway corridors in the City with clusters downtown, in the Hilton area and near Ft. Eustis. Adult uses usually are located in commercial zones: C2 Retail Commercial, C2-A General Commercial and RBD Regional Business District.

The proposed ordinance in the Appendix has been drafted to regulate adult uses through a conditional use permit process. New adult uses will need a conditional use permit to limit adverse impacts on surrounding areas. The ordinance encourages dispersal of adult uses, except for downtown where concentrations would be permitted. Outside of downtown, the ordinance separates adult uses from each other and from residential areas, churches, libraries, parks, playgrounds and schools. The separation requirements are similar to the controls proposed and recommended by the City Planning Commission in the draft zoning ordinance.

The ordinance has the following features:

- It defines adult entertainment establishments, adult uses, adult video stores, adult motion picture theaters, and night clubs.
- Locations for adult uses would be limited to the C2 Retail Commercial, C2-A General Commercial, and RBD Regional Business District zones.
- Conditional use permits would be required for adult uses.
- In the C2 and C2-A zoning districts, no adult use would be permitted closer than 500 feet--which is the width of a typical city block--to:
 - a. Any school, church, park, playground, or library property;
 - b. Any other adult entertainment establishment;
 - c. Any residentially zoned property which fronts on the same street or which contains any school, church, park, playground or library. Otherwise, the minimum distance from such structures to a residential zone shall be 200 feet.

II. ADULT USE FACILITIES IN NEWPORT NEWS

Number and Type

Based on the definitions in the proposed ordinance, there are 31 adult use establishments in Newport News. They include: 14 adult entertainment establishments (Go-Go Bars); eight adult book, merchandise or video stores; and, nine night clubs. These adult uses were identified by the Police Department, the Commissioner of Revenue, and the Department of Planning and Development. Their identification as adult uses confirmed in writing by most business owners.

Table 1 on page 5 lists the adult uses in Newport News and indicates the zoning districts in which they are located.

Existing Zoning of Adult Uses

The City has no special controls over adult uses in the existing zoning ordinance when they are in the C2-A General Commercial, M1 Light Industrial, or RBD Regional Business District zones. In the C2 Retail Commercial zone, night clubs and adult entertainment establishments require a special exception, recommended by the City Planning Commission and approved by the Board of Zoning Appeals, because they are considered enclosed recreational uses which require C2-A General Commercial Zoning. The zoning ordinance has no additional controls over adult book stores and adult video stores which are permitted without restrictions in C2 Retail Commercial zone.

Of the 31 adult uses in the City, 17 are located in the C2-A General Commercial zone, five are in the RBD Regional Business District zone, seven are in the C2 Retail Commercial zone, and two are in the M1 Light Industrial zone.

Location of Adult Uses

The locations of adult uses in the City are shown on Map 1 on page 6. For the most part, they are dispersed along Warwick Boulevard and Jefferson Avenue.

However, there are clusters of adult uses in the City. Five adult uses--four adult entertainment establishments and one adult book store--are located in the RBD Regional Business District in downtown Newport News. There is a concentration of five adult uses--two adult entertainment establishments, one adult video store, one adult merchandise store, and one night club--in the vicinity of Hilton Village on Warwick Boulevard between Main Street and Mercury Boulevard in the C2-A General Commercial strip. Two adult entertainment establishments and one night club occur in the Lee Hall area on Warwick Boulevard across from Ft. Eustis.

TABLE 1**ADULT USES IN NEWPORT NEWS, NOVEMBER 1995**

BUSINESS NAMES	ADDRESS	ZONING
ADULT ENTERTAINMENT ESTABLISHMENTS		
1. JB's Gallery of Girls	5825 Jefferson Ave	C2A
2. RD's Gallery of Girls	14872 Warwick Blvd	C2A
3. RB's Gentlemen Club (Debs Dollhouse)	9956 Warwick Blvd	C2A
4. The New Bluebeard / JB's Gallery of Girls # 7	606 Dresden Dr	C2A
5. The Flame II	9921 Jefferson Ave	C2A
6. Bluebeard Go-Go II	15674 Warwick Blvd	C2A
7. The Katt	7824 Warwick Blvd	C2A
8. Buck's Brand Steak and Seafood House	16906 Warwick Blvd	C2A
9. Solid Gold Restaurant	3416 Washington Ave	RBD
10. Bijou Cafe	11312 Jefferson Ave	C2A
13. Marylee Restaurant	100 33rd Street	RBD
14. The Junction Restaurant	16916 Warwick Blvd	C2
15. Moonlight Restaurant	3504 Washington Ave	RBD
16. JCR Social Club	3410 Washington Ave	RBD
NUMBER OF BUSINESSES:	14	
ADULT BOOK STORE, MERCHANDISE, VIDEO STORE		
20. Arcade	3404 Washington Ave	RBD
21. Mr. D's	9902-A Warwick Blvd	C2A
22. The Video Store	9903-B Jefferson Ave	C2A
23. The Video Store II	11299 Jefferson Ave	C2A
24. Video XXXtra	811 Old Oyster Point Rd	C2
25. Video X-Cel	9509 Warwick Blvd	C2A
26. Newport Video	13772 Warwick Blvd	C2
27. Video Quarter	15320-E Warwick Blvd	C2
NUMBER OF BUSINESSES:	8	
NIGHT CLUBS		
17. DD Corral	16912 Warwick Blvd	C2
19. Fox Den Lounge	6045 Jefferson Ave	C2A
28. Callabash	11234 Jefferson Ave	C2A
29. Chi-Chi's	12755 Jefferson Ave	C2
30. Cozy's Comedy Club	9700 Warwick Blvd	C2A
31. Heartbreak Alley	100 West Newmarket Square	C2A
32. Manhattan's	601 Thimble Shoals Blvd	M1
33. Mitty's	1000 Omni Blvd	M1
34. Wipeout Eddy's	11712-L & K Jefferson Ave	C2
NUMBER OF BUSINESSES:	9	
TOTAL	31	

Exhibit A shows the locations of the adult uses in greater detail, the surrounding zoning, and a perimeter 500 feet from each adult use. Photographs of the adult uses in the City are in Exhibit C.

III. PUBLIC SAFETY IMPACTS

Studies of adult uses in other cities have found that crime rates were higher for areas near adult uses.

Indianapolis, Indiana

The 1984 Indianapolis Study Adult Entertainment Businesses in Indianapolis: An Analysis looked at the period of 1978 through 1982. The study found that the average annual rate for major crimes in areas with adult uses was 23 percent higher than the corresponding rate for control areas. The average annual rate for sex related crimes was 77 percent higher in the study area than the control area.

Los Angeles, California

The 1977 report Study of the Effects of Adult Entertainment Establishments in the City of Los Angeles monitored major crimes, which increased 7.6 percent in the Hollywood Area between 1969 and 1975. This was double the citywide rate of 4.2 percent. Street robberies and purse snatching increased by 94 percent and 51 percent, compared to the citywide average of 26 percent and 37 percent. Minor crimes increased 46 percent in the Hollywood area, but only 3 percent citywide. Prostitution arrests in Hollywood increased 372 percent while the city showed a 25 percent increase.

Austin, Texas

The Austin, Texas report found that in study areas containing adult uses, sex related crimes were two to five times the citywide average, and 66 percent higher in study areas than control areas. In the four study areas, sex related crimes ranged from 4.97 to 13.56 per 1,000 population, compared to the citywide rate of 2.81 per 1,000. The major crime rate was also higher. Major crimes ranged from 128.59 to 552.54 per 1,000 compared to the citywide rate of 83.14 per 1,000.

Other Cities

Studies for Amarillo, Texas; Beaumont, Texas; Los Angeles County, California; and Phoenix, Arizona indicated that the crime rates were higher near adult businesses.

Newport News, Virginia

Of the more than 100 dispatch codes for the different types of police calls for service, the Police Department identified 32 dispatch codes for incidents that would impact an adjoining business or residential area. The Police Department researched police calls for service by address for the 31 adult uses between January 1, 1994 and October 31, 1995. The police calls for service were cross checked to insure the calls were assigned to the correct address, and involved an incident at the address.

Table 2 summarizes the police calls for service for adult uses in the City. The 31 adult uses had 425 police calls for service between January 1, 1994 and October 31, 1995. Adult entertainment establishments had the most police calls--over 65 percent of the calls for service--and averaged 23 calls per business. Adult book stores, merchandise and video stores had the lowest number of calls--4 percent of the calls for service--and averaged two calls per business. Night clubs had 30 percent of the calls and averaged fourteen calls per business. By comparison, a selected list of restaurants with ABC licenses averaged eleven police calls for service during the same period.

TABLE 2
ADULT USES IN NEWPORT NEWS, POLICE CALLS FOR SERVICE
(JANUARY 1, 1994 - OCTOBER 31, 1995)

TYPE OF BUSINESS	POLICE CALLS FOR SERVICE 1/94 - 10/95	% OF TOTAL	AVERAGE CALLS
ADULT ENTERTAINMENT ESTABLISHMENTS	280	65.88%	23
ADULT BOOK STORE, MERCHANDISE, VIDEO STORE	17	4.00%	2
NIGHT CLUBS	128	30.12%	14
TOTAL	425	100.00%	13

Exhibit B in the Appendix gives more information about the types of police calls. The most frequent incidents resulting in police calls were: disorderly conduct (151), fighting (60), intoxicated person (39), Assaults (25) and destroying property (18).

Table 3 compares police calls for service by pairing selected adult entertainment establishments or night clubs with nearby restaurants with ABC licenses that are not adult uses.

By comparing adult uses with nearby restaurants that are not adult uses, it can be determined if adult uses have higher rates of police calls. For example, downtown adult entertainment establishment #1 had 116.7 police calls per 100 occupancy compared to non-adult use restaurant #1, which is located across the street and had 50 police calls per 100 occupancy. Adult entertainment establishment #2 in downtown had 94 police calls for service per 100 occupancy compared to nearby non-adult use restaurant #2 that had 27.5 police calls for service per 100 occupancy. Night club #3 in midtown had 10.8 police calls for service per 100 occupancy compared to non-adult use restaurant #3 in the same business area which had 5.6 police calls per 100 occupancy. Night club #4 in Denbigh had 3.4 police calls per 100 occupancy compared to nearby non-adult use restaurant #4 which had 1.9 police calls per 100 occupancy. Therefore, when pairing businesses in nearby locations, it appears that adult uses will have more police calls for service than a non-adult use restaurant with an ABC license.

TABLE 3
PAIRED COMPARISON OF SELECTED ADULT ENTERTAINMENT ESTABLISHMENTS,
NIGHT CLUBS, AND NON ADULT USE RESTAURANT WITH ABC LICENSES

PAIRING	POLICE CALLS FOR SERVICE 1/94 - 10/95	OCCUPANCY	POLICE CALLS PER 100 OCCUPANCY
DOWNTOWN			
ADULT ENTERTAINMENT ESTABLISHMENT #1	35	30	116.7
RESTAURANT #1	15	30	50
DIFFERENCE	+20		+66.7
DOWNTOWN			
ADULT ENTERTAINMENT ESTABLISHMENT #2	47	50	94
RESTAURANT #2	22	80	27.5
DIFFERENCE	+25		+66.5
MIDTOWN			
NIGHT CLUB #3	27	250	10.8
RESTAURANT #3	10	180	5.6
DIFFERENCE	+17		+5.2
DENBIGH			
NIGHT CLUB #4	12	350	3.4
RESTAURANT #4	4	216	1.9
DIFFERENCE	+8		+2.5

Study Areas/Control Areas

The effect of concentrations of adult uses were checked by comparing study areas with control areas.

Study Area 1, which has four adult uses in police reporting areas 13 and 14 was compared with a control area 1 nearby. Study Area 1 had 81 percent more police calls for service and 61 percent more crimes than the control area. When the calls for service were adjusted for population differences, the police calls for service were 57 percent higher and the crimes were 40 percent higher.

Study Area 2A is police reporting area 3, and Study Area 2B is police reporting area 4 in downtown Newport News. These were compared with Control Area 2A, which is police reporting area 2 in the vicinity of City Hall, the City Jail, Juvenile Detention Center, Police South Patrol Headquarters and the Courthouse. The population of Control Area 2A was adjusted to remove inmate population in the City Jail and Juvenile Detention. Police calls for service were adjusted to eliminate requests to pick up detention orders or warrants, transfer juveniles to less secure facilities, and crimes reported at the Police Station that occurred outside of the reporting area. Study Area 2A has 42 percent more police calls for service and 7 percent more crime than the Control Area. Study Area 2B has 17 percent more police calls for service and crime than the Control Area. Also, the rate of police calls for service and Crime per 1,000 people is much higher in the Study Areas than the Control Area.

Study Areas 2A and 2B were compared with Control Area 2B--police reporting area 6--as a separate check. Control area 2B has more population, higher unemployment, higher poverty, and lower median family income than Study Areas 2A and 2B. In this comparison, the Control Area had 18 percent and 33 percent more police calls for service and 21 percent and 16 percent more crimes. But when adjusted for population, the both Study Areas had 37 percent and 143 percent higher rates of police calls for service and 32 percent and 213 percent higher crime rates.

STUDY AREA 1
SOCIO-ECONOMIC DATA

AREA 1		1990 POPULATION		1990 HOUSING UNITS		1990 UNEMPLOY- -MENT RATE *	1989 MEDIAN HOUSEHOLD INCOME *	1990 % BELOW POVERTY LEVEL *
AREA	LAND (ACRES)	PERSONS	PERSONS / ACRE	HOUSING UNITS	UNITS / ACRE			
CONTROL AREA 1	205	1,357	6.6	632	3.1	2.4%	\$35,760	4.4%
STUDY AREA 1	209	1,561	7.5	775	3.7	2.1%	\$34,998	3.1%

* COMPUTED

SOURCE: 1990 CENSUS SUMMARY TAPE FILE 3A / P70, P80A, P117

STUDY AREA 1
POLICE CALLS FOR SERVICE AND PART I & II CRIMES

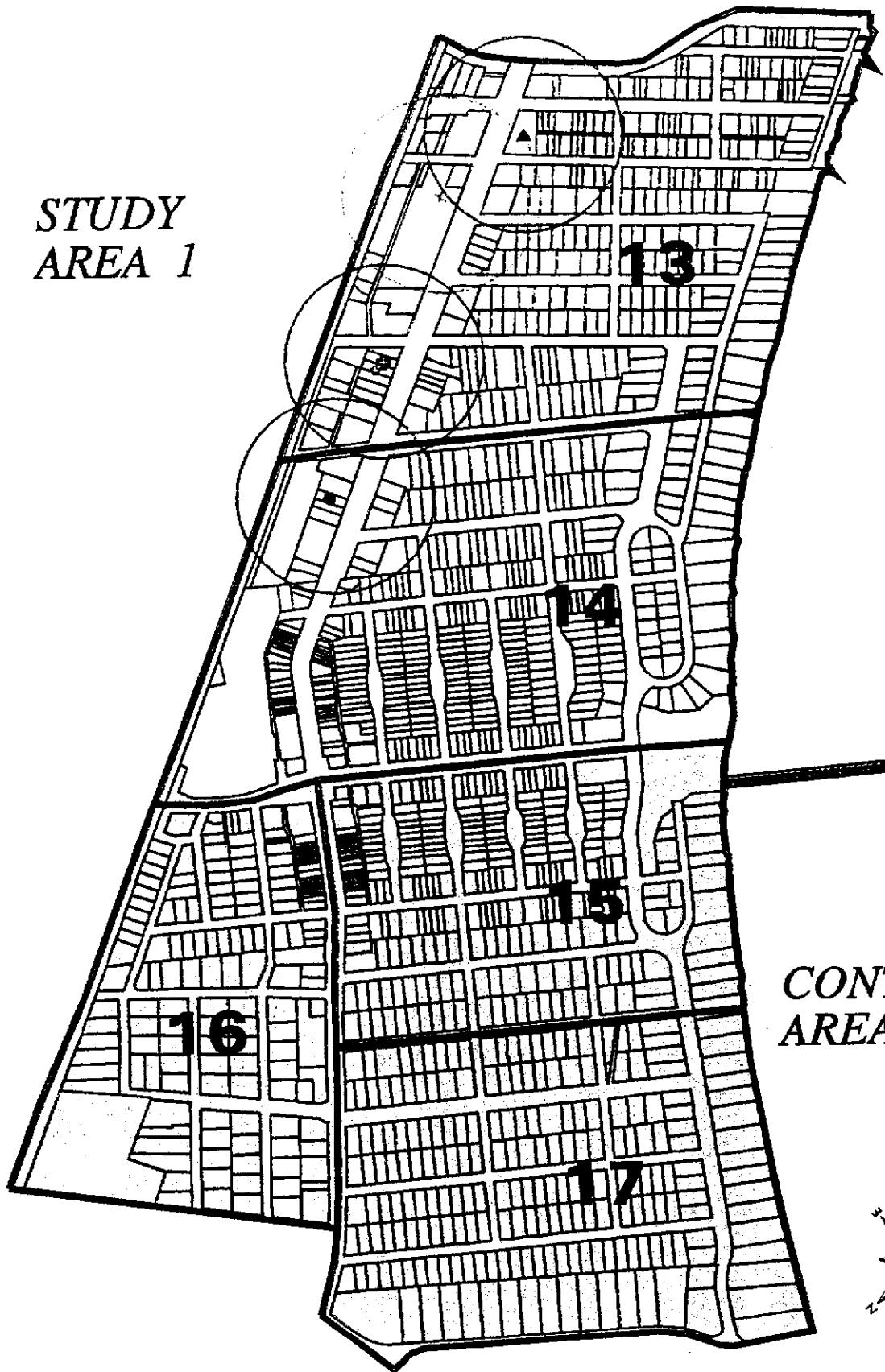
(JANUARY 1, 1994 - OCTOBER 31, 1995)

AREA 1	POLICE CALLS FOR SERVICE	CALLS FOR SERVICE PER 1,000	PART I & II CRIMES	PART I & II CRIMES PER 1,000
CONTROL AREA 1	465	343	230	169
STUDY AREA 1	842	539	370	237

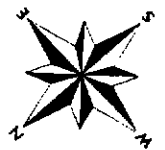
STUDY AREA 1				
+% ABOVE CONTROL / -% BELOW CONTROL	+81%	+57%	+61%	+40%

SOURCE: NEWPORT NEWS POLICE DEPARTMENT CRIME ANALYSIS UNIT

*STUDY
AREA 1*



*CONTROL
AREA 1*



●	◆	▲	⊕	★
GO-GO BAR	ADULT BOOKSTORE	ADULT VIDEO	ADULT MERCHANDISE	NIGHTCLUB

CONTROL AREA 2A / STUDY AREA 2

SOCIO-ECONOMIC DATA

AREA 2		1990 POPULATION		1990 HOUSING UNITS		1990 UNEMPLOYMENT RATE *	1989 MEDIAN HOUSEHOLD INCOME *	1990 % BELOW POVERTY LEVEL *
AREA	LAND (ACRES)	PERSONS	PERSONS / ACRE	HOUSING UNITS	UNITS / ACRE			
CONTROL AREA 2A	98	646	6.6	456	4.7	5.5%	\$23,465	12.1%
STUDY AREA 2A	85	332	3.9	111	1.3	3.6%	\$15,056	28.5%
STUDY AREA 2B	78	154	2.0	116	1.5	3.0%	\$12,522	33.4%

