

PART 1 ZONING REGULATIONS

SECTION 4400 SEXUALLY-ORIENTED BUSINESSES

1-4401 INTENT

- To provide suitable potential locations for sexually-oriented businesses in a manner that minimizes the harmful secondary effects associated with such establishments and this is consistent with the health, safety and welfare of the community.

1-4402 GENERAL PROVISIONS

1-4402.01

- No person may operate or cause to be operated a sexually-oriented business outside of the B-4, B-5, I-1 and I-2 Zoning Districts. No person may operate or cause to be operated a sexually-oriented business on a property with a P.U.D. zoning designation, unless such use was specifically listed in the P.U.D. approval prior to the enactment of this Section.

1-4402.02

- No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of:
 - any church
 - any school meeting all requirements of the compulsory education laws of the state;
 - the boundary of any residential zoning district;
 - a dwelling unit (single or multiple);
 - a public park adjacent to any residential zoning district; or,
 - a licensed child-care center.

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1-4402.03

- No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of another sexually-oriented business.

1-4402.04

- No person may cause or permit the operation, establishment or maintenance of more than one sexually-oriented business within the same building or structure or portion thereof.

1-4402.05

- For purposes of this section, the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or streets, from the closest exterior structural wall of each business.

1-4402.06

- For purposes of this Section, the distance between any sexually-oriented business and any church, school, child-care center, public park, dwelling unit (single or multiple) or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects from the nearest property line of the property on which the sexually-oriented business is conducted to the nearest property line of the premises of a church, school, child-care center, or dwelling unit (single or multiple), or the nearest boundary of an affected public park or residential zoning district.

1-4402.07

- Any sexually-oriented business lawfully operating on the date of the enactment of this Section regulating the location of sexually-oriented businesses that is in nonconformance with this Section shall have six (6) months to cease operations and after such time all nonconforming sexually-oriented businesses must be in compliance with this Section. Notwithstanding the above, the Board of Adjustment shall grant an extension of time during which a sexually-oriented

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business in violation of this Section will be permitted to continue upon a showing by a preponderance of the evidence, which is credible and which to the extent practical meets the admissibility standards of the Colorado Rules of Evidence, that the owner of the business has not had a reasonable time to recover the initial investment in the business that was made or irrevocably committed to prior to the date of the enactment of this Section. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his or her initial financial investment in the business. The procedure for obtaining permission to continue the business from the Board of Adjustment shall be the same procedure as for variances. The Board of Adjustment shall have the right to refer any evidence submitted to the Arapahoe County Finance Department or any other department or agency for its review and comment, and may continue any hearing as necessary to do so. Any application for an extension must be submitted on or before the last day of the six (6) month amortization period, and such application shall toll the deadline for ceasing the non-conforming use until such time as the Board of Adjustment renders its decision. A sexually-oriented business in violation of this Section may continue during any extension period granted by the Board of Adjustment unless the business is sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such business shall not be enlarged, extended, or altered except that the business may be brought into compliance with this Section.

1-4402.08

- If two (2) or more sexually-oriented businesses are within 1,000 feet of another and are otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at its particular location will be deemed to be in compliance with this Section and the later established business(es) will be deemed to be in violation of this Section.

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1-4402.09

- A sexually-oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, child-care center, dwelling unit (single or multiple), public park, or residential zoning district within 1,000 feet of the sexually-oriented business.