

**CHAPTER 330
Supplemental District Regulations**

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Sec. 330.1 AGRICULTURAL USES.

Consistent with the requirements of the Ohio Revised Code, Section 519.21, a township shall have the authority to regulate agricultural uses in any area consisting of a platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture shall be regulated as follows:

- A. On lots of one (1) acre or less the raising for private use, consumption or incidental sale of fruits, vegetables, or nursery stock shall be permitted provided no products shall be sold except those which are produced on the premises. No agricultural building or structure shall be constructed on the lot, except for one roadside stand as permitted in Sec. B2 below.
- B. Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres shall be permitted. Such building or structure shall comply with the following:
 - 1. All buildings and structures shall comply with the setback regulations set forth in the district in which the building or structure is located, except as otherwise specified below for roadside stands and buildings housing animals.
 - 2. Roadside stands on lots less than five (5) acres where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year, shall be regulated as follows:
 - a) Each farm shall be permitted only one roadside stand or market located on the farm property.
 - b) The area of the roadside stands shall not exceed 400 square feet.
 - c) The maximum height of the roadside stand shall be 10 feet.

- d) The roadside stand shall be located a minimum of 30 feet from any side lot line or street right-of-way line.
 - e) Signs advertising the roadside stand shall comply with the regulations set forth in Chapter 510.
 - f) Adequate parking shall be provided in such a way so as not to create a public safety hazard.
 - g) The roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard.
- C. The keeping of animals in a private stable on lots less than five acres, and when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Revised Code shall comply with the following regulations:
- 1. The area of a lot upon which such animals are kept shall not be less than 2 acres.
 - 2. Whenever one or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot.
 - 3. The area of the accessory building intended to provide shelter for one or more animals shall not exceed 1% of the lot area.
 - 4. Such accessory building shall be located no closer than:
 - a) 70 feet to a street right-of-way;
 - b) 30 feet to a side or rear lot line; and
 - c) 100 feet from any water well.
 - d) 200 feet from any dwelling on an adjoining parcel existing at the time the accessory structure is erected.
 - 5. The height of the accessory building shall not exceed 25 feet.
- D. A dwelling unit on the same lot with an agricultural use and any accessory building associated with the dwelling unit shall comply with all regulations for dwelling units set forth in this Resolution. However, in no case shall a lot that is subject to the regulations set forth in this section and which is occupied by both a dwelling unit and an agricultural use have more than one accessory building.
- E. This section confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture and

agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which such lot is located.

- F. Within a flood hazard area that may be considered agricultural in nature, structural and non-structural construction must follow the regulations of the Medina County Engineer. (Effective June 22, 2006)
- G. Agricultural ponds and lakes should follow the guidelines of the Montville Township Agricultural Lakes and Ponds Regulations. (Effective June 22, 2006)

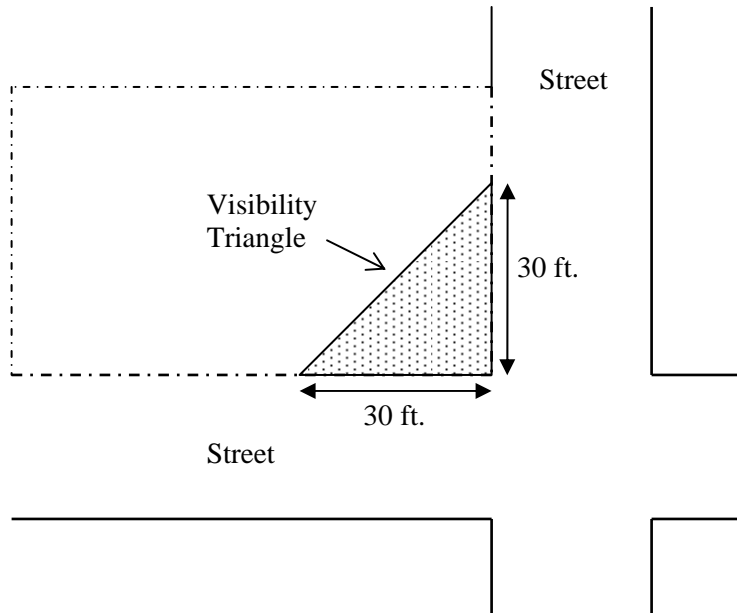
Sec. 330.2 PERMITTED HEIGHT EXCEPTIONS.