* COMPUTED

** DOES NOT INCLUDE POPULATION IN: CITY JAIL (236) & JUVENILE DETENTION (46)
SOURCE: 1990 CENSUS SUMMARY TAPE FILE 3A / P70, P80A, P117

STUDY AREA 2

POLICE CALLS FOR SERVICE AND PART I & II CRIMES

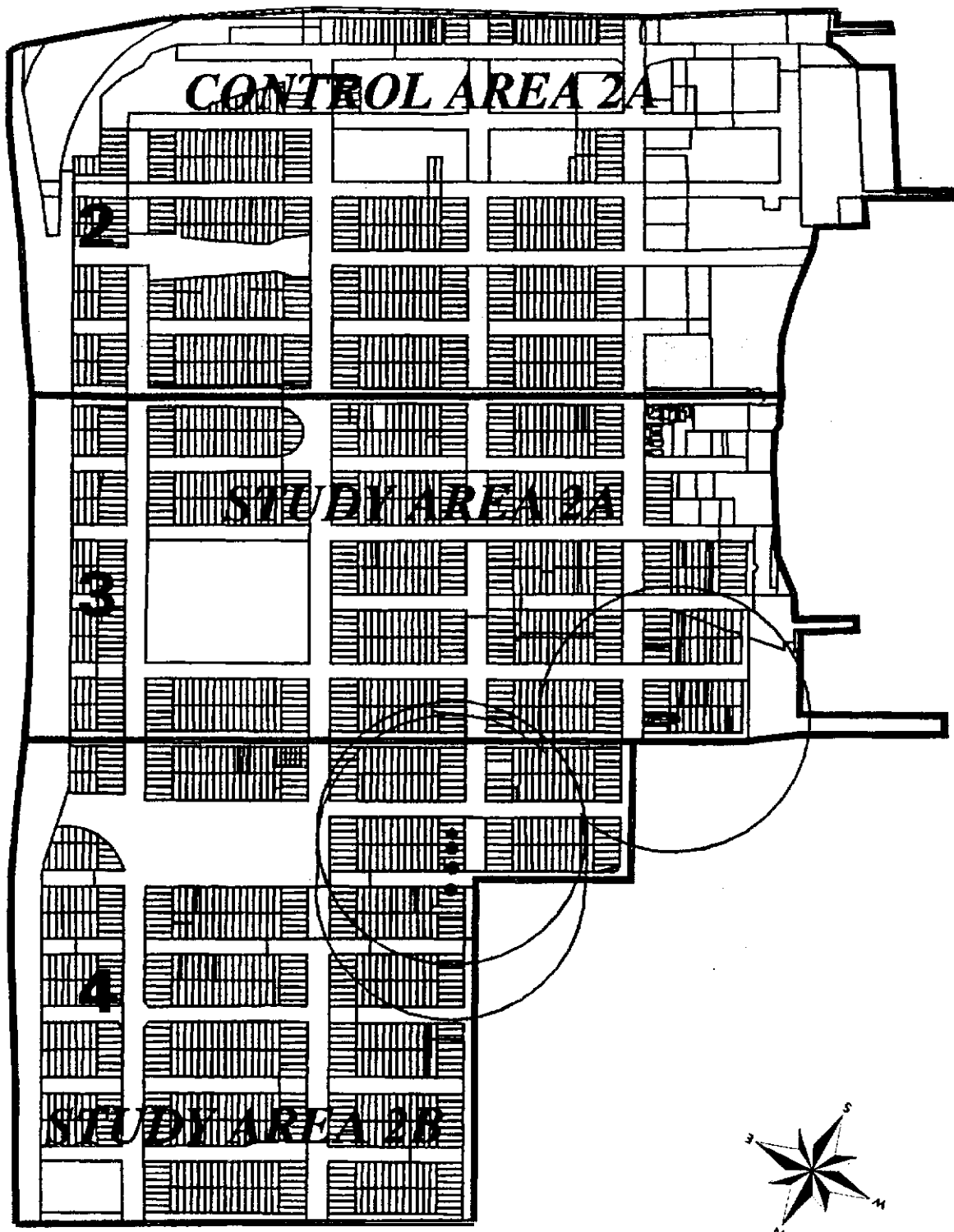
(JANUARY 1, 1994 - OCTOBER 31, 1995)

AREA 2	POLICE CALLS FOR SERVICE	CALLS FOR SERVICE PER 1,000	PART I & II CRIMES	PART I & II CRIMES PER 1,000
CONTROL AREA 2A	622	963	373	577
STUDY AREA 2A	886	2,669	398	1,199
STUDY AREA 2B	725	4,708	438	2,844

STUDY AREA 2A				
+% ABOVE CONTROL / -% BELOW CONTROL	+42%	177%	+7%	+108%

STUDY AREA 2B				
+% ABOVE CONTROL / -% BELOW CONTROL	+17%	+489%	+17%	+393%

SOURCE: NEWPORT NEWS POLICE DEPARTMENT CRIME ANALYSIS UNIT



<p>● GO-GO BAR</p>	<p>◆ ADULT BOOKSTORE</p>	<p>▲ ADULT VIDEO</p>	<p>⊕ ADULT MERCHANDISE</p>	<p>★ NIGHTCLUB</p>
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CONTROL AREA 2B / STUDY AREA 2

SOCIO-ECONOMIC DATA

AREA 2		1990 POPULATION		1990 HOUSING UNITS		1990 UNEMPLOY- -MENT RATE *	1989 MEDIAN HOUSEHOLD INCOME *	1990 % BELOW POVERTY LEVEL *
AREA	LAND (ACRES)	PERSONS	PERSONS / ACRE	HOUSING UNITS	UNITS / ACRE			
CONTROL AREA 2B	104	557	5.4	265	2.5	15.6%	\$8,198	49.7%
STUDY AREA 2A	85	332	3.9	111	1.3	3.6%	\$15,056	28.5%
STUDY AREA 2B	78	154	2.0	116	1.5	3.0%	\$12,522	33.4%

* COMPUTED

SOURCE: 1990 CENSUS SUMMARY TAPE FILE 3A / P70, P80A, P117

STUDY AREA 2

POLICE CALLS FOR SERVICE AND PART I & II CRIMES

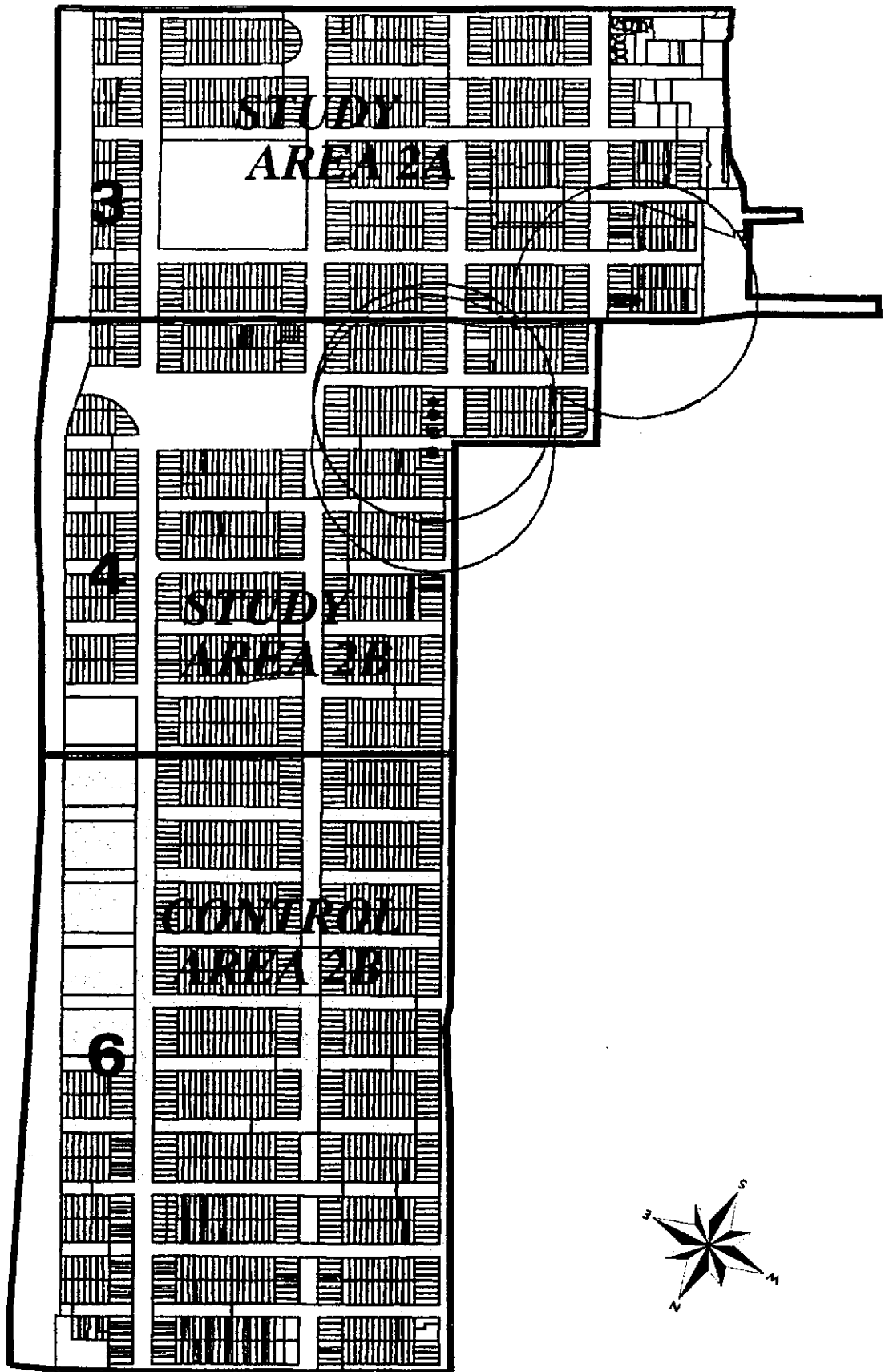
(JANUARY 1, 1994 - OCTOBER 31, 1995)

AREA 2	POLICE CALLS FOR SERVICE	CALLS FOR SERVICE PER 1,000	PART I & II CRIMES	PART I & II CRIMES PER 1,000
CONTROL AREA 2B	1,078	1,935	506	908
STUDY AREA 2A	886	2,669	398	1,199
STUDY AREA 2B	725	4,708	438	2,844

STUDY AREA 2A +% ABOVE CONTROL / -% BELOW CONTROL	-18%	+37%	-21%	+32%
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STUDY AREA 2B +% ABOVE CONTROL / -% BELOW CONTROL	-33%	+143%	-16%	+213%
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SOURCE: NEWPORT NEWS POLICE DEPARTMENT CRIME ANALYSIS UNIT



<p>● GO-GO BAR</p>	<p>◆ ADULT BOOKSTORE</p>	<p>▲ ADULT VIDEO</p>	<p>⊕ ADULT MERCHANDISE</p>	<p>★ NIGHTCLUB</p>
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IV. IMPACTS ON NEARBY PROPERTIES

Studies in other cities indicate that adult uses have a negative effect on property values nearby. There also is evidence from the Austin, Texas study that mortgage lenders consider adult uses in a neighborhood to be evidence that an area is in decline, thus making financing more difficult.

Indianapolis, Indiana

The Indianapolis study concluded that residential properties in study areas appreciated in value at one-half the rate of control areas. Appraisers felt that there is a negative impact on residential and commercial property within one block of an adult bookstore. The negative impact decreased with distance from the bookstore. The negative impact was greater for residential properties than commercial properties.

Los Angeles, California

The Los Angeles report surveyed 400 real estate professionals with 20 percent responding. Eighty-eight percent felt that the concentration of adult businesses would decrease the market value of business property located in the vicinity. Sixty-eight percent felt the concentration would decrease the rental value of business property. Fifty-nine percent felt the concentration would decrease the rentability/salability of business property nearby. Seventy-three percent felt the concentration would decrease the annual income of businesses located in the vicinity. Ninety percent felt the concentration of adult uses would decrease the market value of private residences within 1,000 feet, 86 percent felt the concentration would decrease the rental value of residential property, and 90 percent felt the concentration would decrease the rentability/salability of residential property within 1,000 feet.

St. Paul, Minnesota

The study Effects on Surrounding Area of Adult Entertainment Businesses indicated there was a correlation between deteriorating housing values, crime rates and the location of adult businesses. It also concluded that there was a stronger correlation with neighborhood deterioration after the establishment of an adult business than before.

Austin, Texas

A survey of real estate appraisers and lenders in Austin, Texas found that 88 percent of the respondents believed an adult bookstore would decrease residential property values within one block. They noted adult businesses nearby

made homes less attractive to families, which reduces demand and property values.

Newport News, Virginia

The Hilton Village Merchants Association, the Gateway Area Merchants, and the Citizens for the Hilton Area Revitalization have stated their desire for the City to regulate adult uses. These citizens fear that additional adult uses in Hilton Village and Rivermont will contribute to the deterioration of the area. They have advocated strengthening the City's control over adult uses.

Realtors knowledgeable of local market conditions have indicated that having adult uses nearby can reduce the number of people interested in occupying a property by 20 to 30 percent, and will hurt property values and the resale of property in adjacent residential neighborhoods.

Members of the Virginia Peninsula Association of Realtors' Board of Directors and the VPAR Governmental Affairs Committee were surveyed on the impact adult uses have on property values. Of 38 questionnaires sent out, 14 (37 percent) responded. The responses are summarized in Table 4.

A very high percentage of Realtors, 13 of 14 responding (93 percent), thought that having adult uses within one block of residential properties would most likely decrease residential property values.

Five Realtors (36 percent) thought commercial property values within one block of adult uses would decrease. Another five (36 percent) thought there would be no change. One (7 percent) thought commercial property values would increase. Two (14 percent) were undecided--indicating commercial property values could either decrease, stay the same, or increase--and one (7 percent) did not respond because she was not a commercial broker.

Those who thought commercial property values would decline cited concerns for personal safety, increased crime, noise, strangers in the neighborhood, and parking problems. One wrote that few residents or businesses would choose to be near any of the adult uses. Another indicated adult uses drove away family oriented businesses.

Those who thought commercial property values would not change within one block of an adult use wrote that property values may decrease depending on the appearance of the store front, the type of adult use, or if there were concentrations in a small area. One wrote that the public perceived that these uses attracted undesirable people.

Of the undecided responses, the Realtors indicated the effect on commercial property values depended on the type of adult use.

There were other comments that the impact on property values is lessened when the adult use is two or three blocks away, and that adult uses generally locate in declining areas needing revitalization.

Table 4

Impact of Adult Uses on Property Values within one Block					
	Decrease	No Change	Increase	Undecided	No Response
Impact on Residential Property Value	13 (93%)	1 (7%)	0 (0%)	0 (0%)	0 (0%)
Impact on Commercial Property Value	5 (36%)	5 (36%)	1 (7%)	2 (14%)	1 (7%)

V. CONCLUSION

Studies in other cities indicate that having adult uses nearby leads to increased crime and declining property values. In Newport News, the police calls for service indicate adult uses experience crime problems that impact on nearby neighborhoods or businesses. Pairing comparisons of selected adult uses with restaurants that have ABC licenses but are not adult uses, indicate the adult uses have more police calls for service. Control area comparisons suggest that police calls for service and crimes are higher in areas with concentrations of adult uses. A survey of Realtors indicates that adult uses will lessen nearby residential property values, and may lessen nearby commercial property values depending on the type of adult use and the amount of concentration. These studies indicate that the regulation of adult uses is warranted.

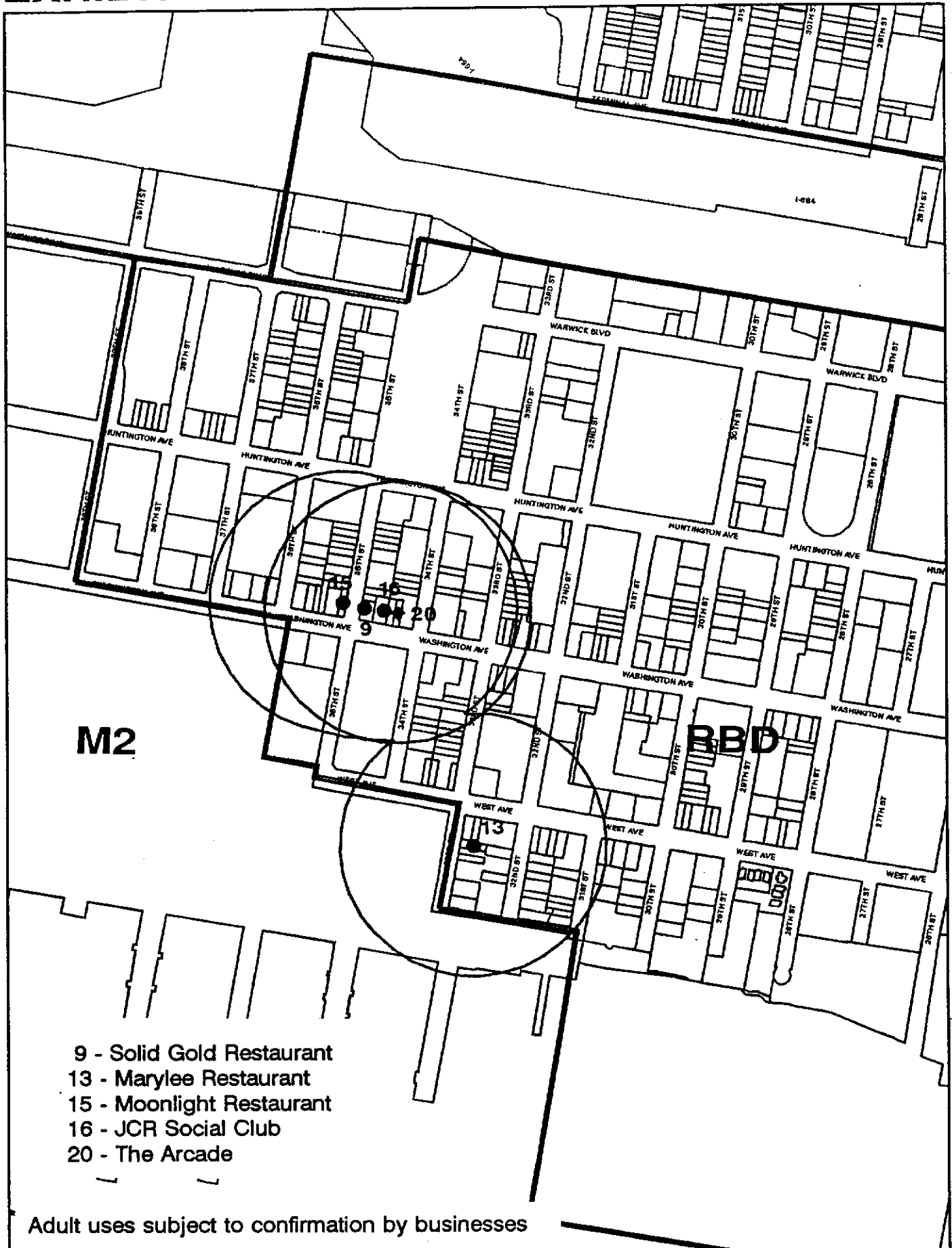
To better regulate adult uses, most cities use the Detroit, Michigan ordinance as a model. The Detroit ordinance encourages spatial separation of adult uses, and separation of these uses from residential areas. The amount of separation is 500 to 1,000 feet which is the equivalent of one to two city blocks.

