

Section 37 – Adult Entertainment Use and Activities

I. Intent and Purpose – In order to prevent crime, protect the County’s retail trade, maintain property values, and generally to protect and preserve the quality of its neighborhoods, commercial districts, and the quality of life, this ordinance regulates the location of adult entertainment establishments by dispersing them throughout McCracken County. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Wherever there are other McCracken County regulations, the stricter of the regulation applies. Uses subject to these controls are as follows:

II. Specified Use List

1. Adult Amusement Arcade
2. Adult Book Store
3. Adult Internet Service Center
4. Adult Motion Picture Theater
5. Adult Stage Show Theater
6. Adult Video Cassette Rental Center
7. Cabaret
8. Commercial Sexual Entertainment Center

III. Definitions

- A. *Adult Amusement Arcade* - An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing area, and/or similar devices, for display of material distinguished or characterized by an emphasis on depiction of sexual activities, as hereinafter defined, or which offer persons who expose to view of the customers the bare female breast below a point immediately above the tope of the areola, human genital, pubic region, or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered.
- B. *Adult Book Store* – An establishment having as one of its principal uses the sale, rent, or display of pictures, books, periodicals, magazines,

appliances, and similar materials which are distinguished or characterized by their emphasis on depiction of sexual activities as hereinafter defined or an establishment with a substantial segment or section devoted to the sale, rental or display of such material.

- C. *Adult Internet Service Center* – An establishment having or advertising as having as one of its principal uses, the presentation or production of video clips, live pictures, still pictures, conversations, and similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, or which offer persons who expose to view of the customers the bare female breast below a point immediately above the top of the areola, human genital, pubic region, or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered, for presentation to persons, services appealing to adult sexual interests, through the use of the world wide web, internet transmissions, or other similar telecommunications services.
- D. *Adult Motion Picture Theater* – An establishment having or advertising as having as one of its principal uses the production, or presentation of motion pictures, slide projections, and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein.
- E. *Adult Stage Show Theater* – An establishment having or advertising as having as one of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, or which offer persons who expose to view of the customers the bare female breast below a point immediately above the top of the areola, human genital, pubic region, or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered, for observation by persons therein.
- F. *Adult Video Cassette Rental Center* – A commercial characterized or distinguished by an establishment which has as one of its principal uses the rental or sale of video cassettes which depict material emphasis on matter depicting describing or relating to sexual activities, as hereinafter defined and which does not provide an on premises showing such material.
- G. *Cabaret* – An establishment which features as a principal use of its business, entertainers, and/or waiters and/or bartenders, male or female impersonators and/or other persons, either male or female, who expose to public view of the patron of said establishment at any time the bare female breast below a point immediately above the top of the areola,

human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, and/or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

- H. *Commercial Sexual Entertainment Center* – Any other commercial establishment not otherwise described herein which make available material, services or entertainment appealing to adult sexual interests including but not limited to “bath houses”, swingers club” or similar establishments services or goods that are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.
 - I. *Measurement* – Measurement shall be made by measuring the shortest distance between boundaries. Measurements shall be made on a horizontal plane.
 - J. *Sexual Activities* – Depiction of human genitals in a state of arousal, acts of human masturbation, sexual intercourse or sodomy, bestiality, holding or other erotic touching of human genitals, public region, buttocks or breasts.
 - K. *Adult Entertainment Center* – Any use or building or portion thereof, which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by employees, devices, or equipment or by personnel provided by the establishment or view of a series of dance routines, strip performances or other choreography provided by the establishment which appeals to the prurient interest of the patron, to include, but not be limited to bath houses, massage parlor, and related or similar activities. Any permitted, conditionally permitted, or accessory uses allowed within any zone shall not be interpreted to include “adult entertainment center”.
- IV. Location Requirements
- A. The above specified uses list shall exclusively and only be permitted in the C zone (Commercial). The provisions of section 46 I.A. do not apply to adult entertainment uses.
 - B. New establishments may not locate within 1,000 feet of any other lawfully operating adult entertainment establishment. Measurements shall be made as described herein.
 - C. The above specified uses list shall not be operated or maintained within one-thousand (1,000) feet of a UR or RR district, and/or within one-thousand (1,000) feet of a house of worship, a state licensed day care facility, a school, or a public park. Measurements shall be made as described herein.
 - D. New establishments may not locate to a site if 75% or more of the tracts within a circular area, as described herein, are residential in character. The radius of such circular area shall be 400 feet. The center of such

circular area shall correspond to the midpoint of a line joining the two most distant points on the boundary of the tract on which the enterprise is located.

V. Non-Conforming Uses

- A. Section 32 of this ordinance shall govern non-conforming uses.

VI. Screening Requirements

- A. Adult Entertainment Establishments as listed in this section shall screen all adjacent property owners. The street side shall not be exempted. The screening height shall be a minimum of six (6) feet, and shall be at least 90% opaque.

VII. Sign Requirements for Adult Entertainment Uses

- A. Adult Entertainment Establishments as listed in this section shall be allowed a cumulative of fifty (50) square feet of sign space. Sign heights shall not exceed 25 feet. There shall be no off-site, or billboard advertising. No portable signs. No flashing signs. Nothing herein shall exempt compliance with other McCracken County code requirements.