

*Abund Out 4/19/12  
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*Proposed to consider*

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**Proposed Changes Complete Ordinance Jan, 2012**

**5.15 Fences: Page 116**

Fences which are not specifically required under the regulations for the individual zoning districts, or use shall conform to the following requirements:

**5.15.1** Fences in **RL-1** shall not extend toward the front (lake side) of the lot nearer than the front of the dwelling or the required minimum front yard setback, whichever is greater. Fences that are in the side and rear of **RL-1** (road side) lots shall not exceed four (4) feet in height and will be of open design (such as chain link, split rail, etc.).

**5.15.2** Except as provided in 5.15.1 fences placed in the front of any property in any zoning district shall not exceed four (4) feet in height and shall be of open design. Fences in the rear of property in any zoning district will not exceed six (6) feet in height as measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the dwelling or the required minimum front yard, whichever is greater. Electrical charged fences shall only be allowed in agricultural district, and then only for the use of containing farm animals. Fences in agricultural districts when used to contain farm animals shall conform to GAAMPS standards established for that purpose.

**5.15.3** Fences that are placed on a corner lot of any zoning district are subject to the intersection restrictions outlined in section 5.11 (visibility at intersections), shall not exceed four (4) feet in height and shall be of open design within the required setback of both roads as defined in section 4.5 where the fence is contiguous with a road. Fences placed on through lots of any zoning district shall not exceed four (4) foot in height and be of open design within the required setback of both roads as defined in section 4.5.

**5.15.4** Fences or any part there of used for construction such as (anchoring devices, concrete, guy wires, etc) shall not encroach on any adjacent property or road right of way. The finished side of a fence in all districts will be on the outside of the owner's property.

**5.15.5** A person constructing a fence located in any zoning district shall first obtain a permit from the Township Zoning Inspector. Said permit will require a property legal description supplied by the applicant and attached as part of the fence permit.

*Hand Out*

Section 7.30.10 Adult Regulated Uses, subject to Section 9.120

Section 7A.30.2 Adult Regulated Uses, subject to Section 9.120

SECTION 9.120

ADULT REGULATED USES.

Section 9.120.1

In the development and implementation of this section, it is recognized that there are certain uses, which by their very nature are recognized as having serious objectionable operational characteristics (particularly when several of them are concentrated in a small area), thereby having a deleterious effect on surrounding neighborhoods. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the Township's residential neighborhoods or commercial centers. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts of the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. It is the intent of this section to provide reasonable regulations for the establishment of adult regulated uses in a viable, accessible location where the adverse impact of their operations may be minimized. ~~The permitted or conditional uses permitted in any given zoning district, and listed below, shall by subject, unless otherwise required by the Planning Commission, to all the following conditions and regulations regarding site development.~~

*permitted or conditional uses*

*See zoning district*

Section 9.120.2.

Definitions for Uses Regulated. The following uses are regulated by this subsection.

(A) Adult Entertainment Business. One or a combination of more than one of the following types of businesses: ~~adult bookstore, adult motion picture theater, adult mini-motion theater, adult personal service business, adult novelty business, adult nightclub.~~

(B) Adult Book or Supply Store. An establishment having as a principle activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and public

*permitted*

regions or acts of human masturbation, sexual intercourse or sodomy.

(C) Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.

(D) Adult Mini-Motion Picture Theater. An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.

(E) Adult Novelty Business. A business which has a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.

(F) Adult Personal Service Business. A business which has as a principle activity a person of one sex, while nude or partially nude, providing personal services for a person of any gender on an individual basis in a closed room. It includes, but it is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.

(G) Adult Night Club. A business with the principal activity of providing entertainment by nude or partially nude performers. Performer must maintain a ten (10) feet distance between performer and patron.

(H) Partially Nude. Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.

(I) Principle Activity. A use accounting for more than 20% of a business' stock in trade, display space, floor space, live entertainment time or movie display time per year

(J) No open air theaters permitted

*not in  
applicable to  
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Section 9.120.3

Required Spacing. The establishment of ~~the types of~~ Adult Regulated Uses ~~listed in 9.120.2; however,~~ shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:

- (A) At least one-thousand (1000) feet from any other adult regulated use;
- (B) At least one-thousand (1000) feet from ~~all churches, convents, temples and similar religious institutions;~~ <sup>adult</sup> ~~churches, convents,~~
- (C) At least one-thousand (1000) feet from ~~all~~ <sup>adult</sup> public, private or parochial nurseries, primary or secondary schools, playground, licensed child care facilities, and hospitals;

- (D) At least one-thousand (1000) feet from any ~~one-family or multiple-family residential district or use;~~ <sup>7</sup>
- (E) At least one-thousand (1000) feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf, dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, recreational trails, camping grounds and similar uses frequented by children and teenagers.