The proposed Newport News ordinance defines adult uses and would limit their location to the C2 Retail Commercial, C2-A General Commercial, and RBD Regional Business District zones. Conditional use permits would be required for new adult uses. In the C2 Retail Commercial zones and C2-A Commercial zones, new adult uses must maintain a separation of 500 feet from other adult uses, churches, schools, parks, libraries and playgrounds. The ordinance recommends that the separation from residentially zoned property fronting on the same street be 500 feet; otherwise, the separation shall be 200 feet. Separation would not be required downtown in the RBD Regional Business District zone.

EXHIBITS

- A. Maps of Adult Uses
- B. Dispatch Codes and Police Calls for Service
- C. Photographs of Adult Uses
- D. Proposed Adult Use Ordinance
 - D-1 Article II. Definitions
 - D-2 Article IV. Section 422. Adult Uses

EXHIBIT A-1



M2

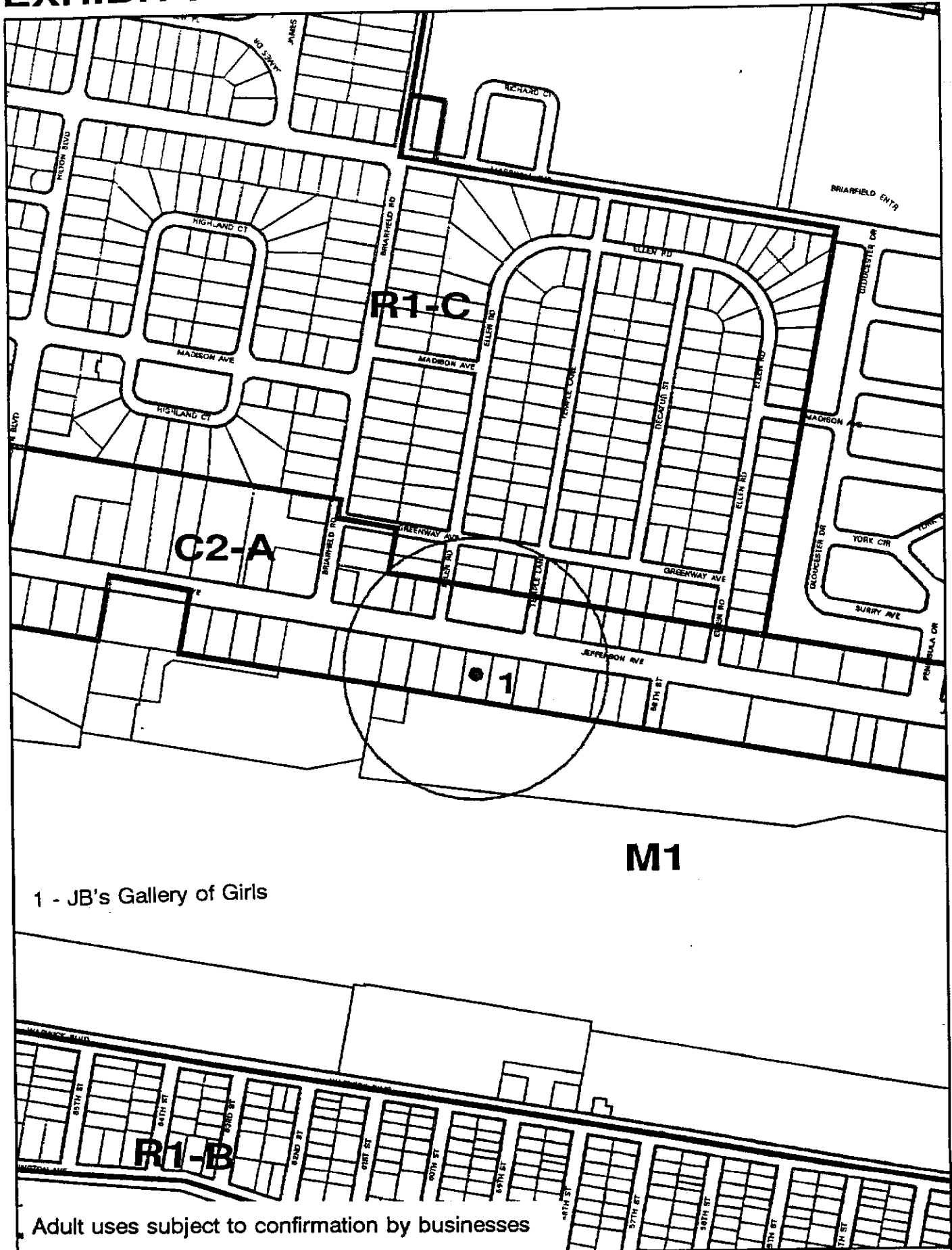
BBD

- 9 - Solid Gold Restaurant
- 13 - Marylee Restaurant
- 15 - Moonlight Restaurant
- 16 - JCR Social Club
- 20 - The Arcade

Adult uses subject to confirmation by businesses

●	◆	▲	+	★
GO-GO BAR	ADULT BOOKSTORE	ADULT VIDEO	ADULT MERCHANDISE	NIGHTCLUB

EXHIBIT A-2



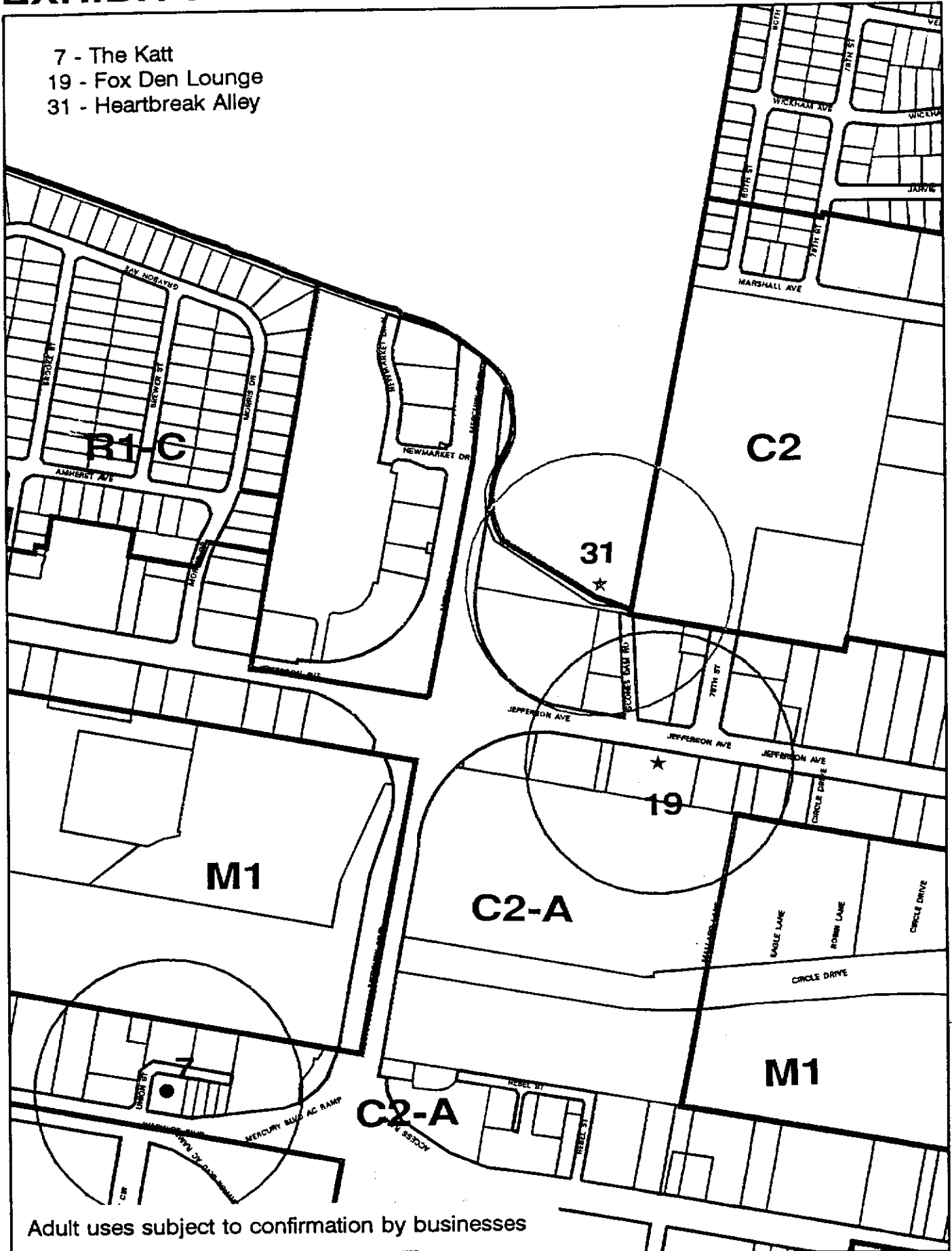
1 - JB's Gallery of Girls

Adult uses subject to confirmation by businesses

 GO-GO BAR	 ADULT BOOKSTORE	 ADULT VIDEO	 ADULT MERCHANDISE	 NIGHTCLUB
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EXHIBIT A-3

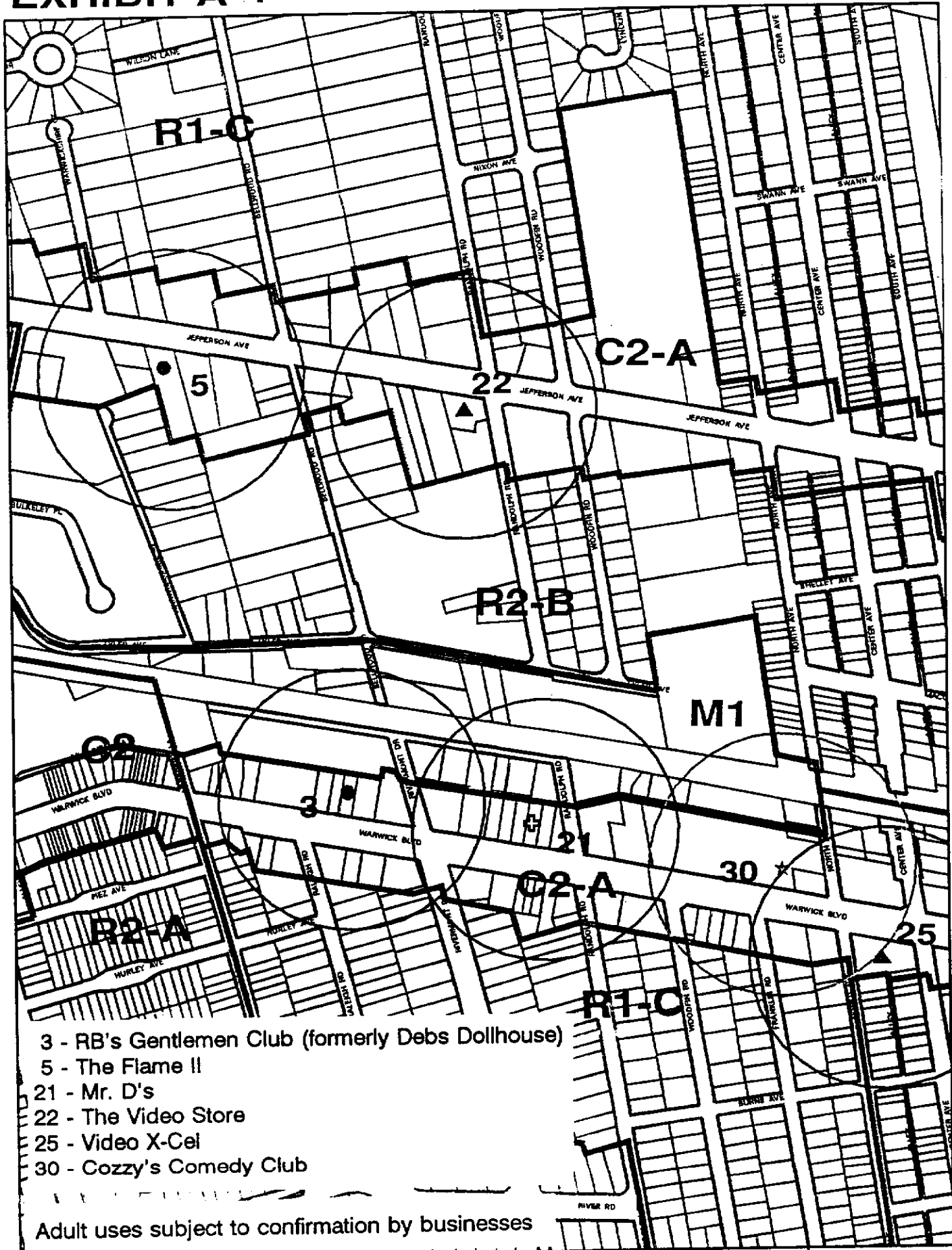
- 7 - The Katt
- 19 - Fox Den Lounge
- 31 - Heartbreak Alley



Adult uses subject to confirmation by businesses

●	◆	▲	+	★
GO-GO BAR	ADULT BOOKSTORE	ADULT VIDEO	ADULT MERCHANDISE	NIGHTCLUB

EXHIBIT A-4

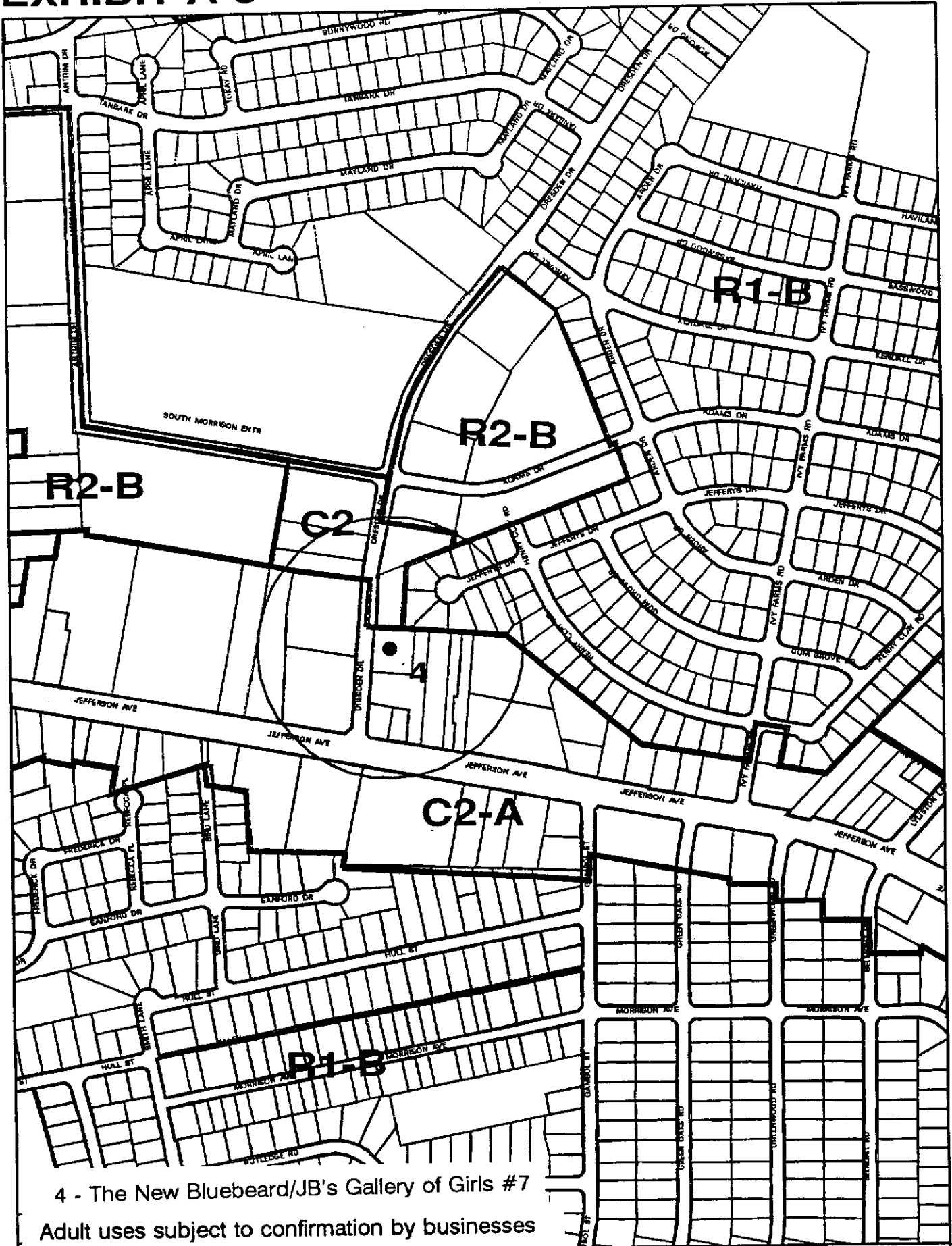


- 3 - RB's Gentlemen Club (formerly Debs Dollhouse)
- 5 - The Flame II
- 21 - Mr. D's
- 22 - The Video Store
- 25 - Video X-Cel
- 30 - Cozy's Comedy Club

Adult uses subject to confirmation by businesses

●	◆	▲	⊕	★
GO-GO BAR	ADULT BOOKSTORE	ADULT VIDEO	ADULT MERCHANDISE	NIGHTCLUB

EXHIBIT A-5



 GO-GO BAR	 ADULT BOOKSTORE	 ADULT VIDEO	 ADULT MERCHANDISE	 NIGHTCLUB
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EXHIBIT A-6

