

CHAPTER 1332
ADULT USES

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1332.01 PURPOSE

- A. "Adult Uses" as herein defined, shall be allowable only in Industrial Districts (M-1 and M-2 Districts) upon issuance of a letter of compliance from the Director of Inspections.
- B. Purposes and considerations:
1. In the execution of this Zoning Ordinance it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
 2. It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the City of Niagara Falls.
 3. These special regulations are itemized in this section to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minor.

1332.02 DEFINITIONS

- A. Definitions: As uses in this Zoning Ordinance, the following terms shall have the meanings indicated:
1. Adult Bookstore/Videostore: an establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, other periodicals, films, slides, and video tapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.
 2. Adult Entertainment Cabaret: a public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainment, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.
 3. Adult Motel: a motel which is not open to the public generally but excludes minors by reason of age, or which makes available to its patrons in their rooms, films, slide

shows, or video tapes, which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

4. Adult Theater: a theater that customarily presents motion pictures, films, video tapes or slide shows, that are not open to the public generally but exclude any minor by reason of age.
5. Massage Establishment: any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts, or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.
6. Peep Shows: a theater which presents material in the form of live shows, films or video tapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

1332.03 LETTER OF COMPLIANCE

- A. The Director of Inspections shall issue a letter of compliance for an adult use as defined above, provided that said adult use is not located:
 1. within a five-hundred foot (500') radius of any area zoned for residential use; or
 2. within a five-hundred foot (500') radius of another adult use; or
 3. within a five-hundred foot (500') radius of any school, church, or other place of religious worship, park, playground, or playing field; or
- B. No more than one of the adult uses as defined above shall be located on any lot.
- C. By amortization, the right to maintain a legal non-conforming adult use shall terminate on January 1, 1994.
- D. The provision of Section 1300.03 of this Zoning Ordinance titled Separability, shall apply to this section.

The term capital investment, as used above, shall mean the initial outlay by the owner or operator of the use to establish the business as of the date of the enactment of this section, exclusive of the fair market value of the structure in which the use is located.