

136-42 Adult Entertainment:

Definitions (to be added to our definitions)

Adult Book Store/Video Store - An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, other periodicals, films, slides, videos or adult toys/marital aides, and which establishment is customarily not open to the public generally, but excludes any person under the age of 21.

Adult Theater - Any theater that customarily presents motion pictures, films, video tapes or slide shows, that are not open to the public generally, but excludes any person under the age of 21.

Adult Entertainment Cabaret - A public or private establishment which presents topless dancers, strippers, male or female impersonators, lingerie or other private modeling, exotic dancers or other similar entertainment, and which establishment is customarily not open to the public generally, but excludes any person under the age of 21.

Adult Model Studio - Any establishment where, for any form of consideration or gratuity, figure models are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by a person other than the proprietor, paying such consideration or gratuity and which is not open to the public generally, but excludes any minor by reason of age. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution, which meets the requirements established by the New York State Education Law for the issuance of diplomas and is in fact authorized to issue and confer diplomas.

Adult Motel/Hotel - A motel/hotel which is not open to the public generally, but excludes any person under the age of 21, or which makes available to its patrons in their rooms, films, slide shows, or video tapes which if presented in a public movie theater would not be open to the public generally, but would allow any person under the age of 21.

Adult Peep Shows - A theater or other establishment which presents material in the form of live shows, films or video tapes, viewed from an individual enclosure or private room for which a fee is charged and which is not open to the public generally, but excludes any person under the age of 21.

Adult Use - Any use or establishment constituting an adult book store/video store, adult drive-in theater, adult entertainment cabaret, adult massage establishment, adult motel/hotel, adult peep shows, adult theater, adult body painting studio, or adult model studio as defined herein.

Section 136-42 Adult Uses

A) Adult uses, due to their nature, have serious objectionable characteristics that can have a significant impact on the neighborhood and community in which they are located, particularly when located in close proximity to residential areas and recreational/commercial areas. The objectionable characteristics of these areas are further heightened by their concentration in any one area thereby having deleterious effects on adjacent areas. The uncontrolled proliferation of such uses would be inconsistent with the Village as a primarily residential and family oriented community as well as a recreational destination. Such uses can contribute to the blighting or downgrading of areas in which they are located as a result of their related potential for an increase in crime and the undermining of the economic and social welfare of the

community. The special regulations deemed necessary to control the undesirable secondary effects arising from adult uses are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of the residential/destination community. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, or to deny access by adults to adult uses.

B) No adult use shall be established except upon the receipt of a Special Permit approval from the Planning Board in accordance with Section 136-16 of this chapter and the provisions herein. All adult uses shall be allowed in the district(s) on private property as identified in Section 136-17 of this chapter. (Village Center by Special Permit)

Adult uses shall conform to the following requirements:

- 1) An adult use shall not be located within a five hundred (500) foot radius of any property currently in residential use inside Village boundaries.
- 2) No adult use shall be located within a five hundred (500) foot radius of another adult use private property site.
- 3) No adult use shall be located within a five hundred (500) foot radius of any religious institution, educational institution, recreational facility, civic facility or day care center.
- 4) No more than one adult use shall be located on any private property.
- 5) No adult use shall be located in any private building that is used in whole or in part for residential uses.
- 6) The required setbacks shall be doubled and shall be measured from the property line of the premises. As the same shall be appropriate for such purposes herein.
- 7) All building openings, including doors and windows shall be located, covered or screened in such a manner as to prevent a view into the establishment from any public street, sidewalk, or parking area.
- 8) As a condition of approval of any adult use, there shall be a restriction that no person under the age of 21 years shall be permitted into or on the premises.
- 9) Any sign for an adult use shall conform to all signage requirements of Chapter 105 of the Village Code. All signs should be attached to the building, no free standing shall be allowed.
- 10) No loud speakers or sound equipment shall be used for adult uses that can be heard by the public from outside the private property establishment per provisions of chapter 78 of the Village Code.