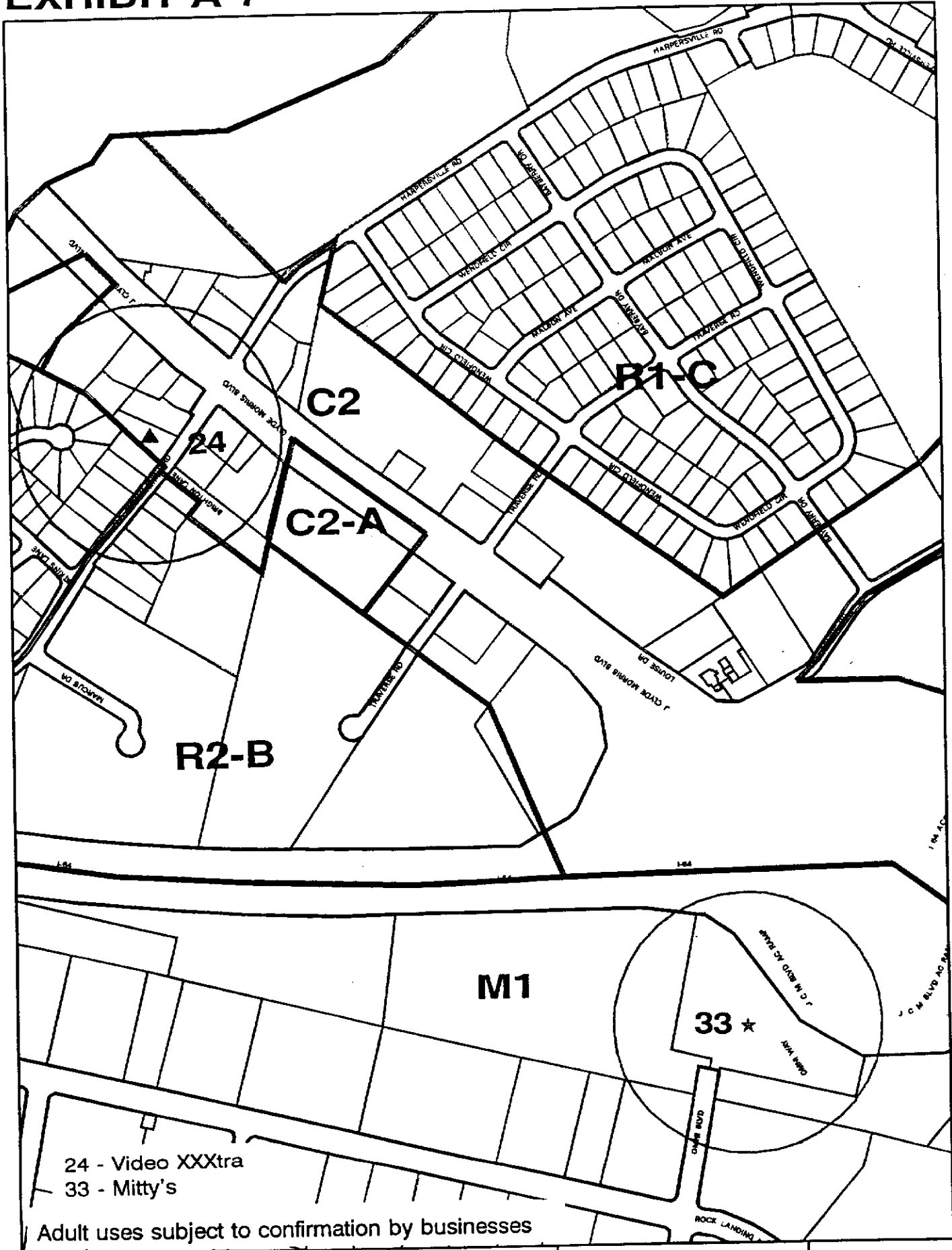


- 10 - Bijou Cafe
- 23 - The Video Store II
- 28 - Callabash

Adult uses subject to confirmation by businesses

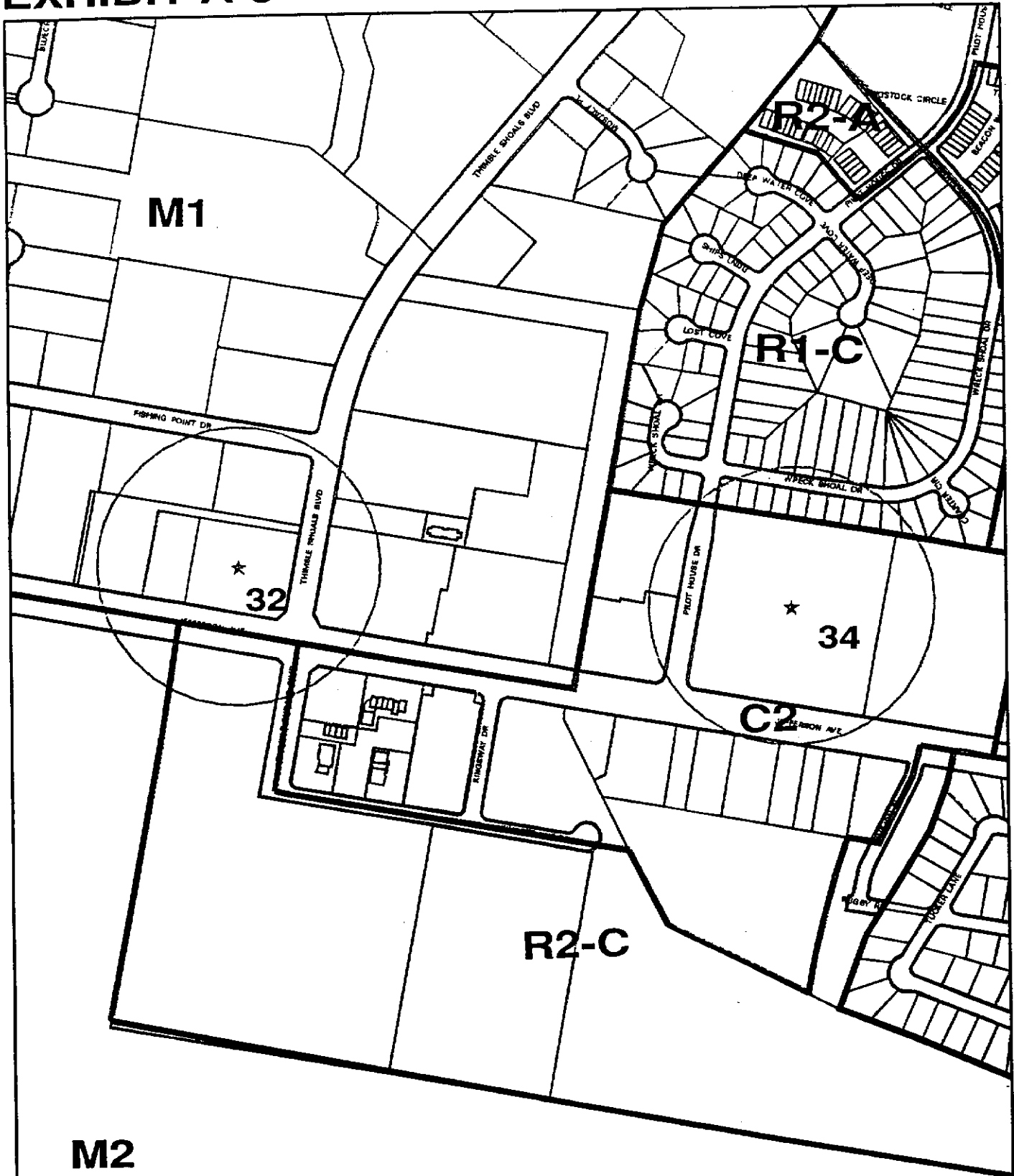
●	◆	▲	+	★
GO-GO BAR	ADULT BOOKSTORE	ADULT VIDEO	ADULT MERCHANDISE	NIGHTCLUB

EXHIBIT A-7



<p>● GO-GO BAR</p>	<p>◆ ADULT BOOKSTORE</p>	<p>▲ ADULT VIDEO</p>	<p>⊕ ADULT MERCHANDISE</p>	<p>★ NIGHTCLUB</p>
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EXHIBIT A-8

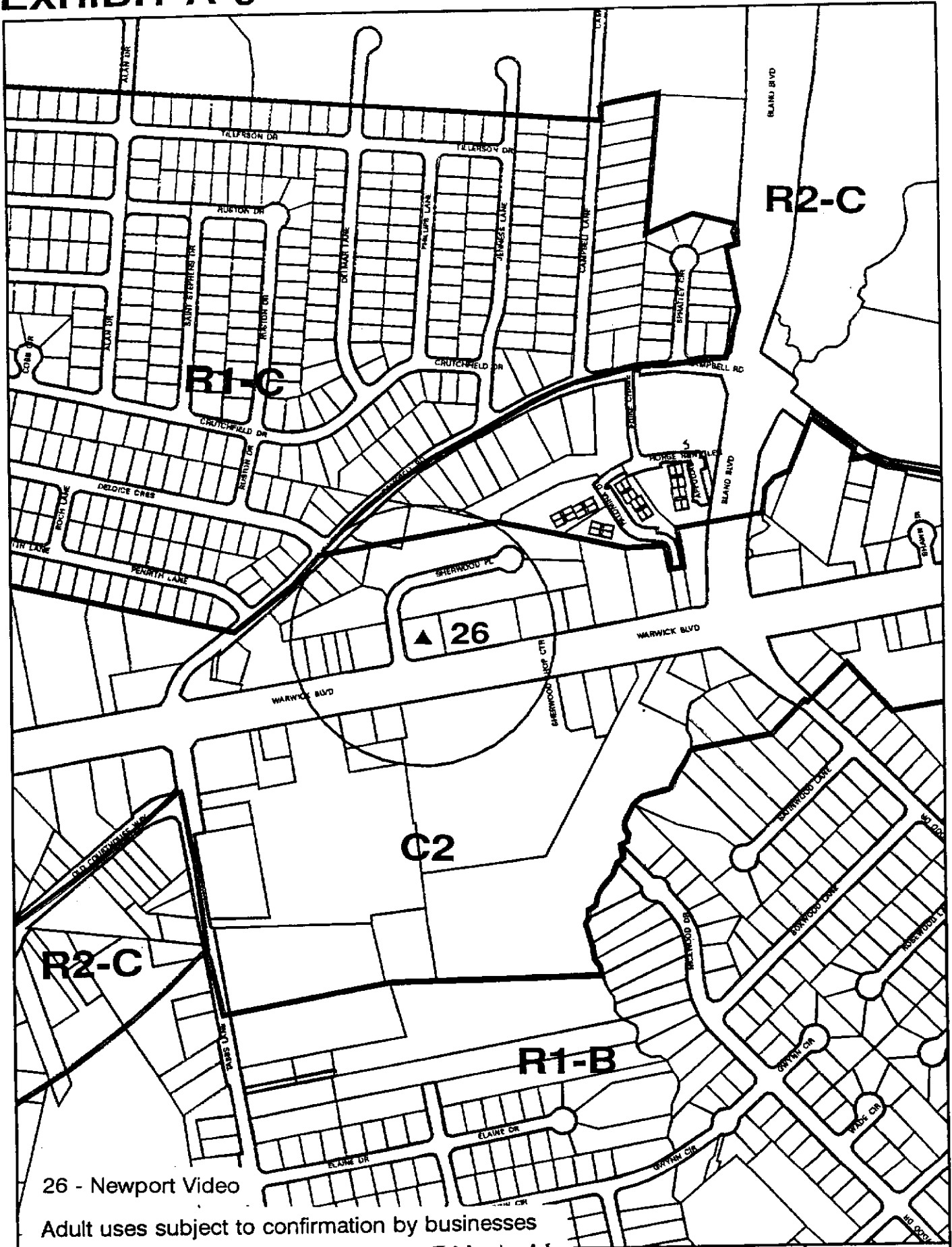


- 32 - Manhattan's
- 34 - Wipeout Eddy's

Adult uses subject to confirmation by businesses

●	◆	▲	+	★
GO-GO BAR	ADULT BOOKSTORE	ADULT VIDEO	ADULT MERCHANDISE	NIGHTCLUB

EXHIBIT A-9

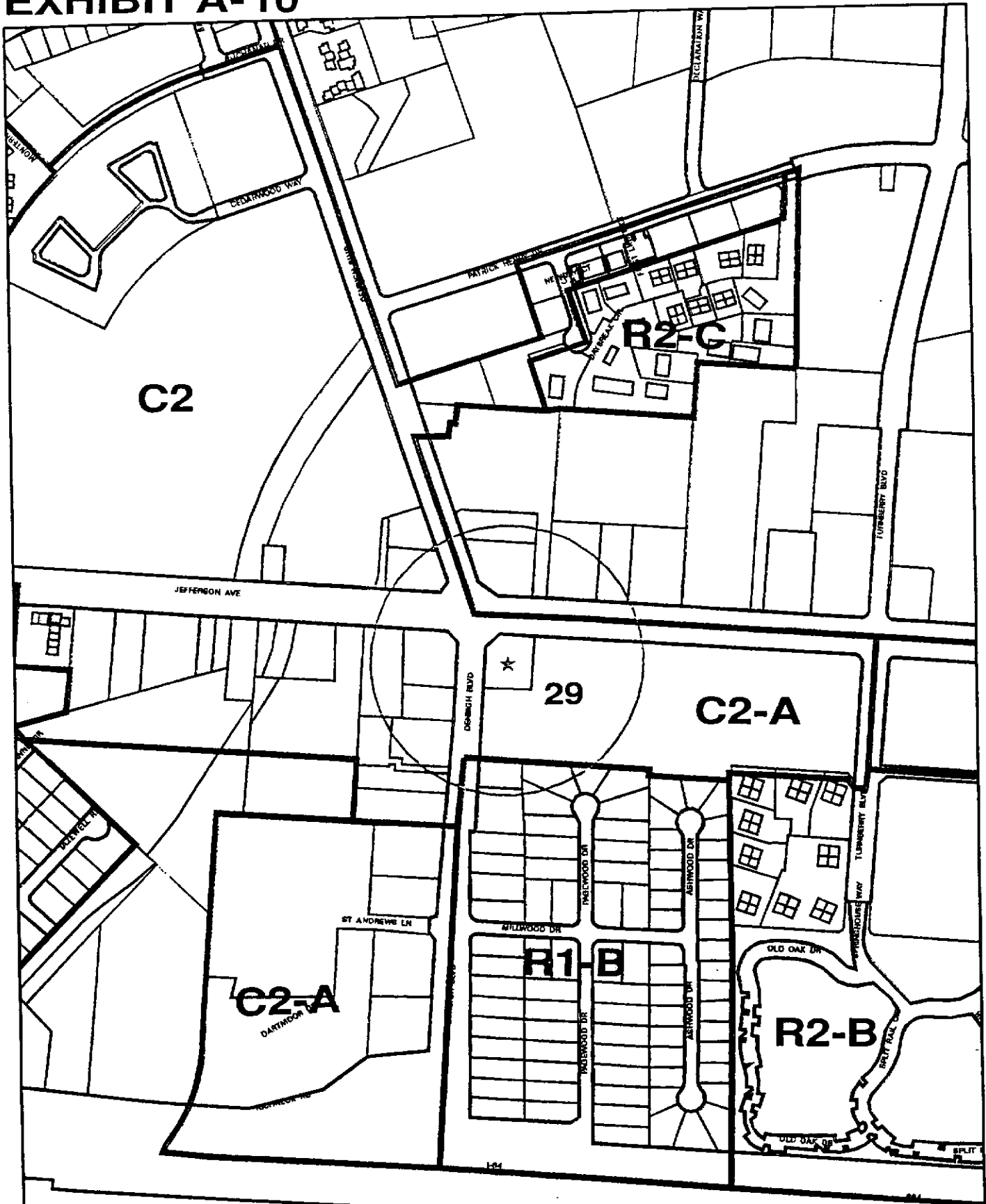


26 - Newport Video

Adult uses subject to confirmation by businesses

<p>● GO-GO BAR</p>	<p>◆ ADULT BOOKSTORE</p>	<p>▲ ADULT VIDEO</p>	<p>⊕ ADULT MERCHANDISE</p>	<p>★ NIGHTCLUB</p>
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EXHIBIT A-10

