

Are you in favor of the adoption of the zoning ordinance amendment as proposed by the Planning Board?

Add new Article III-C Adult Uses with text as shown below.

Ordinance in *italics*, strike-through words deleted, and new text in **bold**.

Article III-C Adult Uses

- A. **Purpose:** It is the purpose of this section to establish reasonable regulations pertaining to the operation of sexually oriented businesses within the Town of East Kingston; and, it is the intent to promote the health, safety and general welfare of the citizens of East Kingston; and it is the intent of this section that these provisions be utilized to prevent the problems which typically accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions this section have neither the purpose nor the effect of imposing limitations or restrictions on the content of any communicative materials, including sexually oriented materials; and, it is not the intent nor the effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- B. **Definition:** The term adult use shall mean and include the following: any business where more than 15% of the gross revenues, 15% or more of the stock and trade, or 15% or more of the goods or paraphernalia displayed are of sexually oriented or sexually explicit nature. Such goods and paraphernalia include, but are not limited to sexually explicit books, videos, movies, devices, computer software, theaters where sexually explicit films or videos are shown, nude modeling studios, massage parlors, escort agencies, or sexual encounter centers.
- C. **Where Permitted:** Adult uses shall be allowed in the Commercial District or Light Industrial/Residential District as a Special Exception by the Zoning Board of Adjustment provided that the following locational standards and site appearance criteria are met.
1. **No structure containing an adult use shall be allowed within 1,000 feet of the property line of a church, cemetery, school, day care center, or within 1000 feet of a residential structure.**
 2. **No sexually explicit material or advertising shall be visible from outside the building.**
 3. **No private viewing rooms or booths shall be constructed unless one side is always open to a public central area.**
 4. **No one under the age of 18 shall be permitted inside such a use and a procedure shall be developed to keep those under 18 from entering the building.**
- D. **Restrictions on Other Retail Uses:** For those retail uses permitted by right in the Commercial and Industrial districts which sell sexually explicit goods and paraphernalia but do not meet the 15% thresholds outlined above, such goods and paraphernalia shall be located either behind a counter, or in a separate room or enclosure where citizens under the age of 18 are not allowed to enter. Such sexually explicit goods and paraphernalia are not within view of minors or readily visible to children.

The East Kingston Planning Board supports this zoning amendment.