

Article XXIII. Adult Oriented Businesses**Section 23.00 Purpose**

The purpose of this Article is to set forth the conditions, locations and operations for Adult Oriented Businesses in Newbury Township.

Section 23.01 Conditions for Adult Oriented Businesses

An adult oriented business shall be subject to the procedure for conditional Zoning Certificates as set forth in Article X of this resolution, the general conditions for conditional uses as provided in Article X of this resolution, and the following specific conditions. All adult oriented businesses shall be allowed only in the (M-1) Industrial District. No person, proprietorship, partnership, corporation or any other legal entity shall establish, operate or cause the establishment or operation of any adult oriented business in violation of the provisions of this resolution. Nothing in this resolution shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film, video or other form of media or material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value

- A. An adult oriented business shall be located more than 1500 feet from a church or place of worship, a public or private school, a playground, a child day care center, a governmental office, or a public library. For the purpose of this condition measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a playground, a child day care center, a governmental office, or a public library.
- B. An adult oriented business shall be located more than 500 feet from a public park
- C. An adult oriented business shall be located more than 500 feet from any residential zoning district boundary as established in this resolution and shown on the official township zoning map, the lot line of a lot devoted to a residential use, any boundary of a residential zoning district contiguous with the township, or any building that contains a residence. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business may be conducted to the nearest front lot line of the lot or premises devoted to a residential use or possession of a building devoted to a residence, or to the nearest boundary of an affected residential zoning district.
- D. An adult oriented business shall be located more than 1500 feet from any other lawfully existing adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises devoted to a

- E. lawfully existing adult oriented business to the nearest front lot line of the lot or premises on which an adult oriented business may be conducted.
- F. An adult oriented business shall be conducted within a fully enclosed building.
- G. Management personnel shall be present at all times when an adult oriented business is open for operation.
- H. Proof of compliance with the rules and regulations of the county building department, county water resources department, county general health district, fire prevention office or fire department, and such other state and federal codes as may be applicable shall be provided for an adult oriented business
- I. An adult oriented business shall comply with all of the off-street parking regulations in this resolution for the zoning district in which it is located.
- J. An adult oriented business shall comply with all of the signage regulations in this resolution for the zoning district in which it is located.
- K. An adult oriented business shall comply with all of the regulations in this resolution for the zoning district in which it is located including, but not limited to, minimum lot area, minimum lot frontage and width, minimum yards (setbacks), lighting, maximum lot coverage, and maximum building and structure height.
- L. An adult oriented business shall comply with such other specific conditions related to the promotion and protection of the public health, safety, and morals as determined by the board of zoning appeals.

Section 23.02 *Nonconforming Buildings, Structures, and Uses*

Notwithstanding the provisions of this resolution regarding nonconforming buildings, structures, and uses, a lawfully existing adult oriented business in operation as a conforming use, shall not be rendered a nonconforming use by the subsequent location of a church or place of worship, public or private school, public park or playground, child day care center, governmental office, or public library within 1500 feet, of a residential zoning district boundary or a residential use on a lot within 1500 feet, of such adult oriented business. For the purpose of this condition, measurement shall be made along the public road right-of-way centerline providing the shortest direct route usually traveled by vehicles between the front lot line of the lot or premises where an adult oriented business is may be conducted to the nearest front lot line of a lot or premises devoted to a church or place of worship, a public or private school, a public park or playground, a child day care center, a governmental office, or a public library.