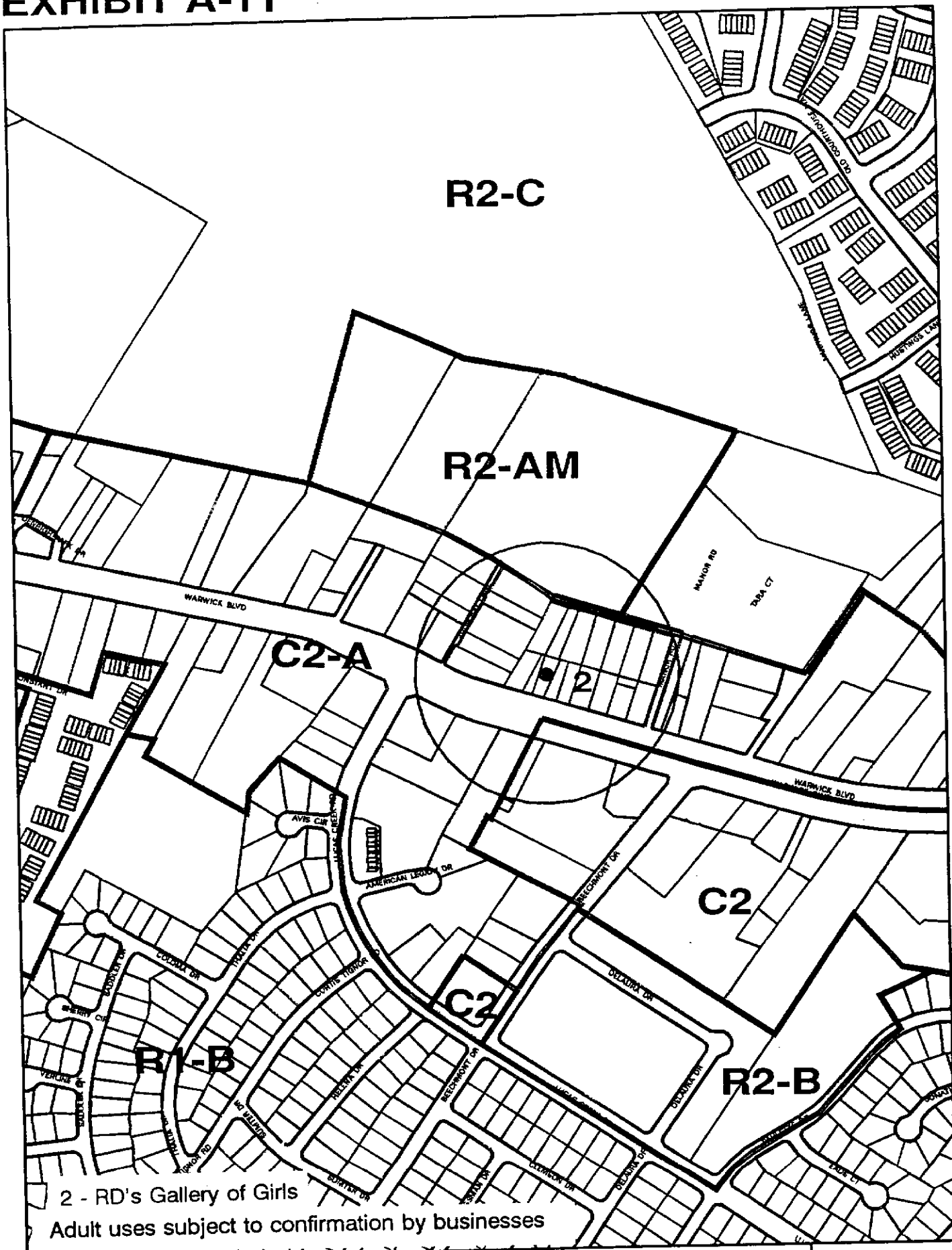


29 - Chi-Chi's

Adult uses subject to confirmation by businesses

<p>● GO-GO BAR</p>	<p>◆ ADULT BOOKSTORE</p>	<p>▲ ADULT VIDEO</p>	<p>⊕ ADULT MERCHANDISE</p>	<p>★ NIGHTCLUB</p>
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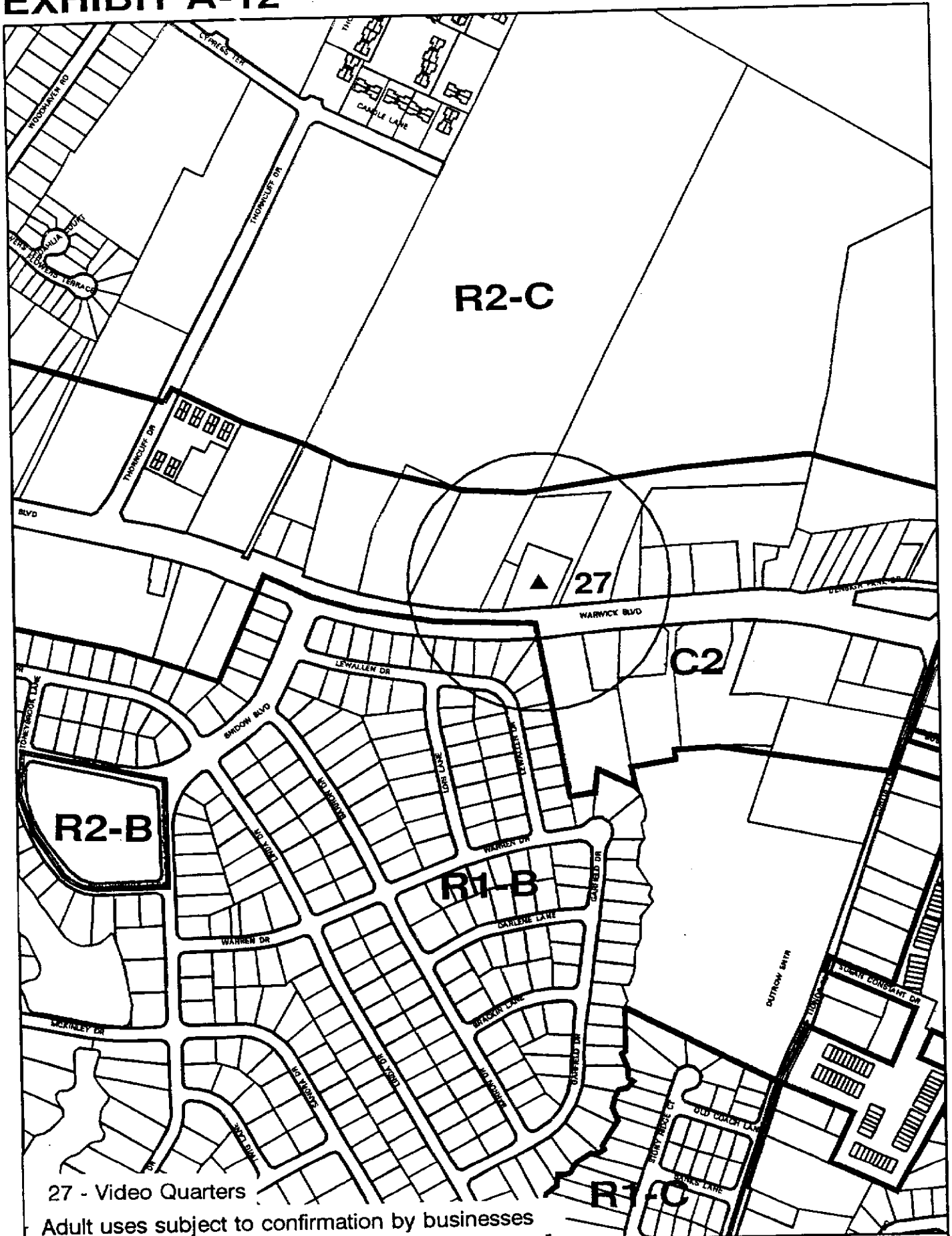
EXHIBIT A-11



2 - RD's Gallery of Girls
 Adult uses subject to confirmation by businesses

 GO-GO BAR	 ADULT BOOKSTORE	 ADULT VIDEO	 ADULT MERCHANDISE	 NIGHTCLUB
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EXHIBIT A-12

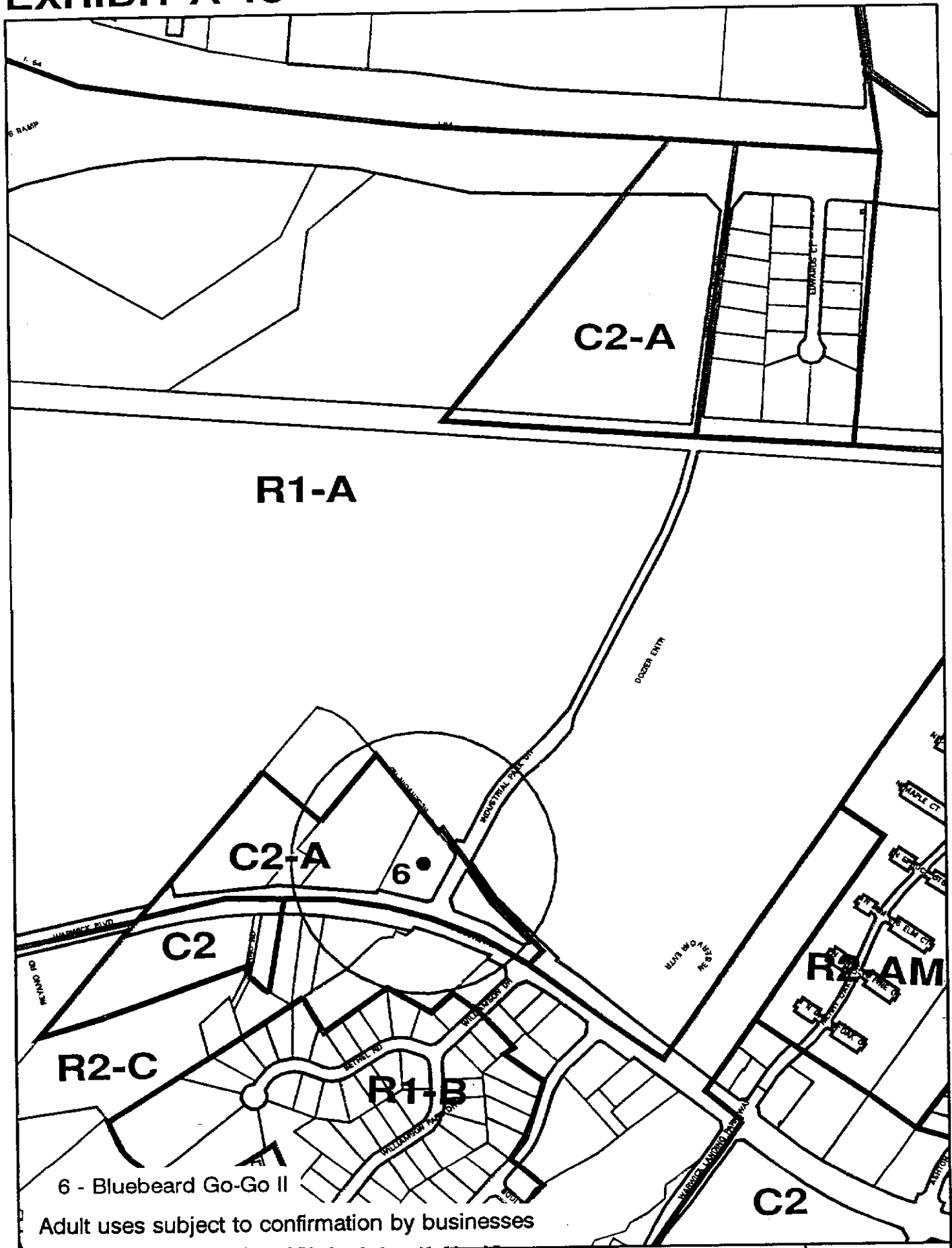


27 - Video Quarters

Adult uses subject to confirmation by businesses

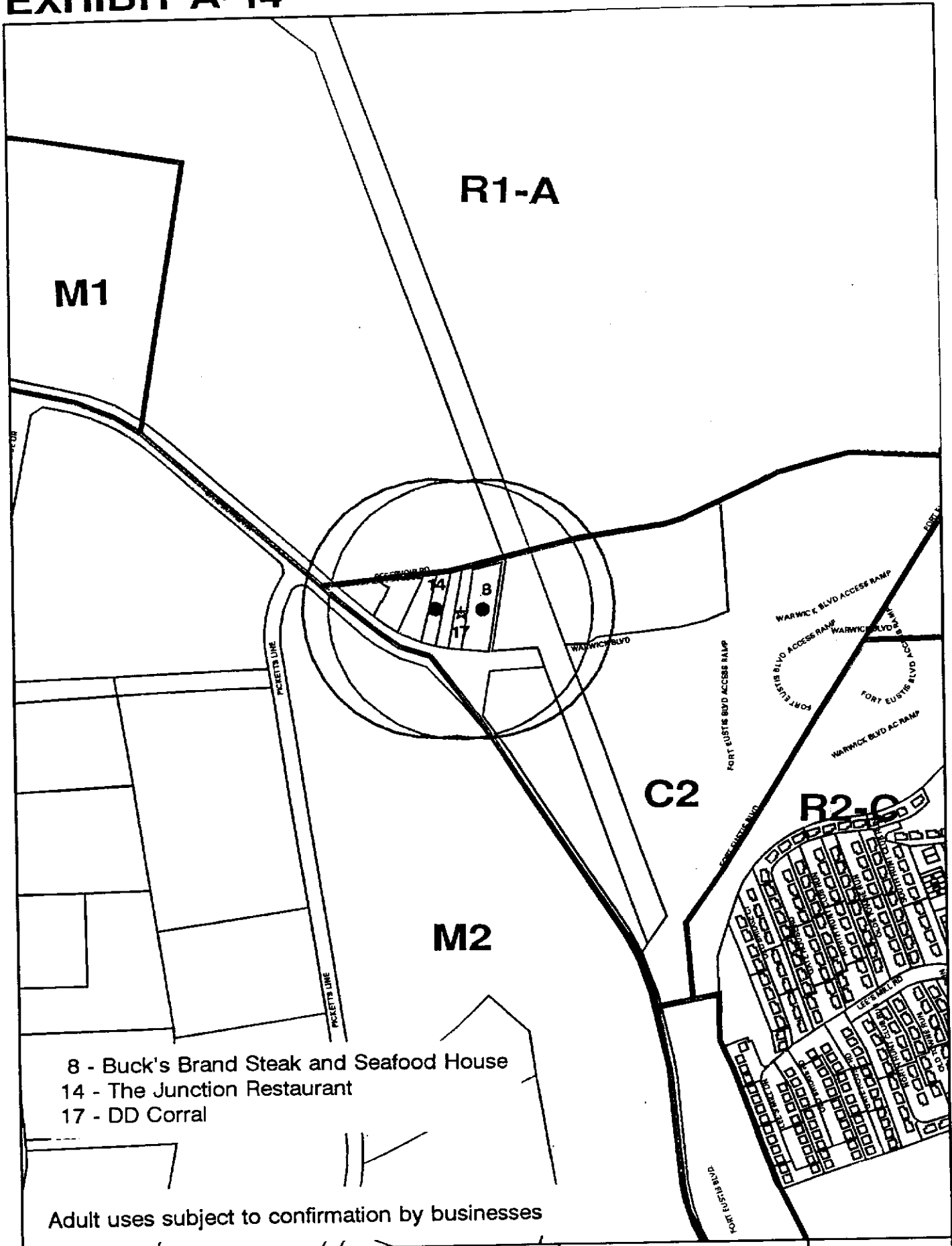
<p>● GO-GO BAR</p>	<p>◆ ADULT BOOKSTORE</p>	<p>▲ ADULT VIDEO</p>	<p>⊕ ADULT MERCHANDISE</p>	<p>★ NIGHTCLUB</p>
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EXHIBIT A-13



<p>● GO-GO BAR</p>	<p>◆ ADULT BOOKSTORE</p>	<p>▲ ADULT VIDEO</p>	<p>⊕ ADULT MERCHANDISE</p>	<p>★ NIGHTCLUB</p>
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EXHIBIT A-14



- 8 - Buck's Brand Steak and Seafood House
- 14 - The Junction Restaurant
- 17 - DD Corral

Adult uses subject to confirmation by businesses

●	◆	▲	+	★
GO-GO BAR	ADULT BOOKSTORE	ADULT VIDEO	ADULT MERCHANDISE	NIGHTCLUB

EXHIBIT B

DISPATCH CODES AND POLICE CALLS FOR SERVICE

January 1, 1994 - October 31, 1995

CODES	NO. OF CALLS	CODES	NO. OF CALLS
ABCV - Alcohol Violation	2	PARK - Parking Violation	12
ASDW - Assault, Deadly Weapon	1	PBAS - Public Assistance	8
ASLT - Assault	25	RAPE - Rape	0
CODE - City Code Violation	1	ROBB - Robbery, Business	1
DEPR - Destroying Property	18	ROBI - Robbery Individual	1
DISO - Disorderly Conduct	151	SHOT - Shooting	4
DMAS - Domestic Assault	5	STAL - Stalking	1
DMST - Domestic Problem	11	STLV - Stolen Vehicle	4
DUIA - Driving Under the Influence	5	SUSP - Suspicious Person	16
FGHT - Fight/Riot	60	SUSV - Suspicious Vehicle	8
GUNS - Gunshot Report	1	SXOF - Sex Offense	1
HOMI - Homicide	0	TAMP - Tampering W/Auto	1
IGUN - Individual W/Gun	15	TRAF - Traffic Problem	0
INTX - Intoxicated Person	39	TRES - Trespassing	7
JUVN - Juvenile Problems	1	UNSP - Unspecified	9
NUIS - Nuisance	12	VDCA - Violation of Drug Control Act	5

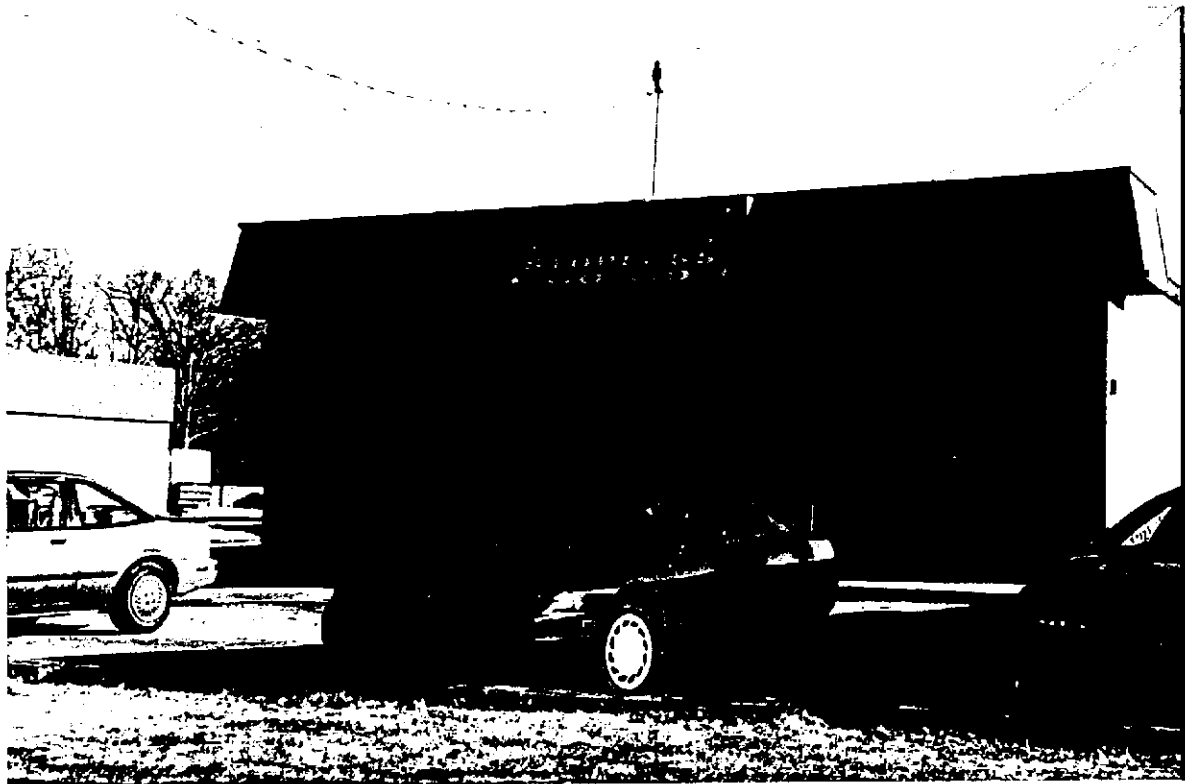
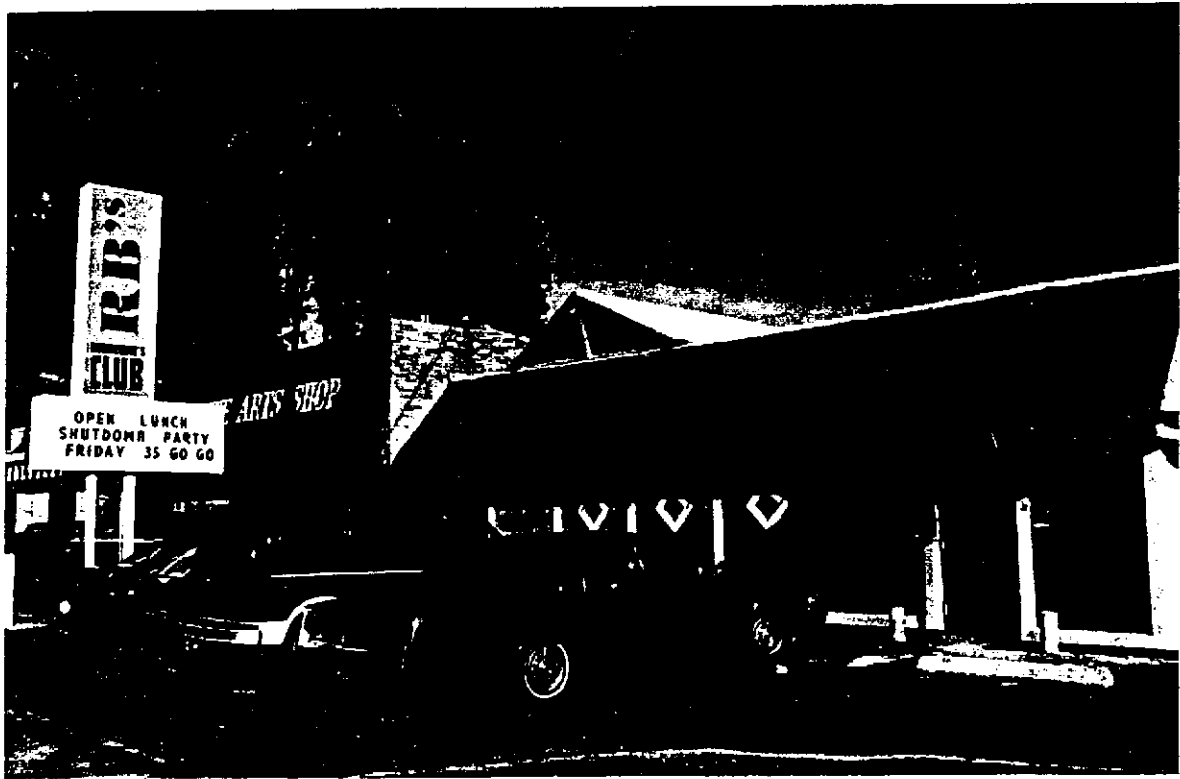
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EXHIBIT C