- A. No principal building shall be erected, altered, enlarged, moved or maintained to exceed the maximum height regulations established for each district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected up to 15 feet above the height limits set forth herein.
- B. No such structure shall have a total area greater than 25 percent of the roof area of the building or be used for any purpose other than a use incidental to the principal use of the building.

Sec. 330.3 VISIBILITY AT INTERSECTIONS.

On every corner lot there shall be no material impairment to visibility between a height of two and one-half feet and eight feet above the natural grade, within a triangular area formed by the right-of-way lines of two intersecting streets and a line connecting them at two points, both 30 feet from the point of intersection of such right-of-way lines. Figure 330.3 illustrates the visibility triangle.

Figure 330.3 Visibility Triangle



Sec. 330.4 TEMPORARY SALES AND SPECIAL EVENTS.

Temporary sales or community events, programs or festivals shall be permitted in association with a residential, commercial or institutional use in compliance with the following requirements and the temporary use permit procedures set forth in Sec. 710.10, except as otherwise stated.

- A. Garage or Yard Sales. Garage or yard sales shall be permitted on a residential lot without obtaining a permit, provided that such sale is conducted for a period not to exceed 72 hours, no more than twice per calendar year.
- B. Special Events in Residential Districts. The Zoning Inspector shall review and act on an application for a public or institutional use in a residential district to conduct a temporary community event, fund-raiser or festival, provided that such event shall be limited to not more than three days, no more than three separate events per calendar year. Any such activity or festival that is intended to last for a period longer than three days shall be approved by the Board of Zoning Appeals as a conditional use.
- C. Temporary Retail Sales and Special Events in Commercial Districts. In Commercial Districts, temporary outdoor retail sales, including but not limited to sales of plants, flowers, Christmas trees, crafts, or inventory reduction or liquidation sales, or community events or festivals conducted by institutional uses, may be permitted in compliance with the following regulations:

1. No more than three separate events for any particular lot shall be conducted within a single calendar year.
 2. The Zoning Inspector shall review and act on an application for a temporary zoning permit for temporary outdoor retail sales or community events that are limited in duration to three (3) days or less.
 3. The Board of Zoning Appeals shall review and act on an application for a temporary zoning permit, including a development plan, for any temporary outdoor retail sales or community event with a duration of more than three (3) days but not longer than 60 days, according to the conditional use procedures.
- D. Activities on Public Property. A temporary outdoor special event may be conducted on publicly owned property, provided that any necessary application for such event includes written consent from the property owner authorizing the operator of the temporary outdoor event to conduct such event on the property as proposed. Such temporary outdoor events shall not be conducted within a public street right-of-way, unless the Township Trustees agree to the utilization of the public right-of-way, in addition to any other controlling authority.
- E. Signs. Any signs employed to promote temporary sales or special events shall comply with Chapter 510.

Sec. 330.5 PONDS OR LAKES.

Ponds and lakes shall be considered structures and shall require a zoning certificate pursuant to Sec. 710.3.A. prior to installation to determine compliance with the requirements of this Section.

- A. The high water mark on all sides of the pond or lake shall conform to all required setback lines established for the district in which it is located.
- B. Where embankments are utilized, the toe of the slope for said embankment shall be a minimum of 10 feet from any property line and/or 60 feet from the road right-of-way line, unless specifically permitted otherwise.
- C. Ponds and lakes shall be located entirely within the lot lines of an individual lot.
- D. Ponds and lakes shall be at least 25 feet from the principal building.
- E. Ponds and lakes shall meet the specifications of the Medina County Stormwater Management and Sediment Control Rules and Regulations, the Medina County Soil and Water Conservation District and Chapter 1521 of the Ohio Revised

Code. Lakes and ponds used for domestic water supply shall also meet the requirements of Chapter 2 of the Medina County Sanitary Code.

