

ORDINANCE AMENDING ARTICLE I, SECTION C,
COMMERCIAL PROPERTY ZONING, TO EXCLUDE
DEFINED ADULT BOOKSTORES/ENTERTAINMENT/MASSAGE
ESTABLISHMENTS EXCEPT AS CONDITIONAL USES

WHEREAS, the members of the Town Council believe it to be in the best interest of the Town that the following amendments be enacted to preserve further the quality of life and the character of the neighborhoods and business sections of the Town of Camden.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Camden that Article I, Section C, Commercial Property Zoning, be amended in the following respects:

Article I, Section C, Paragraph 1.2 is hereby amended by adding thereto additional specified permitted uses and specified prohibited uses to read:

"Commercial use shall include, but not be limited to, rooming or tourist homes, wholesale or retail sales, professional offices, residential or industrial services, limited warehousing incidental to a commercial activity within the Town, amusement places, cabarets and theaters EXCEPT open-air drive-in theaters and EXCEPT adult motion picture theaters, adult mini-motion picture theaters, adult entertainment establishments, adult cabarets, adult bookstores or massage establishments. Industrial, manufacturing and processing operations other than crafts

by virtue of age. The above referred to material includes but is not limited to that which is "live", recorded on movies, tapes or films, or which is of a printed nature.

(d) Adult Cabaret. A cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

(e) Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas as defined below, or an establishment with a segment or section devoted to the sale or display of such material.

(f) Massage Establishment. An establishment where any person, firm, association or corporation engages in or permits to be engaged in or carried on for pay any of the following activities: placing pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This definition includes health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, chiropractor,

directly related to a retail outlet within the Town limits shall be excluded from the Town."

Article I, Section C, Paragraph 1.2 is hereby amended by adding definitional subsections (a) through (h) to read:

"1.2(a) Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons therein.

(b) Adult Mini-Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons therein.

(c) Adult Entertainment Establishment. An establishment including a drive-in facility where the primary or substantial function is to sell, display, show or present for the observation of patrons books, magazines, films, peep shows, merchandise or other similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below, or an establishment with a segment of or section devoted to the sale or display of such material, and which excludes minors

osteopath or physical therapist duly licensed by the State of Delaware, nor barber shops nor beauty shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

(g) Specified Sexual Activities.

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

(h) Specified Anatomical Areas.

(1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola; and

(2) Human male genitals at a discernibly turgid state, even if completely and opaquely covered."

Article I, Section C is hereby amended by adding a new Paragraph 1.4 to provide for conditional uses in the Commercial Zone to read:

"1.4 Permitted conditional uses include adult motion picture theaters, adult mini-motion picture theaters, adult entertainment establishments, adult cabarets, adult

bookstores and massage establishments and other like businesses PROVIDED:

(a) Minimum distance between this use and a lot that is zoned residential, including lots zoned residential in Kent County, or between this use and a school, place of worship, playing field, park, playground or other area where large numbers of minors regularly travel or congregate, library or other recreational facility whether commercial or non-profit, shall be 1,000 feet; and

(b) Minimum distance between this use and another establishment of this type shall be 1,000 feet; and

(c) An application for conditional use approval shall be accompanied by a letter from the Delaware Commission on Adult Entertainment indicating the Commission's intent to issue a license to the applicant when such a license is required by Chapter 16, Title 24, Delaware Code; and

(d) All building openings, entries and windows, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area; and

(e) Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public, and such displays shall be considered as signs and therefore subject to any Town of Camden Sign Regulations. One sign no larger than 32 square feet in area of any type as may be listed in Town of Camden

Regulations shall be permitted."

Article I, Section C is hereby amended by adding a new Paragraph 1.5 providing for waiver of conditional use restrictions, to read:

"1.5 The restrictions contained in Paragraph 1.4 (a)-(b) may be waived by the Council of the Town of Camden if it is found that the use is not likely to be dangerous or detrimental to residents of the contiguous or nearby territory, or contrary to the public safety, morals and general welfare, or that the use will not enlarge or encourage the development of a "skid-row" area, and that the proposed use is not contrary to any program of neighborhood conservation or improvement, either residential or non-residential, and not contrary to the spirit and intent of this ordinance."

APPROVED, PASSED, AND POSTED
BY CAMDEN TOWN COUNCIL

DECEMBER ~~1980~~. *February 2, 1981*

Sandra L. Scott
Secretary