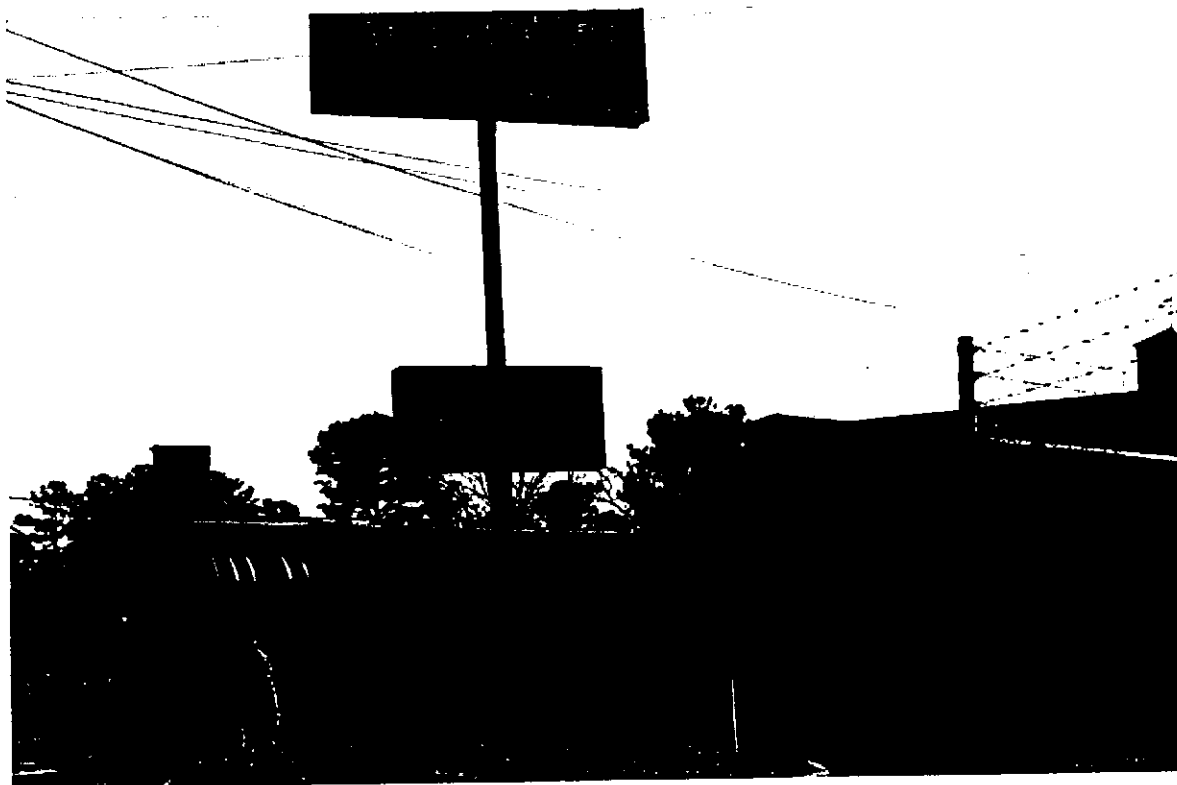
1. JB's Gallery of Girls, 5825 Jefferson Avenue

2. RD's Gallery of Girls, 14872 Warwick Boulevard



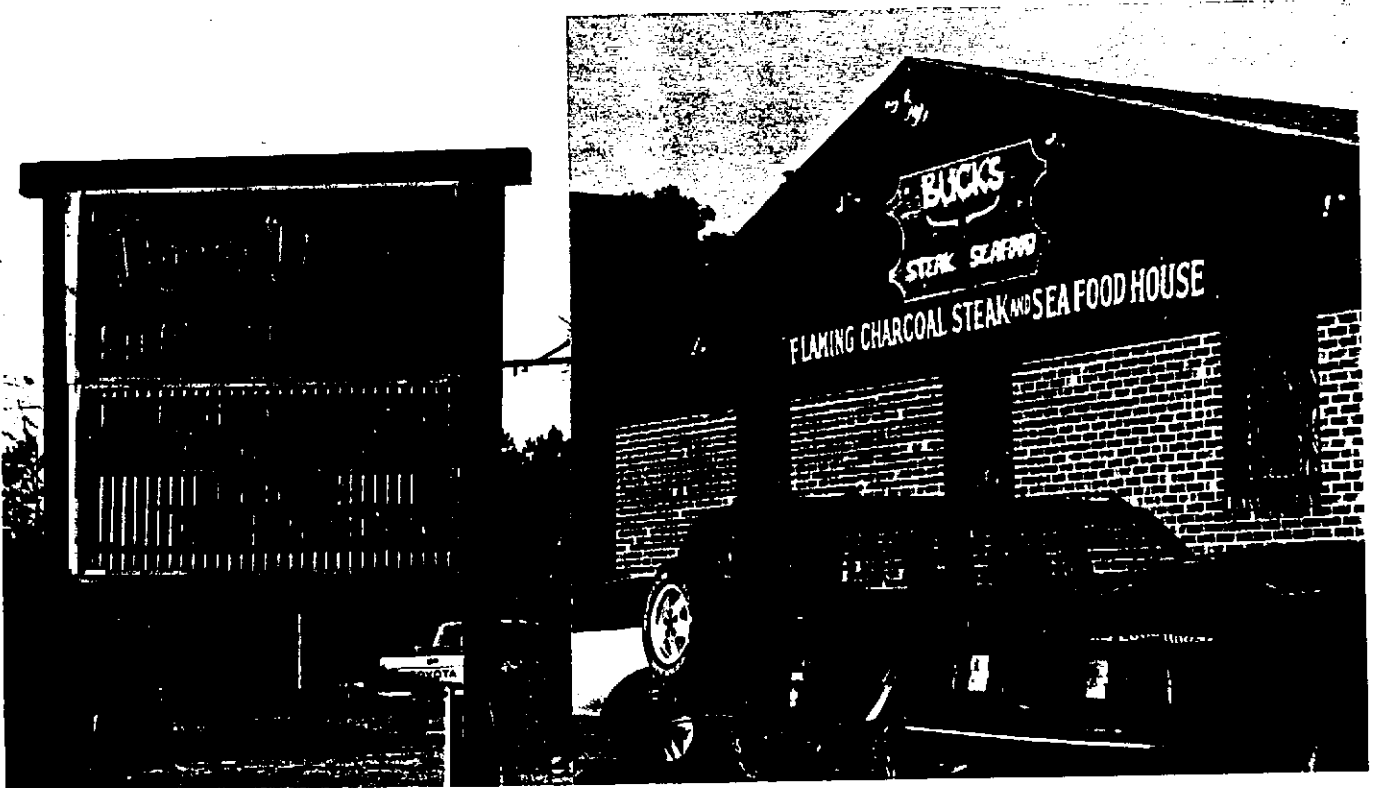
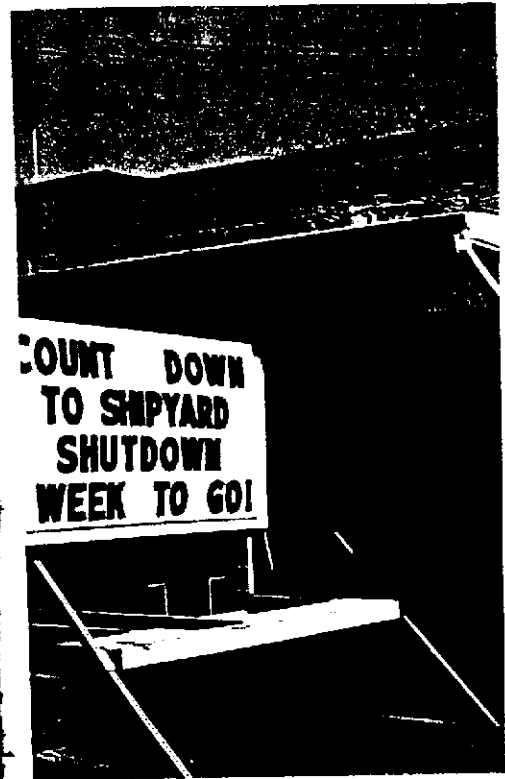
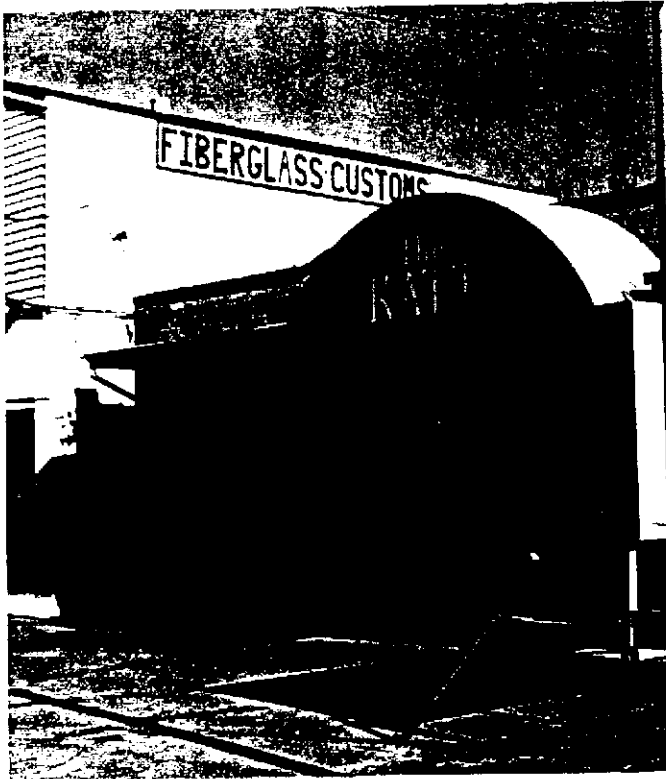
3. RB's Gentlemen Club (Deb's Dollhouse), 9956 Warwick Boulevard

4. The New Bluebeard/JB's Gallery of Girls #7, 606 Dresden Drive



5. The Flame II, 9921 Jefferson Avenue

6. Bluebeard Go-Go II, 15674 Warwick Boulevard

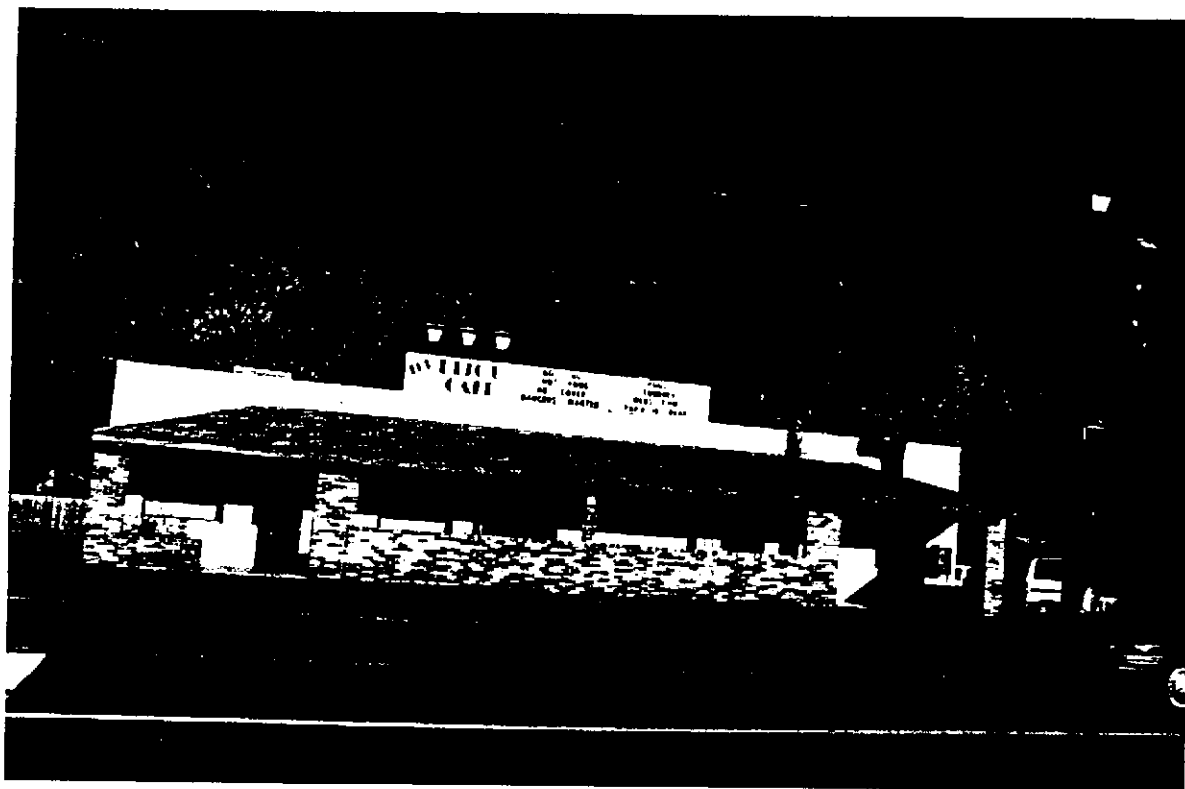


7. The Katt, 7824 Warwick Boulevard

8. Buck's Brand Steak and Seafood House, 16906 Warwick Boulevard



9. Solid Gold Restaurant

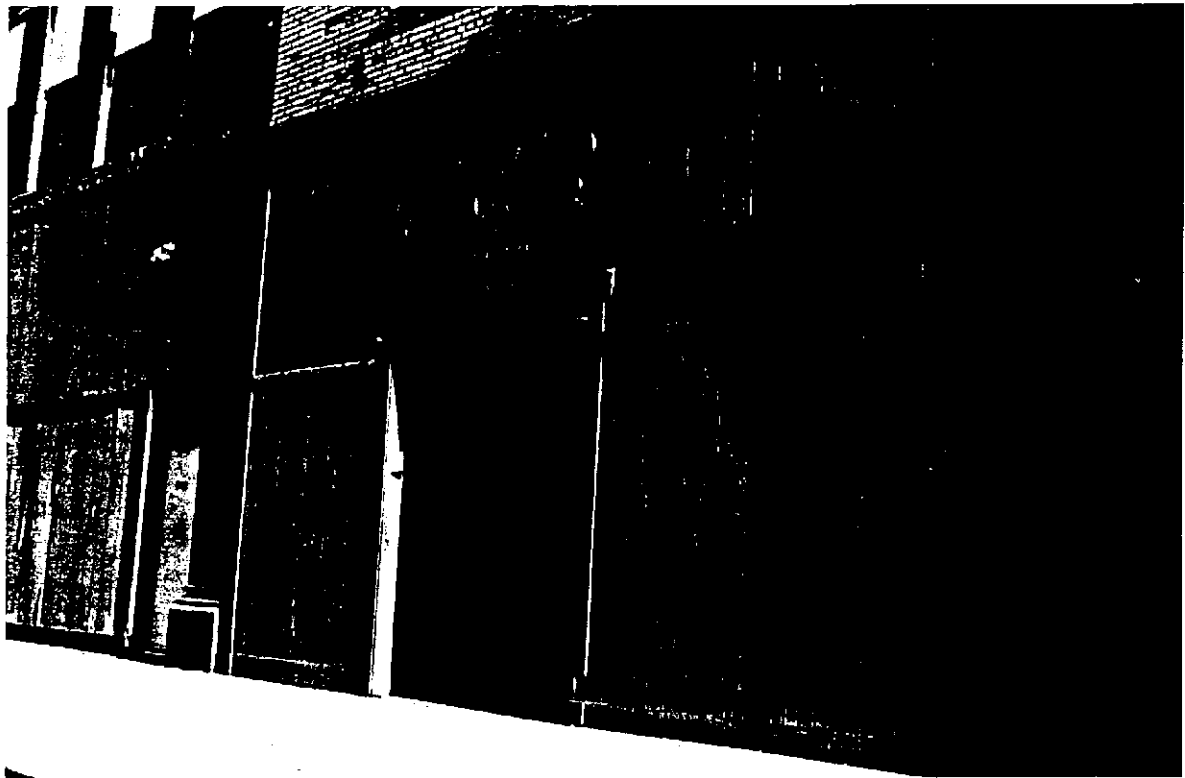
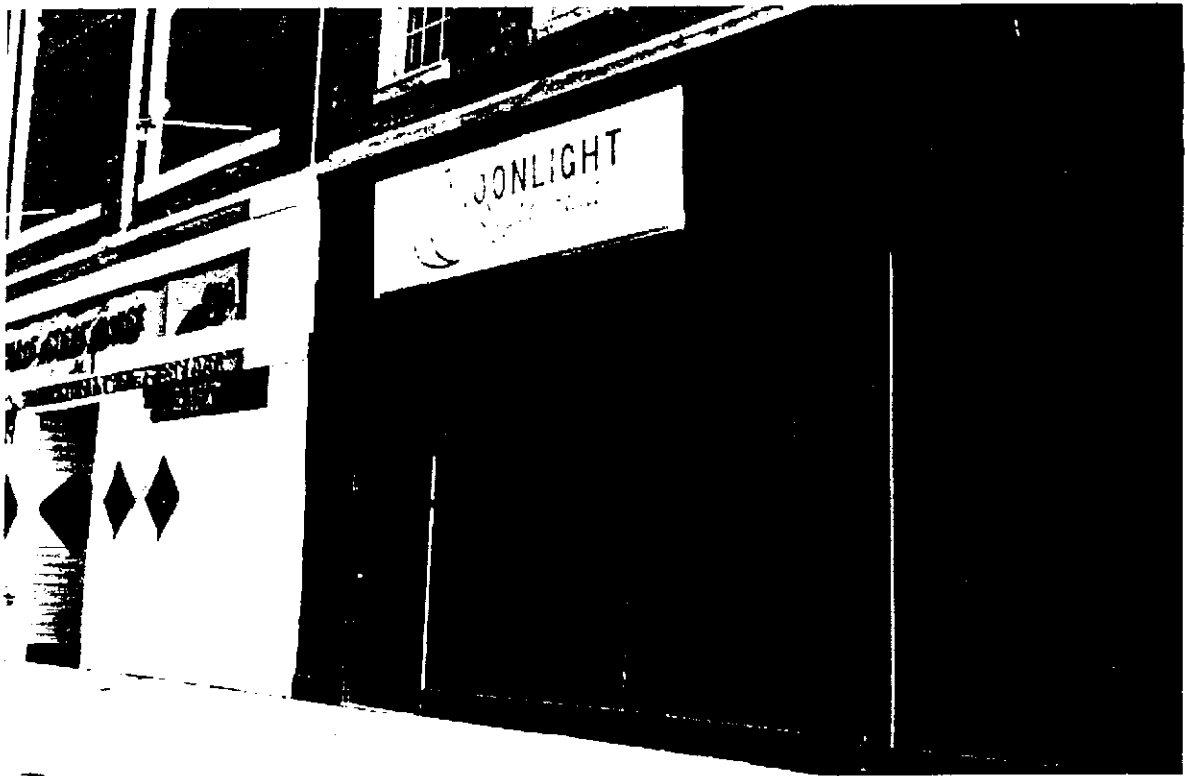