- F. A zoning certificate shall be obtained prior to construction of a pond or lake. The applicant shall submit to the Zoning Inspector a copy of the proposed pond or lake plans.
 - 1. The applicant shall submit documentation that the pond or lake has been reviewed by the Medina County Engineer's Office for compliance with the Stormwater Management and Sediment Control Rules and Regulations. The Zoning Inspector may request a review by the Medina County Engineer's Office to ensure conformity with approved plans.
 - 2. In the event the pond or lake is to be used as a domestic water supply, the applicant shall furnish evidence that the pond or lake has been reviewed and approved for such use by the Medina County Health Department.
- G. Ponds and lakes that are equipped with dry hydrants in order to meet the service needs of the Medina City Fire Department shall comply with all applicable requirements. In the event there is a conflict between the requirements for dry hydrants and these regulations, the requirements for dry hydrants shall govern, including but not limited to the location of the pond or lake.
- H. All agricultural ponds and lakes should comply with the requirements set forth in Section 330.1 G. (Effective June 22, 2006)

Sec. 330.6 SEXUALLY ORIENTED BUSINESSES. (Revised December 13, 2007)

Preamble

Based on the findings of the Township Zoning Commission and the Board of Township Trustees regarding the adverse secondary effects of Sexually Oriented Businesses, it is the purpose of this Section to regulate sexually oriented businesses to promote the health, safety and welfare and/or for the public convenience, comfort, prosperity, and general welfare of the citizens of the Township as appropriate and authorized by law, and to establish reasonable and uniform regulations regarding sexually oriented businesses to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter 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. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

- A. **Findings:** Based on evidence concerning the adverse secondary effects of Sexually Oriented Businesses on communities presented in hearings and in reports made available to the Montville Township Board of Trustees, and on findings incorporated in the cases of *City of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.* (2004), 541 U.S. 774; *City of Los Angeles v. Alameda Books, Inc.* (2002), 535 U.S. 425; *City of Erie v. Pap's A.M.* (2000), 529 U.S. 277; *Barnes v. Glen Theatre, Inc.* (1991), 501 U.S. 560; *City of Renton v. Playtime Theatres, Inc.* (1986), 475 U.S. 41; *Arcara v. Cloud Books, Inc.* (1986), 478 U.S. 697; *Iacobucci v. City of Newport, Ky* (1986), 479 U.S. 92; *Young v. American Mini Theatres* (1976), 427 U.S. 50; *California v. LaRue* (1972), 409 U.S. 109; and *DLS, Inc. v. City of Chattanooga* (6th Cir., 1997), 107 F.3d 403; *East Brooks Books, Inc. v. City of Memphis* (6th Cir., 1995), 48 F.3d 220; *Harris v. Fitchville Township Trustees* (N.D. Ohio, 2000), 99 F. Supp. 837; *Bamon Corp. v. City of Dayton* (S.D. Ohio, 1990), 730 F. Supp. 90, *aff'd* (6th Cir., 1991), 923 F.2d 470; *Broadway Books v. Roberts* (E.D. Tenn., 1986), 642 F. Supp. 486; *Bright Lights, Inc. v. City of Newport* (E.D. Ky. 1993), 830 F. Supp. 378; *Richland Bookmart v. Nichols* (6th Cir. 1998), 137 F.3d 435; *Déjà vu v. Metro Government* (6th Cir. 1999), 1999 U.S. App. LEXIS 535; *Threesome Entertainment v. Strittmather* (N.D. Ohio 1998), 4 F.Supp.2d 710; *J.L. Spoons, Inc. v. City of Brunswick* (N.D. Ohio 1999), 49 F. Supp.2d 1032; *Triplett Grille, Inc. v. City of Akron* (6th Cir. 1994), 40 F.3d 129; *Nightclubs, Inc. v. City of Paducah* (6th Cir. 2000), 202 F.3d 884; *O'Connor v. City and County of Denver* (10th Cir. 1990), 894 F.2d 1210; *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County* (6th Cir. 2001), 2001 U.S. App. LEXIS 26007; *State of Ohio ex rel. Rothal v. Smith* (Ohio C.P. 2002), Summit C.P. No. CV 01094594; *Z.J. Gifts D-2, L.L.C. v. City of Aurora* (10th Cir. 1998), 136 F.3d 683; *Connection Distrib. Co. v. Reno* (6th Cir. 1998), 154 F.3d 281; *Sundance Assocs. v. Reno* (10th Cir. 1998), 139 F.3d 804; *American Library Association v. Reno* (D.C. Cir. 1994), 33 F.3d 78; *American Target Advertising, Inc. v. Giani* (10th Cir. 2000), 199 F.3d 1241: as well as studies conducted in other cities including, but not limited to, Cleveland, Ohio (1977); Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986 and 1992); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County,

