

CHAPTER FOUR

ACCESSORY USES, SIGN REGULATION & USE SPECIFIC STANDARDS

4.3 USE-SPECIFIC STANDARDS

B. **Adult Entertainment.**

1. The City Council finds that the concentration of certain adult entertainment establishments in cities tends to result in the blighting and deterioration of the areas of such concentration. Accordingly, it is necessary that these establishments be regulated in a manner as to prevent the erosion of the character of affected neighborhoods.
2. No adult entertainment establishment as defined herein shall be permitted within the City of Grand Junction except as provided in this Code.
3. The purpose of this Section is to establish for the zoning and location of adult entertainment establishments which:
 - a. Are not a nuisance; and
 - b. Do not violate the provisions of the law regarding sexual conduct, obscene material or obscene conduct.
4. Nothing in this Code authorizes, legalizes or permits the establishment, operation or maintenance of any business, building or activity which violates any other municipal ordinance or provision of the laws regarding nuisances, sexual conduct, obscene material or obscene conduct. Obscene material or obscene conduct means that material or conduct which, taken as a whole, appeals to the prurient interest of the average person, applying a contemporary local standard and depicts or describes sexual conduct which, taken as a whole, lacks serious literary, artistic, political or scientific value. The term contemporary local standard means that the material or conduct at issue must be measured in terms of the contemporary community standards of the City.
5. **Definitions.**
 - a. **Adult Entertainment Establishments.** Any establishment which conducts as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas, including but not limited to:
 - (1) Adult bookstore: Any establishment which sells or rents adult material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices;
 - (2) Adult hotel or motel: Any hotel or motel in which the presentation of adult material is the primary or a principal attraction; and
 - (3) Adult motion picture theater: Any fully enclosed theater in which the presentation of adult material is the primary or principal attraction;
 - (4) Adult cabaret, restaurant or place of business: a cabaret, restaurant or place of business, which features topless and/or bottomless dancers, waitresses, waiters, or entertainers, or any other depiction of adult material.
 - b. **Adult Material.** Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes and/or devices which are distinguished by their emphasis on depicting, describing or relating to specified anatomical areas or specified sexual activities:
 - (1) Specified anatomical areas are any of the following which are less than completely and opaquely covered:
 - (A) Human genitals and pubic region;

- (B) Buttocks;
 - (C) The human female breast or breasts to a point immediately below the top of the areola; and
 - (D) Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- (2) Specified sexual activities or sexual conduct:
- (A) Human genitals in a state of sexual stimulation or arousal;
 - (B) Actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts which are prohibited by law; and
 - (C) Touching or fondling of the human female breast, buttock, anus or genital.
- c. **Public Building.** Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, or the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.
- d. **School.** Any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, special education schools, colleges, universities and trade schools. School includes the school grounds, buildings, structures and facilities.
- e. **Church.** Any structure or building for public worship.
- f. **Park.** Any public property kept, used and maintained for recreational, ornamental or aesthetic purposes.
- g. **Playground.** Any property, public or private, used for and equipped with facilities for recreation especially by children. A playground may be incidental to school use but is not limited to school use or school facilities as defined herein.
6. **Prohibition.** No person, corporation, or business of any sort or description, shall cause or permit the location or operation of an adult entertainment establishment as defined herein within one thousand feet (1000') of the property line of another such business or within one thousand feet (1000') of the property line of any church, school, park, playground, public building or within one thousand feet (1000') of any residentially zoned property as the same are established under this Code. The operation of an adult entertainment establishment shall include the opening of such business as a new business, the relocation of such business or the conversion of an existing business location to any of the uses described herein.
7. **Nonconforming Uses.** Uses made nonconforming shall be governed by those provisions of this Code.