10. Bijou Cafe, 11312 Jefferson Avenue



13. Marylee Restaurant, 100 33rd Street

14. The Junction Restaurant, 16916 Warwick Boulevard



15. Moonlight Restaurant, 3504 Washington Avenue

16. JCR Social Club, 3410 Washington Avenue

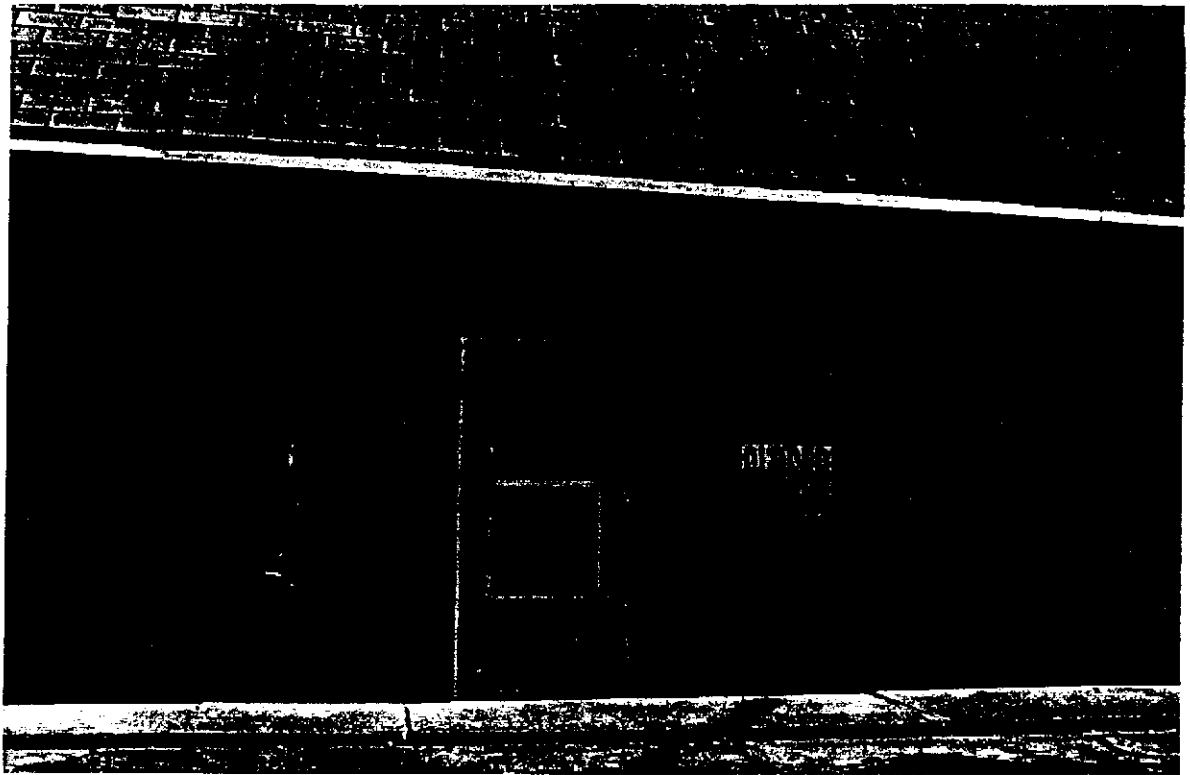


17. DD Corral, 16912 Warwick Boulevard



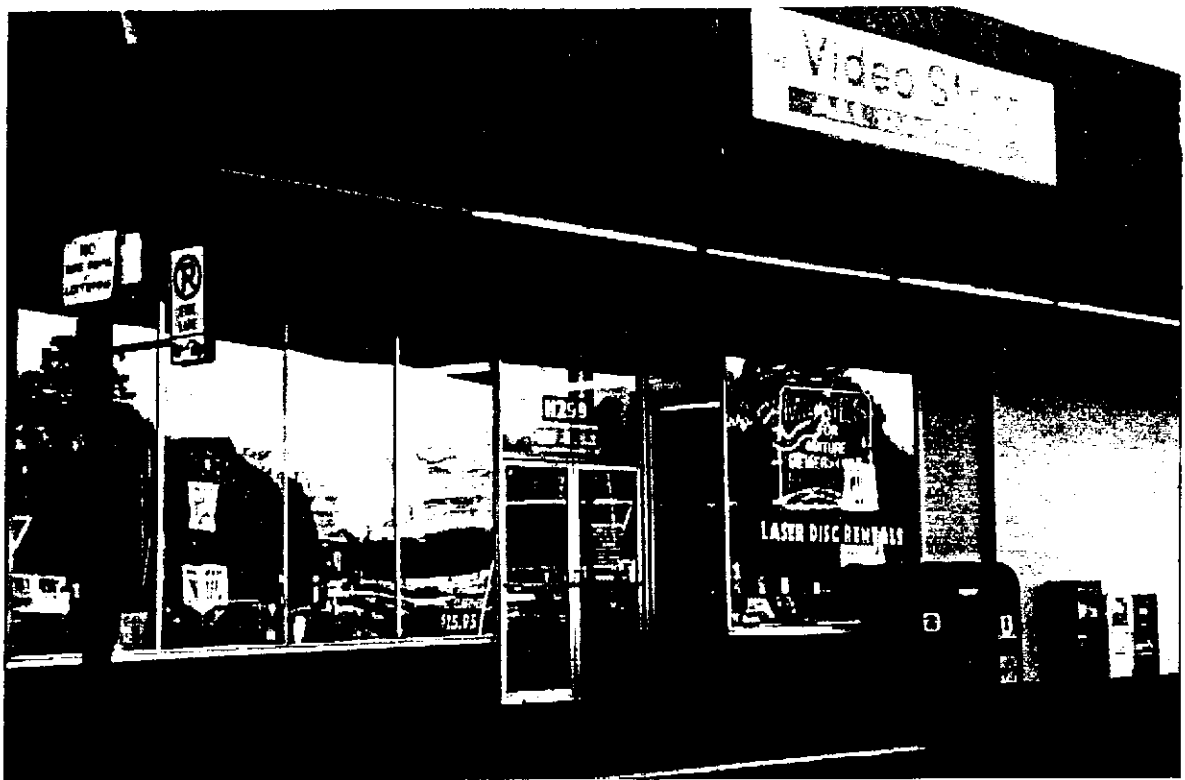
19. Fox Den Lounge, 6045 Jefferson Avenue

20. The Arcade, 3404 Washington Avenue



21. Mr. D's, 9902A Warwick Boulevard

22. The Video Store, 9903B Jefferson Avenue



23. The Video Store II, 11299 Jefferson Avenue

24. Video XXXtra, 811 Old Oyster Point Road



25. Video X-Cel, 9509 Warwick Boulevard

26. Newport Video, 13772 Warwick Boulevard



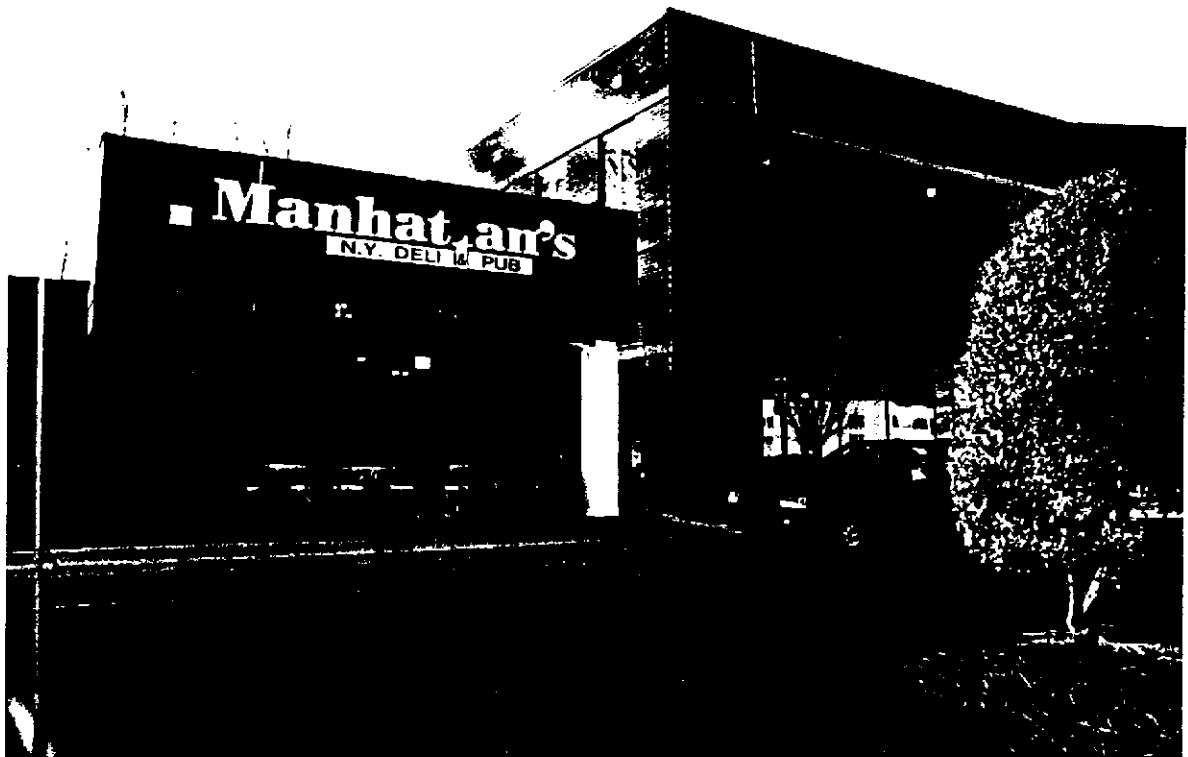
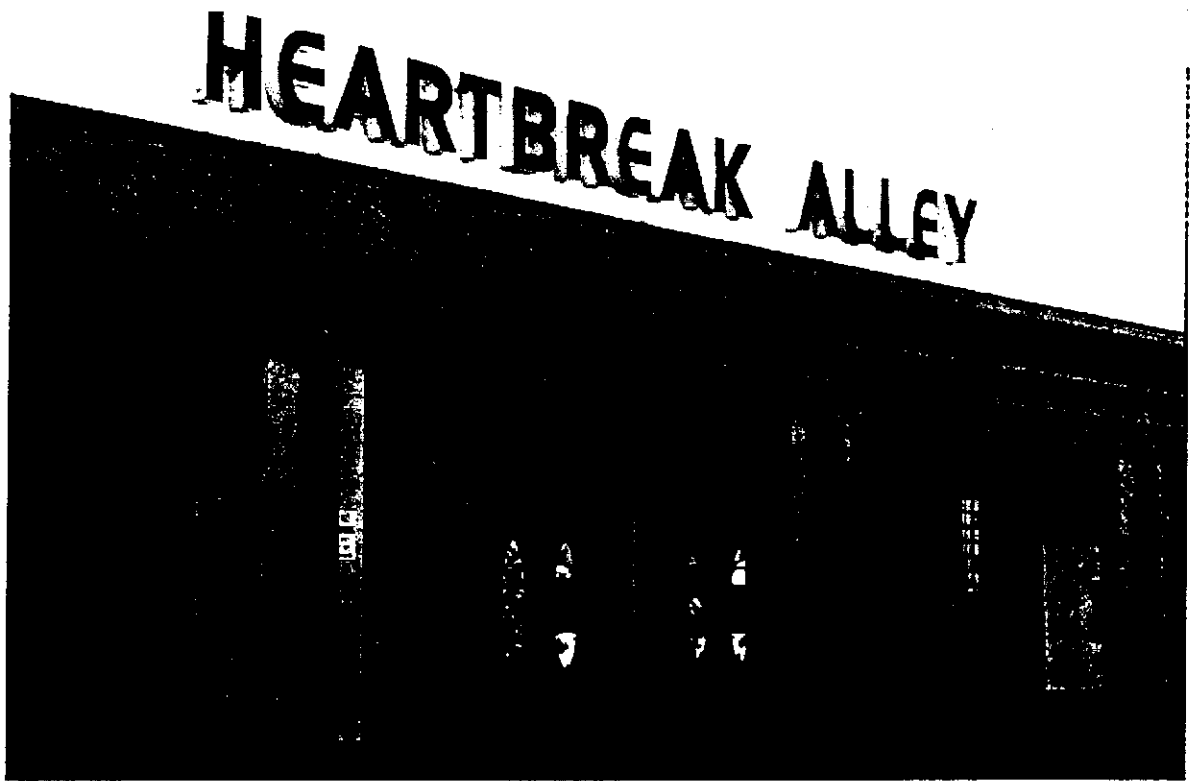
27. Video Quarters, 15320E Warwick Boulevard

28. Callabash, 11234 Jefferson Avenue



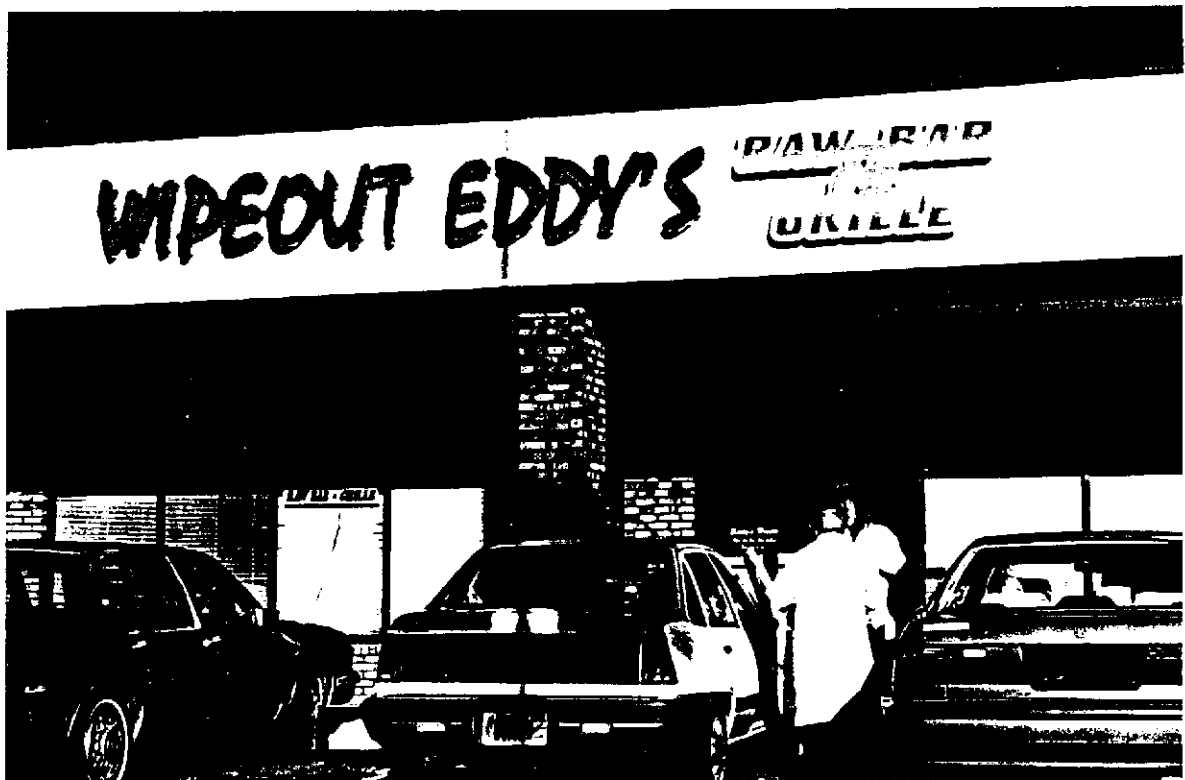
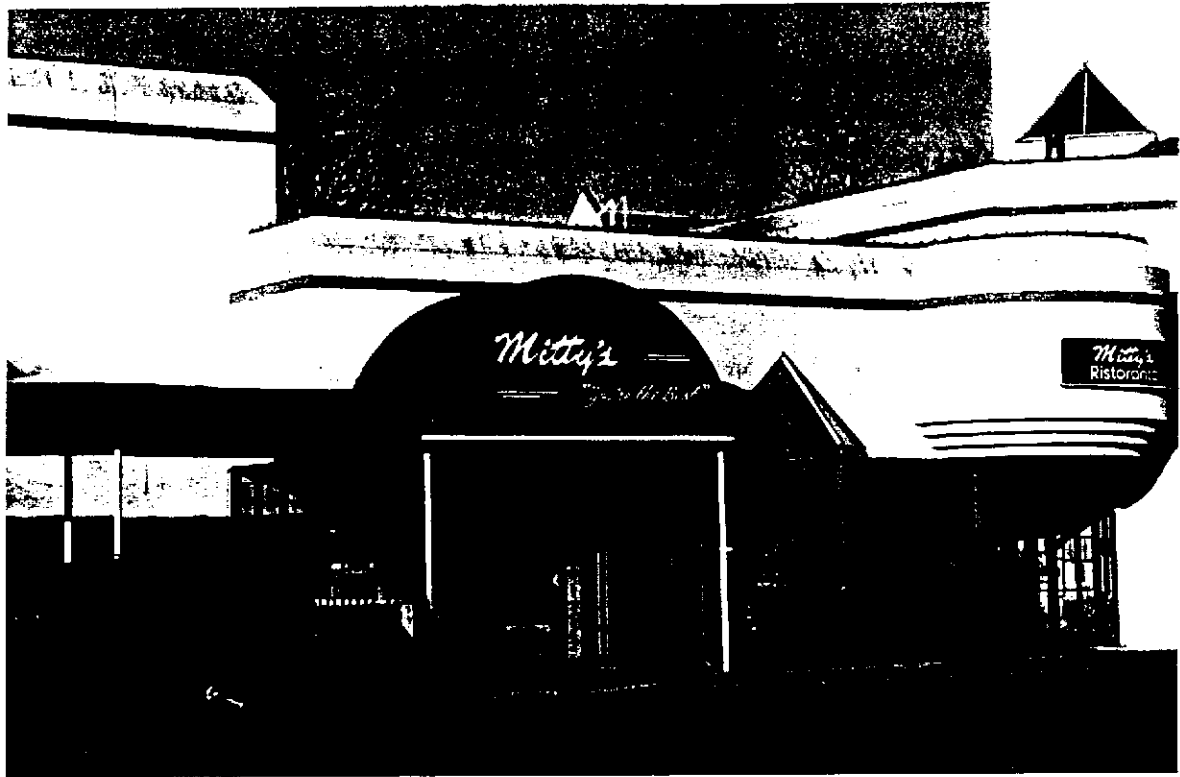
29. Chi-Chi's, 12755 Jefferson Avenue

30. Cozzy's Comedy Club, 9700 Warwick Boulevard



31. Heartbreak Alley, 100 West Newmarket Square

32. Manhattan's, 601 Thimble Shoals Boulevard



33. Mitty's, 1000 Omni Boulevard

34. Wipeout Eddie's, 11712 L & K Jefferson Avenue

EXHIBIT D-1

035

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN APPENDIX A, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II, DEFINITIONS, SECTION 201, DEFINITION OF CERTAIN WORDS AND TERMS.