New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, and the Montville Township Board of Trustees' independent review of the same, the Montville Township Board of Trustees makes the following findings:

1. Sexually Oriented Businesses can cause or contribute significantly to increases in criminal activity in areas in which they are located or take place, thereby taxing law enforcement and public health services.
2. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where Sexually Oriented Businesses are located.
3. Sexually Oriented Businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.
4. Nude dancing and other similar conduct provided by Sexually Oriented Businesses encourages prostitution, increases the frequency of sexual assaults, attracts or encourages other related criminal activity, increases the public health and safety risks associated with Sexually Oriented Businesses, and otherwise causes or contributes significantly to the adverse impacts and secondary effects of Sexually Oriented Businesses on the areas in which such businesses are located, or take place.
5. Sexually Oriented Businesses can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability or quality of affordable housing for area residents, and reducing the value of property in such areas.

6. Sexually Oriented Businesses can undermine the stability of other established business and commercial uses in the areas in which Sexually Oriented Businesses are located or take place and cause or contribute significantly to the deterioration of such other business and commercial uses, thereby causing or contributing to a decline in such uses and an inhibition on business and commercial growth resulting in adverse impact on local government revenues and property values.
7. Sexually Oriented Businesses can have a dehumanizing and distracting influence on young people and students attending schools, can diminish or destroy the enjoyment and family atmosphere of persons using parks, playgrounds, forest preserves, and other public recreational areas, can interfere with or even destroy the spiritual experience of persons attending church, synagogue, or other places of worship, and can interfere with or even destroy the opportunity for solemn and respectful contemplation at cemeteries and similar facilities.
8. The presence of Sexually Oriented Businesses is perceived by the public generally and by neighboring business owners and residents as an indication that the area in which such businesses occur or take place is in decline and deteriorating, a perception that can quickly lead to such decline and deterioration, prompting businesses and residents to flee the affected area to avoid the consequences of such decline and deterioration.
9. The exterior appearance, including signage, of Sexually Oriented Businesses can have an adverse impact on young people and students, can contribute to the decline in property values associated with Sexually Oriented Business activities, and can otherwise cause or contribute significantly to the adverse impacts and secondary effects of Sexually Oriented Businesses on the areas in which such businesses are located or take place.
10. Sexual acts, including masturbation and oral and anal sex, occur at Sexually Oriented Businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. The “couch dances” or “lap dances” that frequently occur in Sexually Oriented Businesses featuring live nude or seminude dancers constitute or may constitute the offense of “engaging in prostitution” under section 2907.25 of the Revised Code.
11. Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions.

12. Persons frequent certain Sexually Oriented Businesses for the purpose of engaging in sex within the premises of those Sexually Oriented Businesses.
13. Certain employees of certain Sexually Oriented Businesses, including adult theaters and adult cabarets, engage in a higher incidence of certain types of illicit sexual behavior that employees of other businesses and establishments.
14. Numerous communicable diseases may be spread by activities occurring in Sexually Oriented Businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, campylobacter infections, shigella infections, chlamydial infections, myoplasmal infections, ureoplasmal infections, trichomoniasis, and chancroid.
15. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985; and 253,448 through December 31, 1992.
16. A total of 10,255 AIDS cases had been reported in Ohio as of January, 1999. Ohio has required HIV case reporting since 1990, and the reported information shows 7,969 people living with HIV (4,213) and AIDS (3,756) in the state.
17. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Ohio.
18. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
19. The number of cases of early (less than one year) syphilis in the United States reported annually has risen: 33,613 cases were reported in 1982 and 45,200 cases were reported through November 1990.

20. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
21. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
22. Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of Sexually Oriented Businesses.
23. Sanitary conditions in some Sexually Oriented Businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
24. Sexually Oriented Businesses lend themselves to ancillary unlawful and unhealthy activities that are uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.
25. Concentrations of multiple Sexually Oriented Businesses are associated with higher rates of prostitution, robbery assaults, and thefts in the surrounding neighborhood and dispersing Sexually Oriented Businesses causes a reduction in the adverse impact and secondary effects of such businesses.
26. The findings noted in Paragraphs 1 through 25 of this Article raise substantial governmental concerns.
27. The enactment of these zoning regulations will promote the general welfare, health, morals, and/or safety of the citizens of Montville Township.

B. Definitions

1. Adult Arcade: means any place to which the public is permitted or invited wherein coin-operated or slug operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and

where the images so displayed are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”.

2. Adult Book/Video Store: means a commercial establishment which, as a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rental, for any form of consideration, any of the following: books, magazines, newspapers, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, DVDs, compact disks, slides, other video reproductions, or other visual representations which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”.
3. Adult Hotel/Motel: means a hotel, motel, or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
 - b. Offers a sleeping room for rent for a period of time that is less than eight (8) continuous hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than eight (8) continuous hours.
4. Adult Motion Picture Theater: means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”. This does not include materials that have been rated “G”, “PG”, “PG-13” or “R” by the Motion Picture Association of America.

5. Adult Novelty Store: means a commercial establishment which, has a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rent instruments, devices, lingerie, leather goods or paraphernalia (other than medical and contraceptive devices) either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs or for use in connection with “specified sexual activities” or for sadomasochistic use or abuse of self or others.
6. Adult Only Live Entertainment Business: means a nightclub, bar, restaurant or other commercial establishment which regularly features any of the following:
 - a. Persons who appear in a state of nudity or semi-nude; or
 - b. Exhibitions, dance routines, or gyrating choreography or any other live performance of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services that is distinguished or characterized by the exposure of “specified anatomical areas” or by an emphasis upon exhibiting, depicting, simulating or displaying “specified sexual activities”; or
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying “specified sexual activities” or “specified anatomical areas”; or
7. Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
8. Escort: means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person and who agrees or offers to appear in a state of nudity or who agrees or offers to privately model lingerie or privately perform a striptease for another person.
9. Escort Agency: means a person, business association, or other commercial establishment who furnishes, offers to furnish, or advertises

- to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
10. Massage Parlor: means a commercial establishment where, for any form of consideration, massage, alcohol rub, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession persons licensed by the state. This definition shall not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory use.
11. Nude Model Studio: means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for any form of consideration. Nude model studio shall not include any of the following:
- a. Proprietary school licensed by the State of Ohio;
 - b. A college, junior college, or university supported entirely or in part by public taxation;
 - c. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
 - d. An establishment in a structure that:
 - i. Has no sign visible for the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - ii. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - iii. No more than one nude or semi-nude model is on the premises at any one time.
12. Nudity or State of Nudity: means the appearance or display of a specified anatomical area.

13. Semi-Nude or Semi-Nudity: means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the 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 the areola is not exposed in whole or in part.
14. Sexual Encounter Center: means a business or commercial establishment or enterprise that, as a significant or substantial portion of its business or as one of its principal business purposes, offers for any form of consideration any of the following:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
 - b. Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
15. Sexually Oriented Business: means any one of the following:
 - a. Adult Arcade
 - b. Adult Book/Video Store
 - c. Adult Hotel/Motel
 - d. Adult Motion Picture Theater
 - e. Adult Novelty Store
 - f. Adult Only Live Entertainment
 - g. Adult Theater
 - h. Escort Agency
 - i. Massage Parlor
 - j. Nude Model Studio
 - k. Sexual Encounter Center
 - l. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional persons licensed by the state engages in medically approved and recognized sexual therapy or other treatment.
16. Specified Anatomical Areas: means a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a complete and fully opaque covering; or a female breast with less than a complete and fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

