

ORDINANCE C-24-06

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 1135 OF THE CODIFIED ORDINANCES OF GROVE CITY TITLED ZONING DISTRICT REGULATIONS

WHEREAS, Ordinance C-77-05 recently amended Section 1135.12(j)(2) to reflect a distance of 1,000 feet or less for Adult bookstores, adult motion picture theaters or adult film and video tape sales and/or rental stores; and

WHEREAS, this amendment created a discrepancy in Section 1135.09(b)(12)(G)(5)(a), which only requires a distance of 500 feet; and

WHEREAS, Section 1135.09(b)(12)A1d references adult entertainment establishments featuring nude or semi-nude dancers, which is not reflected in either Section previously referenced herein; and

WHEREAS, for the same reasons established in Ordinance C-77-05, it is necessary to amend the Code to reflect consistency throughout the Chapter.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Section 1135.09(b)(12)A1a is hereby amended to read: Adult Bookstore/Adult Novelty Store.

SECTION 2. Section 1135.09(b)(12)A1d is hereby amended to read: Adult Entertainment Establishments featuring nude or semi-nude dancers, waitresses, waiters, hostesses or hosts.

SECTION 3. Section 1135.09(b)(12)G5a is hereby amended to read:

Adult bookstore/adult novelty store, adult motion picture theater, adult video store, adult entertainment establishments.

- a. No such special use shall be conducted within ~~five hundred (500)~~ one thousand (1,000) feet of the property line of any church, day care facility, public or private school, library, public park lands, or any premises that sell or distribute alcoholic beverages.

SECTION 4. Section 1135.12(j)(1) is hereby amended as follows:

A. "Adult bookstore" or "Adult Novelty Store" means an establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of, or both, books, magazines, other periodicals or printed matter, photographs, films, tapes, cassettes, DVD's, Instruments, devices or paraphernalia, which ~~materials have as their major or dominant theme matter are~~ characterized by the depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or which are designed for use in connection with "specified sexual activities" as defined hereafter.

B. "Adult motion picture theater" means an enclosed motion picture theater or motion picture drive-in theater which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more, of its total viewing time for the presentation of, or both, materials for observation by its patrons which ~~have as their major or dominant theme matter~~ **are characterized by the** depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined hereafter.

C. "Adult film and video tape sales and/or rental stores" means an establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of, or both, of film, **DVD's**, and video tapes, which materials ~~have as their major or dominant theme matter~~ **are characterized by the** depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined hereinafter.

D. "Adult Entertainment Establishments" means a nightclub, bar restaurant or similar commercial establishments that regularly features: persons who appear in a state of nudity or semi-nudity; or live performances which are characterized by the exposure of "specified anatomical areas", or by "specified sexual activities".

DE. "Specified anatomical areas" is defined as less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

EF. "Specified sexual activities" is defined as human genitals in the state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

G. "Nudity" or "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

H. "Semi-nudity" or "semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided that the areola is not exposed in whole or part.

SECTION 5. Section 1135.12(j)(2) is hereby amended to read:

- (2) Upon special permit by the Planning Commission and Council, an adult bookstore/**adult novelty store**, adult motion picture theater, or an adult film and video tape sales and/or rental store, **or adult entertainment establishment** may be located within a C-1 or C-2 District, subject to the provision that no adult bookstore/**adult novelty store**, adult motion picture theater, **adult entertainment establishment**, or adult film and video tape sales and/or rental store shall be established within 1,000 feet or less of any single-family or

multi-family residential zoning classification, PUD-R [Planned Unit Development-Residential], PSO [Professional Services] or SD-1 [Educational] Districts or residential use and no adult bookstore/adult novelty store, adult motion picture theater, or adult film and video tape sales and/or rental store, or adult entertainment establishment shall be established within 1,000 feet of another adult bookstore/adult novelty store, adult motion picture theater, or an adult film and video store, or adult entertainment establishment.

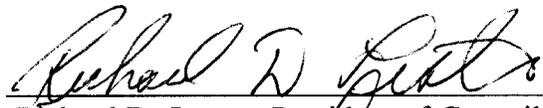
- (3) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing “specified sexual activities” or “specified anatomical areas” and still be characterized as an “adult bookstore/adult novelty store”, “adult motion picture theater”, “adult film and video tape sales and/or rental store”, or “adult entertainment establishment”. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an “adult bookstore/adult novelty store”, “adult motion picture theater”, “adult film and video tape sales and/or rental store”, or “adult entertainment establishment” so long as one of its principal business purposes is the offering for sale or rental for consideration of any form, the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

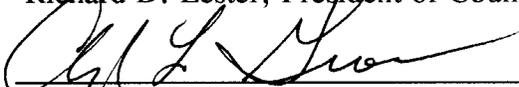
SECTION 6. This ordinance shall take effect at the earliest opportunity allowed by law.

Passed: 05-01-06
Effective: 05-31-06

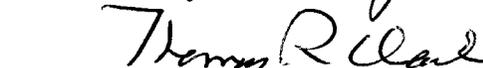
Attest:

I Certify that this ordinance is correct as to form.


Richard D. Lester, President of Council


Cheryl L. Grossman, Mayor


Tami K. Kelly, MMC, Clerk of Council


Thomas R. Clark, Director of Law