

Section 719.149 – Adult Establishments and Adult Entertainment

In the development and execution of this section, it is recognized that some uses have seriously objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect on the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In addition to the review standards contained in this section, additional special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one 1 area (i.e., not more than two (2) such uses within one thousand (1,000) feet of each other), which would create such adverse effects.

- A. The Planning Commission may waive the locational requirement established in Subsection A herein for adult entertainment and business establishments if the following findings are made:
 1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Chapter will be observed.
 2. That the proposed use will not enlarge or encourage the development of a "skid row" area.
 3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
 4. That all applicable regulations of this Chapter will be observed.
- B. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the Township Board may waive the locational requirements if the findings required in subsection B. can be made after receiving a report and recommendation from the Planning Commission.
- C. It shall be unlawful to hereafter establish any adult bookstore, adult motion picture theater, adult novelty store, or class "D" cabaret within five hundred (500) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Township Planning Commission a petition that indicates approval of the proposed regulated use by fifty-one (51) percent of the persons owning, residing, or doing business within a radius of five hundred (500) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible

locations within this radius and must maintain a list of all addresses where no contact was made.

- D. The Township Clerk shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this Section of the Ordinance. The rules shall provide that the circulation of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Clerk and that the circulation personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.