17. Specified Sexual Activities: means any one or more of the following:

- a. Actual or simulated fondling or other touching of an erogenous zone of another, including without limitation, the thigh, genitalia, pubic area, buttocks, anus or female breast, whether covered or uncovered; or
- b. Actual or simulated sex acts, normal or perverted, including, but not limited to, intercourse, fellatio, cunnilingus, oral copulation, sodomy, masturbation, bestiality, or the insertion, however slight, of any part of the body, or an instrument, apparatus, or other object into the vaginal or anal cavity of another; or
- c. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
- d. Human bodily functions of elimination, including, but not limited to, defecation, ejaculation, or urination as part of or in connection with any of the activities set forth in (a), (b) and (c) above; or
- e. Sadomasochistic practices including, but not limited to, flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.

C. Location

- 1. A Sexually Oriented Business may be located only in the Highway Commercial (H-C) District and only in accordance with the restrictions contained this Article.
- 2. No Sexually Oriented Business shall be permitted or operated within 700 feet of Interstate 71. This measurement shall be from the interstate right-of-way line to the property line.
- 3. Only one (1) Sexually Oriented Business shall be permitted in any one building, structure, or portion thereof and only one (1) Sexually Oriented Business shall be permitted per lot of record.
- 4. No Sexually Oriented Business shall be established or operated within 500 feet of any other Sexually Oriented Business. For purposes of this paragraph, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening

- structures or objects, from the closest exterior wall of the structure in which each business is located.
5. No Sexually Oriented Business shall be established or operated within 300 feet of any lot zoned R-1, R-2, or R-3 or any lot primarily used for residential purposes (Revised 9/10/09).
 - a. For purposes of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the lot containing one or more of the foregoing.

 6. No Sexually Oriented Business shall be established or operated within 1,000 feet of a lot of record that contains any of the following:
 - a. A church, synagogue, mosque, temple or other building which is used primarily for religious worship or related religious activities;
 - b. A public or private educational facility that serves persons younger than eighteen (18) years of age, including but not limited to, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c. A Child Day Care facility.
 - d. A public library or museum that regularly serves persons younger than eighteen (18) years of age;
 - e. A public park or public recreational area that is under the ownership, control, operation, or management of the federal government, the State of Ohio, or any political subdivision, agency, department, or authority thereof. "Public park" and "recreational area" include, but are not limited to, a park, playground, nature trails, swimming pool, athletic field,

basketball court, tennis court, pedestrian/bicycle paths, wilderness areas, picnic areas, or other similar public land;

- f. Cemetery.
- g. For purposes of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the lot containing one or more of the foregoing.

D. Restrictions

- 1. No advertisement, displays, or other promotional materials displaying or describing sexual activities or anatomical areas shall be shown or exhibited in any manner visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- 2. All building openings, entries, and windows shall be located, serviced, or covered in such a manner as to prevent viewing into the interior from any public or semi-public area, sidewalk, or roadway.
- 3. No screens, loudspeakers, or sound equipment shall be used for adult motion pictures that can be seen or discerned by the public from any public or semi-public area, sidewalk or roadway.
- 4. No merchandise or activities of a sexually oriented business shall be visible from a point outside the establishment.

E. Supplemental Provisions

- 1. Severability: It is the specific intent of the Township that if any section, subsection, sentence, clause, phrase, or portion of these regulations is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution as adopted. The township specifically declares that given the overall purpose and intent of this Resolution, it would have adopted the Resolution if such invalid provision had not been included or any illegal application had not been made.
- 2. Prevalence of Conforming Use: Any sexually oriented business which is lawfully and legally located and operating as a conforming use pursuant to the regulations set forth in this Resolution shall not be rendered a

“non-conforming use” if a change in the zoning classification or use of any lot or structure would otherwise result in such sexually oriented business no longer being located legally and such business may continue as a conforming use.