

## **Existing Prohibited Use Language**

5.6 Any use not listed as permitted in a zone shall be deemed prohibited.

Without limiting the scope of this provision, the following uses are expressly prohibited, whether as a principal or accessory use or in any other guise:

A. Outdoor wood-burning furnaces except those complying with PA 05-227 (CGS 22a-174k) and receiving a special exception from the Planning and Zoning Commission.

B. Dumping, incineration and / or storage of Solid Waste, Biomedical Waste, or Bulky Waste, Construction and Demolition Waste other than the temporary storage of small amounts such material for brief periods pending final lawful disposition.

C. Other prohibited uses

1.) Private correctional facilities;

2.) Alternative incarceration centers;

3.) Methadone clinics;

4.) The sale of drug paraphernalia as defined by C.G.S. § 21a-240(A)(20);

5.) Tattoo and/or body piercing studios; provided, however, that existing & licensed tattoo businesses in the Town of Haddam are allowed by site plan review to terminate and abandon their current location and relocate to other zones in the Town which allow personal service establishments.

6.) Conducting business as a pawn broker or secondhand dealer as defined by C.G.S. § 21-39a;

7.) Check cashing establishments;

8.) On site gambling (excluding any form of gambling legally existing as of January 1, 2019) including manually or automatically operated gambling devices, video or otherwise, including, but not limited to slot machines;

9.) Junk dealers and motor vehicle junk/salvage yards;

10.) Hookah lounge;

11.) Sale or dispensation of any form of recreational marijuana.

## Proposed Prohibited Use Language

5.6 Any use not listed as permitted in a zone shall be deemed prohibited.

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10.) Hookah lounge;

11.) Sale or dispensation of any form of recreational marijuana.

**11.) ADULT LAND USES WITH THE EXCEPTION OF SECTION 8.A I-2 ZONE (NEW)**

## **Proposed amendments to allow Tattoo and Body Piercing establishments**

Insert -

Commercial Zone 7.3Z Tattoo and Body Piercing establishments licensed by CT Department of Health

Higganum Village District Zone 7A.4 C. 20. Tattoo and Body Piercing establishments licensed by CT Department of Health

Tylerville Village District 7B.4 Tattoo and Body Piercing Parlors licensed by CT Department of Health.

### **Proposed amendment insert new Section 8.A.2**

#### **Section 8.A.2 ADULT ORIENTED USES IN THE I-2 INDUSTRIAL ZONE**

##### **Section 8.A.2**

##### **(E.) Adult Oriented Uses -**

##### **General Requirements**

Adult-Oriented Establishments must meet the general criteria for Special Exception uses contained in Section 15 and the specific requirements enumerated below as determined by the Commission.

A. Minimum lot size is 2 acres; minimum lot width is 200 feet; maximum impervious coverage is 25%.

B. No adult-oriented establishment shall be permitted within a 750-foot radius of any lot or parcel located in any residential zone. Measurement of the 750-foot radius shall be made from the outermost boundaries of the lot upon which the existing or proposed adult-oriented establishment will be situated.

F. No adult-oriented establishment shall be conducted in any manner that permits the observation from any public way of any material depicting or describing specified sexual activities or specified anatomical areas. This provision shall apply to any building exterior display, decoration, sign, show window, or other exterior opening.

H. Pursuant to CGS Section 8-6, use variances shall not be granted to allow an adult-oriented establishment in any zone other than I2.

##### **8.A.2a Adult Oriented Uses Definitions**

For the purpose of this Regulation, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

**ADULT AMUSEMENT MACHINE-** Includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities and specified anatomical areas, as defined below, for observation by patrons therein.

**ADULT BOOKSTORE-**An establishment having any portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, provided that this definition shall not apply to any establishment in which such materials constitute less than 10% of the value of the inventory of said establishment and in which the display of such materials does not permit the viewing of "specified sexual activities" or "specified anatomical areas" within the establishment.

**ADULT ENTERTAINMENT-** Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, which has as a significant or substantial portion of such performance or any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas"

**ADULT MINI-MOTION PICTURE THEATER-**An enclosed building with a capacity of less than 50 persons 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 below, for observation by patrons therein.

**ADULT MOTION PICTURE THEATER-**An enclosed building with a capacity of 50 or more persons 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 below, for observation by patrons therein.

**ADULT-ORIENTED ESTABLISHMENT-**Includes, without limitation, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture theaters" and commercial establishments containing one or more "adult amusement machines." "Adult-oriented establishment" further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

**AMUSEMENT MACHINE-**Includes any machine which upon the payment of a charge or upon insertion of a coin, slug, token, plate, or disk, may be operated by the public for use as a game, entertainment, or amusement, whether or not registering a score and whether or not electronically operated.

**ENTERTAINER**-Any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

**MINOR**-Shall be deemed to refer to a person under the age of 18 years.

**OPERATOR**-Any person, or any proprietor, shareholder, general partner, or limited partner who holds any share of or partnership interest of any business which is operating, conducting, owning, or maintaining an adult-oriented establishment.

**SEXUAL ACTIVITIES**-As used in this article, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which denote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects or art or photograph. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

#### **SPECIFIED ANATOMICAL AREAS-**

(1) Less than completely and opaquely covered.

a. Human genitals, pubic region.

b. Buttocks.

c. Female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state even if completely covered.

#### **SPECIFIED SEXUAL ACTIVITIES-**

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse, or sodomy.

(3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breasts.