

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION

Zoning Commission Order No. 180
September 8, 1977

EMERGENCY ORDER

WHEREAS, The District of Columbia has experienced in recent months a proliferation in many sections of the city of sexually-oriented business establishments; and

WHEREAS, A number of these businesses are located in low-density commercial cones adjacent to residential areas, neighborhoods schools, Churches, other places of worship, and similar social institutions; and

WHEREAS, The Zoning Commission has received communications from citizens, groups, and representatives of organizations expressing their opposition to the proliferation of such businesses; and

WHEREAS, The Zoning Commission, at public meeting on May 12, 1977, adopted Emergency Order No. 161, regulating the establishment of sexually-oriented businesses in the District of Columbia; and

WHEREAS, pursuant to notice, a public hearing on the adoption of Zoning Regulations with respect to sexually-oriented businesses was held on July 28, 1977; and

- C. No portion of such establishment is located within 300 feet of any other sexually-oriented business establishment.
- D. There shall be no display of goods or services visible from the exterior of the premises.
- E. The establishment will be compatible with other uses in the area.
- F. Such use will not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.
- G. The establishment will not have an adverse impact on religious, educational, and governmental facilities located in the area.

5104.45 Sexually-oriented business establishment, provided that:

- A. No portion of such establishment is located within 600 feet of a residential or special purpose district.
- B. No portion of such establishment is located within 600 feet of a church, school, library, public monument, museum, playground, or public office building.
- C. No portion of such establishment is located within 300 feet of any other sexually-oriented business establishment.
- D. There shall be no display of goods or services visible from the exterior of the premises.
- E. The establishment will be compatible with other uses in the area.
- F. Such use will not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.
- G. The establishment will not have an adverse impact on religious, educational, and governmental facilities located in the area.

3. Prohibit sexually oriented business establishments in C-M and M Districts ~~by modifying Paragraph 6101.31~~ as follows:

6101.31 Any commercial use permitted in a C-4 District under Paragraph 5104.3, except establishments which have as a principal use the administration of massages and sexually-oriented business establishments.

4. Prohibit sexually-oriented business establishments in Cl?. Districts by ~~adding~~ a new Paragraph 4502.417, as follows:

4502,417 Sexually-oriented business establishment.

5. Prohibit sexually-oriented business establishments in W Districts by adding a new Paragraph 4402.417, as follows:

4402.417 Sexually-oriented business establishment.

1. Add new definitions in Section 1202 as follows:

"Specified sexual activities: activities as follows:

1. Acts of human masturbation, sexual intercourse, sexual stimulation or arousal, sodomy or bestiality,
2. Fondling or other erotic touching of human genitals, pubic region, buttock or breast".

"Specified anatomical areas: parts of the human body as follows:

1. Less than completely and opaquely covered:
 - (a) human genitals, pubic region, (b) buttock, and
 - (c) female breast below a point immediately above the top of the areola; and
2. Human genitals in a discernibly turgid state, even if completely and opaquely covered."

"Sexually-oriented business establishment: an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, films, materials and articles or an establishment which presents films or other material which are distinguished or characterized by their emphasis on matters depicting, describing or related to specified sexual activities or specified anatomical areas. Such establishments may include, but are not limited to, bookstores, newstands, theaters and amusement enterprises. If an establishment is a sexually oriented business establishment, as defined herein, it shall not be deemed to constitute any other use permitted under the authority of these Regulations.

2. Permit sexually-oriented business establishments as special exceptions in C-3-B and C-4 Districts by adding new sub-paragraphs 5103.47 and 5104.45, as follows:

5103.47 Sexually-oriented business establishment, provided that:

- A, no portion of such establishment is located within 600 feet of a residential or special purpose district.
- B. No portion of such establishment is located within 600 feet of a church, school, library, public monument, museum, playground or public office building.

WHEREAS, The Zoning Commission believes, based on the legislative record, including the public hearing, that the continued expansion in the number of such uses in such neighborhoods would be to the clear detriment to the health, safety, and welfare of the people of the District of Columbia; and

WHEREAS, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, as amended) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia;" and

WHEREAS, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare, or morals;" and

WHEREAS, Order No. 161 expires on September 9, 1977; and

WHEREAS, The Zoning Commission's adoption of a final order amending the Zoning Regulations cannot take effect before said expiration date; and

WHEREAS, Emergency action is imperative to prevent the establishment of sexually-oriented businesses before the final adoption of regulations controlling such businesses,

NOW THEREFORE: The Zoning Commission hereby ORDERS that the

attached amendments of the Zoning Regulations be
ADOPTED, for a period not to exceed 120 days following
the expiration of Zoning Commission Order No. 161.


THEODORE F. MARIANI
Chairman


STEVEN E. SHER
Executive Director