

## ARTICLE 11

### ADULT ENTERTAINMENT OVERLAY DISTRICT (AE-O)

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#### SECTION 11-1 INTENT

**11-101.** The regulations set forth in this article, or set forth elsewhere in these regulations, when referred to in this article, are the regulations in the Adult Entertainment Overlay District (AE-O). The regulations in this District shall be supplemental to the regulations of the underlying commercial or industrial zoning district. The Adult Entertainment Overlay District (AE-O) is intended to regulate the location of adult entertainment establishments, as defined in these regulations, by specifying those underlying districts in which such uses may be allowed and providing for special requirements to separate these uses from each other and from certain other uses. Nothing in these regulations shall be interpreted to permit adult entertainment establishments in areas other than in this district.

The intent of this district is to provide for the confinement of adult entertainment establishments to those commercial and industrial zoning districts in which the impact of these land uses are judged to be least disruptive to the use and enjoyment of adjacent properties. Adult entertainment uses shall not be permitted to locate in such concentration that their operational features may establish the dominant character of any commercial or industrial area.

#### SECTION 11-2 USE REGULATIONS

**11-201.** In the Adult Entertainment Overlay District (AE-O), no building, land or premises shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following uses:

1. Adult entertainment establishment
2. Adult book store
3. Adult motion picture theater
4. Adult mini-motion picture theater
5. Any use permitted in the underlying C-1, C-2, C-3 or C-4 commercial districts, or the industrial district (I) in which AE-O is located within.

## **SECTION 11-3 PERFORMANCE STANDARDS**

**11-301.** The following standards shall apply to the AE-O District.

a. Adult entertainment establishments, adult book stores, adult motion picture theaters and adult mini-motion picture theaters may be located in a commercial district (C-1, C-2, C-3 or C-4) or industrial district (I) but not within five hundred (500) feet of any residential district (R-1, R-2 or R-3), the MHS or MP districts, overlay districts which permit residential use (HO-O, EHR-O and U-O) and also any PUD District having a residential use within its area.

b. No adult entertainment establishment, adult bookstore, adult motion picture theater and adult mini-motion picture theater shall be allowed to locate or expand within five hundred (500) feet of any other similar use.

c. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within five hundred (500) feet of any school, church or similar institution or public park.

d. The distance between any two adult entertainment establishments, adult bookstores, adult motion picture theaters or adult mini-motion picture theaters shall be measured in a straight line, without regard to intervening structures, between the closest exterior structural wall of each business.

e. The distance between any adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater and any church or similar institution, school, public park or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater to the closest property line of the church or similar institution, school, public park or the property zoned for residential use.

f. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined by these regulations, by display, decoration, sign, show window or other opening from any exterior source.

#### **SECTION 11-4 PARKING REGULATIONS**

**11-401.** The off-street parking and loading standards within the AE-O District shall be those of the underlying zoning district.

#### **SECTION 11-5 HEIGHT, AREA AND YARD REGULATIONS**

**11-501.** The height, area and yard regulations within the AE-O District shall be those of the underlying zoning district.

#### **SECTION 11-6 DEFINITIONS**

**11-601.** As used in this article, unless the context otherwise indicates, the terms used herein shall be defined as follows:

**Adult.** Persons who have attained the age of at least eighteen (18) years.

**Adult Entertainment Establishment.** An establishment having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas” as defined by these regulations.

**Adult Book Store.** An establishment having as 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”, as defined by these regulations, or an establishment or section devoted to the sale or display of such material.

**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” as defined by these regulations, for observation by patrons therein.

**Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of fewer than fifty (50) 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” as defined by these regulations, for observation by patrons therein.

**Specified Sexual Activities**

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; and
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast

**Specified Anatomical Areas.**

- a. Less than completely and opaquely covered:
  - 1) human genitals and pubic regions;
  - 2) buttock, and
  - 3) female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.