



Jefferson County West Virginia

Public Information

AMENDMENTS TO THE JEFFERSON COUNTY ZONING & DEVELOPMENT REVIEW ORDINANCE
PERTAINING TO ADULT USES AS ADOPTED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY
ON MAY 1, 2003.

Underlined text to be deleted.

Bold italicized text to be added.

Article 4 (Prohibited Uses), Section 4.4k

4.4k ~~All uses that contain one or more of the following uses: adult arcade; adult bookstore; adult cabaret; adult mini motion picture theater; adult sauna; adult theater; sexual encounter establishment; sexual paraphernalia store; and, massage parlors. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use. This provision shall expire six months from the date of its adoption or on the date new rules regarding such uses are adopted by the County Commission of Jefferson County, whichever comes first.~~

Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall not be permitted in the Rural, Village, Residential Growth and Residential Growth-Light Industrial - Commercial Districts. No conditional use permit shall be approved for any of these uses. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.

Article 5.6 (Industrial-Commercial District), Section 5.6(a)(Permitted Uses):

(4) ***Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, subject to distance requirements set forth in Section 5.6k.***

Article 5.6 (Industrial-Commercial District), Section 5.6(k)(New Section for Adult Use Requirements)

(k) ***Distance Requirements for Adult Uses***

Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof shall only be permitted in the Industrial - Commercial District under the following conditions:

- (1) ***All elements of the use, including parking areas, shall be located at least 1,500 feet from any Rural, Residential: Growth, Village or Residential Growth-Light Industrial-Commercial Zoning District not separated from the subject property by a public road or railroad right-of-way.***
- (2) ***A proposed adult arcade, adult bookstore, adult cabaret, adult mini motion picture theater, adult sauna, adult theater, sexual encounter establishment, sexual paraphernalia store, massage parlor or any sign advertising the operation thereof shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.***
- (3) ***All elements of any use described in Article 5, Section 5.6(k), including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless if it is separated by a public road or railroad right-of-way.***

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in Article 5, Section 5.6(k) to their operations as existed at the time of the adoption of this section.