Section 9.120.4

Special Site Design Standards.

- (A) ~~Maximum size of the building shall be three thousand (3,000) square feet.~~ <sup>1000 sq ft</sup>
- (B) The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
- (C) Adult regulated uses shall be location within a free-standing building. A shared or common wall structure or shopping center is not considered to be a free-standing building.
- (D) The color of the building materials shall be subject to approval by the Planning Commission.
- (E) A four and one-half (4-1/2) foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent

public rights-of-way. The Planning Commission may permit use of landscaping in place of a wall.

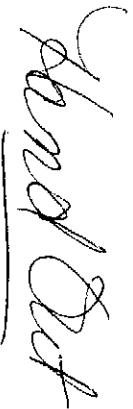
(F) No person shall reside in or permit any person to reside in the premises of an adult regulated use.

(G) No person operating an adult regulated use shall permit any person under the age of 18 to be on the premises of said use either as an employee or customer.

(H) Adult regulated uses shall comply with all applicable federal, state, and local licensing regulation.

*basis ?*

(I) No adult regulated use shall be permitted in an open air theater, park, or other such facility

  
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## ADULT REGULATED USES

In the development and implementation of this section, it is recognized that there are certain uses, which by their very nature are recognized as having serious objectionable operational characteristics (particularly when several of them are concentrated in a small area), thereby having a deleterious effect on surrounding neighborhoods. Regulation of the location of these uses is necessary to ensure that the adverse effects of such businesses will not cause or contribute to the blighting or downgrading of the Township's residential neighborhoods or commercial centers. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. It is the intent of this section to provide reasonable regulations for the establishment of adult regulated uses in a viable, accessible location where the adverse impact of their operations may be minimized. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance 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 material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board, and on findings incorporated in the cases of *Papp's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Cir. 1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Dj vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bannon Corp. v. City of Dayton*, 7923 F.2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F.3d 884 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Dj vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *Connection Distrib. Co. v. Reno*, 154 F.3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. v. Gianni*, 199 F.3d 1241 (10th Cir. 2000); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City*

of Rochester , 25 F.3d 1413 (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County* , 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); *Currence v. Cincinnati* , 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; 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 reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; 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 the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Commission finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Cambridge Township is seeking to abate and prevent in the future.

Definitions for Uses Regulated. The following uses are regulated by this subsection.

- (A) Adult Entertainment Business. One or a combination is than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business, adult nightclub.
- (B) Adult Book or Supply Store. An establishment having as a principle activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
- (C) Adult Motion Picture Theater. An establishment regularly 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 herein, for observation by patrons therein.
- (D) Adult Mini-Motion Picture Theater. An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.

(E) Adult Novelty Business: A business which has a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.

(F) Adult Personal Service Business: A business which has as a principle activity a person of one sex, while nude or partially nude, providing personal services for a person of any gender on an individual basis in a closed room. It includes, but it is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.

(G) Adult Night Club: A business with the principal activity of providing entertainment by nude or partially nude performers. Performer must maintain a ten (10) feet distance between performer and patron.

(H) Partially Nude: Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.

(I) Principle Activity: A use accounting for more than 20% of a business stock in trade, display space, floor space, live entertainment time or movie display time per year

Acceptable Zones:

Adult Entertainment uses shall be prohibited in all zoning districts except C-2 and C-3 zoned zoning lots that comply with all requirements of this section.

Required Spacing:

The establishment of Adult Regulated Uses shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest points of each property line:

(A) At least one-thousand (1000) feet from any other adult regulated use;

(B) At least one-thousand (1000) feet from any religious institution;

(C) At least one-thousand (1000) feet from any public, private or parochial, nurseries, primary or secondary schools, playground, licensed child care facilities, and hospitals;

(D) At least one-thousand (1000) feet from any residential district

(E) At least one-thousand (1000) feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf, dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, recreational trails, recreational facilities, camping grounds and similar uses frequented by children and teenagers.

(F) At least one-thousand (1000) feet from any class "C" establishment licensed by the Michigan Liquor Control Commission.



### Special Site Design Standards

- (A) The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
- (B) Adult regulated uses shall be located within a free standing, single-use building. A shared or common wall structure or shopping center is not considered to be a free-standing building.
- (C) A four and one-half (4-1/2) foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way. The Planning Commission may permit use of landscaping in place of a wall.
- (D) No person shall reside in or permit any person to reside in the premises of an adult regulated use.
- (E) Adult regulated uses shall comply with all applicable federal, state, and local licensing regulation.
- (F) No adult regulated use shall be permitted in an open air theater, kiosk, or other such facility.