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Appendix A, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II, Definitions, Section 201, Definition of Certain Words and Terms, be, and the same hereby is, amended and reordained to provide as follows:

APPENDIX A

ZONING ORDINANCE

ARTICLE II.

DEFINITIONS

Section 201. Definition of certain words and terms.

A. For the purpose of this ordinance, certain words and terms are herewith defined as follows:

1. *Accessory building or use.* A building or use subordinate to the main building or use on the same lot and serving a purpose customarily and naturally incidental to the main building or use.

2. *Acreage.* Any parcel of land described by metes and bounds and not shown on a plat of a recorded subdivision legally admitted to record.

3. *Adult book store.* Any commercial establishment having its stock and trade in books, films, video cassettes, (whether for viewing off premises or on premises), magazines and other periodicals, or sex aids or paraphernalia of which more than 25 percent are distinguished or characterized by their emphasis on or having as its dominant theme or purpose, matters depicting, describing or relating to sexual activities.

4. *Adult entertainment establishment.* Any establishment where live performance, display or dance of any type, which has a significant or substantial portion of such activity or, when considered as a whole, has as its dominant theme or purpose, any actual or simulated performance of sexual activity, removal of articles of clothing or appearing unclothed.

5. *Adult motion picture theater.* An establishment, which excludes minors by reason of age, and which is regularly used for presenting material distinguished or characterized by or, when considered as a whole having as its dominant theme or purpose, emphasis on matters depicting, describing or relating to sexual activities for observation by a patron therein.

6. *Adult uses.* Any adult book store, adult entertainment establishment, adult motion picture theater or nightclub.

73. *Alley.* A permanent service way providing a secondary means of access to abutting properties.

84. *Alterations.* Changes, improvements, and replacement of parts, in buildings or structures not affecting the supporting members of such buildings or structures.

95. *Apartment house.* See "Dwelling--multiple."

106. *Basement.* A story having not more than one-half (1/2) of its height below the level of a street grade or ground nearest the building. A basement shall not be counted as a story for the purpose of height regulation.

117. *Block.* The area fronting on the same side of a public street or road situated between two (2) street intersections, except that where the distance between such street intersections is greater than one thousand two hundred (1,200) feet, the area fronting on the same side of a public street or road not more than six hundred (600) feet on either side of the parcel, lot or tract of land being considered as a building

site shall be considered to be a block for the purpose of this ordinance; provided further, that in case of a dead-end or cul-de-sac street, the intersection of the circular right-of-way with the extension of the street, the centerline shall be considered the terminus of the block.

128. *Boardinghouse.* Any dwelling, other than a hotel, where meals, or lodging and meals, for compensation, are provided for five (5) or more persons.

139. *Boat basin.* A place for launching, docking or storage of small pleasure boats.

1410. *Building.* Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind.

1511. *Buildable width or buildable depth.* The width or depth respectively of that part of the lot not included within the front, side or rear yard.

1612. *Cellar.* A story having more than one-half (1/2) of its height below the level of a street grade or ground nearest the building. A cellar shall not be included in computing the height or number of stories of buildings referred to in any section of this ordinance.

1612.1. *Commercial vehicles, large.* A self-propelled or towed vehicle with a gross vehicle weight exceeding ten thousand (10,000) pounds and having one or more of the following characteristics:

- a. Licensed for hire;
- b. Lettering exceeding three (3) inches in height;
- c. Tire rims larger than sixteen (16) inches;
- d. Tandem axles;
- e. Dual wheels;
- f. Height greater than eight (8) feet;
- g. Length greater than twenty-four (24) feet;

- h. Lighting designed for emergency vehicles
- i. Air brakes;
- j. Permanently affixed mechanical or construction equipment;
- k. Designed to be used for or to be used to transport commercial, farm or construction equipment.

The gross vehicle weight that is reflected on state vehicle registration documents shall be prima facie evidence of a vehicles gross weight.

1612.2. *Commercial vehicles, small.* A self-propelled or towed vehicle with a gross vehicle weight of ten thousand (10,000) pounds or less and having one or more of the following characteristics:

- a. Licensed for hire;
- b. External racks or other devices used to hang ladders, pipes or other equipment or materials;
- c. Lettering exceeding three (3) inches in height;
- d. Lighting designed for emergency vehicles;
- e. Logos or three-dimensional sculptures, letters or numbers representing anything other than the manufacturer or model of vehicle.

For purposes of this definition, any wrecker or tow truck with a gross vehicle weight of sixteen thousand five hundred (16,500) pounds or less shall be considered a small commercial vehicle, provided that the wrecker or tow truck owner is on the list of approved wrecker or tow truck operators maintained for use in emergency situations by the Newport News Police Department or the Virginia State Police.

The gross vehicle weight that is reflected on state vehicle registration documents shall be prima facie evidence of a vehicles gross weight.

1713. *Court, enclosed.* An open, unoccupied space surrounded on all sides by walls or by walls and an interior lot line.

1814. *Court, open.* An open, unoccupied space surrounded by walls except that one side opens onto a street, alley or yard.

1915. *Clinic.* An establishment where persons who are not lodged overnight are admitted for examination and treatment by a group of physicians or similar professionals practicing together.

2016. *Clubs.* A building or portion thereof or premises owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but not primarily for profit or to render a service which is customarily carried on as a business.

2117. *District, zoning.* Any section of the City of Newport News, Virginia, for which regulations governing the use of buildings and land, the height of buildings, the size of yards and the intensity of use are uniform.

2117.1. *Developed site.* An area of improved property that independently meets all requirements of the site plan ordinance.

2218. *Dwelling.* Any building or portion thereof, designed or used exclusively for residential purposes.

2218.1. *Dwelling--high rise.* A multi-story dwelling building in which elevator service is provided for access to all floors.

2319. *Dwelling--one-family.* A dwelling building designed for or occupied exclusively by one family.

2420. *Dwelling--two-family.* A dwelling building providing housekeeping units for not more than two (2) families with no interconnection between the two (2) units except that it may have a single entrance; all other exterior characteristics shall be that of a one-family dwelling. Two (2) single housekeeping units connected by a breezeway or corridor shall be classified as a two-family dwelling.

2521. *Dwelling--multiple.* A dwelling building or portion thereof which is occupied by or designed for occupancy by three (3) or more families occupying housekeeping units.

2622. *Dwelling unit.* See: ``Housekeeping unit."`

2723. *Family*. An individual or married couple and the children thereof with not more than two (2) other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five (5) unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

2824. *Farm*. A tract of land used for the production of crops or for the raising of animals.

2925. *Floor area ratio*. The combined area exclusive of any space within the building used for parking or for recreational use defined in this ordinance, of all floors of all buildings on a premises expressed as a percent of the total lot area of the premises or in lieu of total lot area, the adjusted lot area as defined in this ordinance.

3026. *Frontage*. All the property on one side of a street between two (2) crossing or terminating intersecting streets measured along the line of the street, or if the street is dead-ended then all of the property abutting one side between an intersecting street and the dead-end of the street. For lots fronting on the turnaround portion of a cul-de-sac, the frontage shall be that portion of the lot abutting upon the turnaround as measured along the circumference of the circular right-of-way.

3127. *Garage, accessory*. An accessory building designed or used only for the storage of self-propelled vehicles owned and used by the occupants of the building to which it is accessory.

3228. *Garage, repair*. Any premises, except those described as an accessory storage garage, used for the storage of self-propelled vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

3329. *Garage, storage*. Any premises, except for those described as an accessory or repair garage, used exclusively for the storage or parking of self-propelled vehicles.

3430. *Grade*. The highest level of finished ground surface adjacent to the exterior walls of a building which faces a street.

3430.1. *Gross leasable area*. All floor area within a building or mall intended for lease, rent or use by tenants. Space in malls used exclusively for public ingress/egress shall not be included therein.

3531. *Height of building*. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard

roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

3632. *Home for the aged, nursing home, convalescent home and rest home.* A home for the aged or infirm in which one or more persons not of the immediate family are received, kept or provided with food, shelter and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

3733. *Home occupation.* Any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes that constitutes entirely or partly the livelihood of a member of a family residing on the premises.

3834. *Hotel.* Any building occupied as the abiding place of persons, who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire, and in which there are more than ten (10) sleeping rooms, and from which ingress and egress are made through an inside lobby or office supervised by a person in charge at all hours.

3935. *Housekeeping unit.* A room or combination of rooms containing living, sleeping and kitchen facilities for one family.

4036. *kennel.* Any premises, land or building, enclosed or unenclosed, wherein or whereon more than three (3) dogs, three (3) cats or other similar domesticated animals are housed or kept. When such animals are not raised or bred for sale, then in determining the number for the purposes of this ordinance, animals under the age of four (4) months shall not be considered.

4137. *Lodginghouse.* A dwelling other than a hotel where lodging for compensation is provided for five (5) or more persons.

4238. *Institution.* A nonprofit corporation or a nonprofit establishment for public use.

4339. *Junkyard.* Any lot used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. "Junkyard" shall include automobile graveyard, as defined in the state laws.

4440. *Loading space.* A space within the main building or on the premises

providing for the standing, loading or unloading of trucks.

4544. *Lot*. Any tract of land described by metes and bounds in a recorded deed or on a subdivision plat of record which possesses or is in the process of being assigned a number for tax assessment identification purposes.

4642. *Lot area, adjusted*. The total lot area plus any creditable additional area as prescribed in Article XXII which is used for offstreet parking, recreational or other open purposes.

4743. *Lot area, open*. Any portion of a lot or same premises not covered by a building or structure and which is open, usable and accessible to all persons who occupy dwelling units on the same premises.

4844. *Lot area, total*. The gross area of a lot or premises computed from the exterior horizontal lot dimensions.

4945. *Lot, corner*. A lot abutting upon two (2) or more streets at their intersection, the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

5046. *Lot, double frontage*. An interior lot having frontage on two (2) streets.

5147. *Lot, interior*. A lot other than a corner lot.

5248. *Lot lines*. Lines bounding a lot, as defined herein.

5349. *Lot of record*. A lot which has been recorded in the office of the clerk of the appropriate court prior to the passage of this ordinance.

5450. *Lot width*. The horizontal distance between the side lot lines at the minimum building setback line established by front yard requirements of this ordinance and/or by a recorded subdivision plat.

5450.1. *Mall*. An enclosed common pedestrian area serving more than one tenant located within a covered mall building.

5450.2. *Mall building, enclosed*. A single building or series of connected buildings having a total gross floor area in excess of four hundred thousand (400,000) square feet, enclosing a number of tenants and occupancies such as retail stores, drinking and

dining establishments, entertainment and amusement facilities, offices and other similar uses wherein all tenants have a main entrance into one or more common enclosed malls.

5554. *Manufacture and/or manufacturing.* The processing and/or converting of raw, unfinished or finished materials, or products, or any or either of them, into an article or articles or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

5652. *Marina.* A place for the launching, docking, storage, repair and sale of fuel and accessory equipment for small boats.

5753. *Motel.* A building or group of buildings containing sleeping accommodations for ten (10) or more persons not members of a resident family and used for temporary occupancy of transients and containing cooking facilities in not more than fifty (50) percent of the individual units, and from which egress and ingress is made to rooms from individual outside entrances.

57.175. *Extended stay motel.* A building or group of buildings containing sleeping accommodations for ten (10) or more persons not members of a resident family and used for temporary occupancy of transients and containing cooking facilities in more than fifty (50) percent of the individual units, and from which egress and ingress is made to rooms from individual outside entrances. For the purpose of construction, the lot area and dimensional regulations of the R2-C multiple family dwelling district shall apply.

58. *Nightclub.* An establishment, excluding motion picture theaters, which provides entertainment (including but not limited to live bands, floor shows, comedians, solo artists, and/or a dance floor for patrons), more than two (2) times per month, stays open after 11:00 p.m., and has a capacity exceeding 100 patrons.

5954. *Nonconforming use.* Any lawful use, in existence at the time of the adoption of this ordinance and not prohibited by the zoning ordinances of the former cities of Newport News and Warwick, notwithstanding that such use does not conform with the regulations of the zoning district in which it is situated.

6055. *Off-street parking area.* Space provided for vehicular parking outside the dedicated street right-of-way having a dimension of not less than nine (9) feet in width and twenty (20) feet in depth for each vehicle space, exclusive of any necessary area for

ingress and egress.

6156. *Outlots.* Lots that do not meet the requirements of this ordinance as to minimum width and depth.

6257. *Pen.* A small enclosure used for the concentrated confinement and housing of animals or poultry; as a pig pen, a place for feeding and fattening animals; a coop, an enclosure within an enclosure. A pen is not to be construed to be a pasture or range.

6358. *Premises.* A parcel of land together with any building or structures occupying it.

6358.1. *Shopping center.* A developed site designed and developed as an entity and containing a variety of uses primarily oriented to retail and service commercial.

6358.2. *Recreational vehicle.* A self-propelled or towed vehicle, designed or constructed so as to transport people or property in connection with recreation and/or which may be used as a temporary dwelling. Such vehicles include, but are not limited to, travel trailers, utility trailers, pickup campers or coaches, motor homes, tent trailers, boats and boat trailers, amphibious houseboats, or similar recreational vehicles.

6459. [Reserved.]

6560. *Stable, private.* A stable with a capacity for not more than four (4) horses or mules.

6661. *Service station (gasoline station).* Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories including lubrication or servicing of automobiles and replacement or installation or minor parts and accessories, but not including major repair work such a motor overhaul, body repair or spray painting.

6762. *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

6863. *Story--half.* A story immediately under a sloping roof, which has the point of intersection of the top line of the rafters and the face of the outside walls not to exceed three (3) feet above the top floor level, the floor area of which does not exceed

two-thirds of the floor area immediately below it, and which does not contain an independent apartment.

6964. *Street*. The principal means of access to abutting properties whether called place, avenue, boulevard, drive, lane, road, but not including alley.

7065. *Street line*. A dividing line between a lot, tract or parcel of land and a contiguous street.

7166. *Structural alteration*. A change in any of the supporting members of a building. (See also "alterations.")

7267. *Structure*. Any construction or any production or piece of work artificially built or composed of parts joined together. The word "structure" specifically includes signs and billboards, but not paving such as driveways, walkways, patios, etc.

7368. *Tourist home*. A dwelling in which overnight accommodations are provided or offered for compensation for one or more transient persons.

7469. *Trailer (mobile home)*. Any structure designed or constructed so as to permit occupancy as a temporary or permanent living or sleeping facility which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place.

7570. *Trailer park (mobile home park)*. An area designed, constructed, equipped, operated and maintained for the purpose of providing spaces for trailers or mobile homes intended to be used as temporary or permanent living facilities.

7671. *Yard*. An open space between a building or use and the adjoining lot lines, unoccupied or unobstructed by any portion of a structure or use from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the building or yard shall be applied.

7772. *Yard, front*. Open land area extending across the full width of a lot and lying between the front lot line and the principal building(s) or use(s).

7873. *Yard, rear*. Open land area extending across the full width of the lot and lying between the rear lot line and the principal building(s) or use(s).

7974. *Yard, side.* Open land area between the side lot line and the principal building(s) or use(s), and extended from the front yard to the rear yard.

7974A. *Yard, required.* The open land area between the minimum setback lines required in a zoning district, and the lot lines.

EXHIBIT D-2

1034(a)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN APPENDIX A, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE IV, GENERAL REGULATIONS APPLICABLE WITHOUT REFERENCE TO ZONING DISTRICTS, BY ADDING THERETO A NEW SECTION, DESIGNATED SECTION 422, ADULT USES.

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Appendix A, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article IV, General Regulations Applicable Without Reference to Zoning Districts, be, and the same hereby is, amended and reordained by adding thereto a new Section, designated Section 422, Adult Uses, to provide as follows:

APPENDIX A

ZONING ORDINANCE

ARTICLE IV.

GENERAL REGULATIONS APPLICABLE WITHOUT REFERENCE TO ZONING DISTRICTS

Section 422. Adult uses.

A. Within the City, it is acknowledged that there are some uses, often referred to as adult uses, which because of their nature can have a negative impact on nearby property, particularly when several of them are concentrated under certain circumstances or located in direct proximity to a residential neighborhood, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the concentration or location of these uses in a manner that would create such adverse

effects. The definition of adult uses is found in Section 201 of this Appendix.

B. No adult use shall be permitted except in RBD, C-2 and C-2A Districts. A conditional use permit, as provided for in Article XXA of this Appendix, is necessary for the establishment of an adult use. A conditional use permit may be issued by the City Council after recommendation by the Planning Commission and finding that the location, size, design and operating characteristics of the proposed adult use will be compatible with and will not adversely affect or be materially detrimental to neighboring uses.

C. No structure containing an adult use in the C-2 or C-2A districts shall be located nearer than 500 feet to:

- a. Any school, church, park, playground or a library property;
- b. Any other adult use;
- c. Any residentially zoned property which fronts on the same street or which contains any school, church, park, playground or library; Otherwise, the minimum distance from such structures to a residential zone shall be 200 feet.

For the purposes of this subsection, distances shall be measured on a straight line (1) from the structure containing the adult use to the nearest point of the property named in "a" or "c" above, or (2) between the structure containing the adult use and the structure containing any other adult use.