

Adult Entertainment By-law - Section XXI

Amend the By-laws by adding a section permitting Adult Entertainment by special permit.

Rationale: Adult Entertainment is a use of land that cannot be prohibited. General Law Ch. 40A Sec. 9A allows a town to regulate the location of adult entertainment. In the absence of a by-law, adult entertainment could be located in any zoning district. The proposed by-law limits adult entertainment to business-industrial districts, and requires setbacks and screening.

SECTION XXI: ADULT ENTERTAINMENT

1. Purpose. The purpose of this by-law is to provide for a special permitting process for the location of Adult Entertainment Facilities within the Town. The special permitting process shall address and mitigate the secondary effects of Adult Entertainment Facilities. Secondary effects of Adult Entertainment Facilities have been associated with increased crime, adverse impact on public health, adverse impact on business climate, adverse impact on the property values of residential and business property, and adverse impacts on the quality of life.

It is not the purpose or intent of this by-law to impose a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials, that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts.

Adult Entertainment Facilities in the Town shall comply with all applicable state and federal laws and regulations. It is not the purpose or intent of this by-law to legalize the sale, rental, distribution, or exhibition of pornographic, obscene or other illegal materials or activities.

2. Applicability. This by-law applies to any facility offering any adult entertainment (“Adult Entertainment Facility”), including but not limited to adult bookstores, adult motion picture theatres, adult video stores, adult paraphernalia stores, and establishments which display live nudity for its patrons
3. Requirements. An Adult Entertainment Facility shall be located only in a business-industrial district, and shall meet the following requirements:
 - a. All parking areas shall be set back a minimum of thirty (30) feet from the edge of the public right of way.

- b. All buildings shall be set back a minimum of one hundred (100) feet from the edge of the public right of way.
 - c. All buildings shall be set back a minimum of one hundred (100) feet from the side and rear lot lines.
 - d. All buildings shall be a minimum of five hundred (500) feet from adjacent residential buildings.
 - e. All buildings shall be a minimum of fifteen hundred (1500) feet from:
 - i. any school
 - ii. any library
 - iii. any church, synagogue, or place of religious services
 - iv. any licensed daycare center.
 - f. All parking areas shall be illuminated with downward and inward directed lighting.
 - g. All buildings and parking areas shall have reasonable sound barriers from any adjacent parcel that is used for residential purposes.
 - h. All buildings and parking areas shall have reasonable visual barriers from any adjacent parcel that is used for residential purposes.
4. Hours of Operation. Adult Entertainment Facilities shall not operate before noon and shall cease operations not later than midnight.
5. Procedures. Any person seeking to operate or construct an Adult Entertainment Facility shall first obtain a special permit from the Planning Board acting as the special permit granting authority pursuant to M.G.L. c.40A, §9, M.G.L. c.40A, §9A, and Section VIII (3) of the Zoning By-laws of the Town. Applications shall include a site plan as provided in Section XII of the Zoning By-laws of the Town. The Planning Board shall review the application and plan, and shall request comments from the Board of Selectmen and the Chief of Police. The Planning Board may request comments from other Town boards.
- a. Applications for a special permit shall include the name and address of the legal owner of the Adult Entertainment Facility, together with the names and addresses of all persons having any direct or indirect ownership or security interest in the facility. In the event that the petitioner is a corporation, partnership, trust, or other corporate entity, the name and address of any person who has a direct or indirect ownership or beneficial interest in the entity shall be included.
 - b. Applications for a special permit shall include the name and address of the operator of the Adult Entertainment Facility.

- c. No special permit shall be issued to any person, or to any corporate entity associated with any person, who has been convicted of violating the provisions of M.G.L. Ch. 119 §63 or M.G.L. Ch. 272 §28, or to any other person or entity prohibited by M.G.L. Ch. 40A §9A by receiving a special permit.
- d. The Planning Board may impose reasonable conditions to insure that the location and operation of the proposed Adult Entertainment Facility is consistent with the purpose of the Zoning By-laws of the Town.
- e. A special permit shall be valid for two years and may be extended on written request without a public hearing for successive two year periods upon a determination by the Planning Board that the operation of the Adult Entertainment Facility has been conducted in accordance with the special permit.
- f. A special permit shall terminate if there has been no operation of the Adult Entertainment Facility for six months, if there is a change in the operator of the Adult Entertainment Facility, or if the Adult Entertainment Facility or land on which the Adult Entertainment Facility is located is sold.
- g. There shall be no material deviations from approved plans without written approval from the Planning Board which may require a public hearing.
- h. A special permit shall remain exclusively with the petitioner and shall not run with the land. Any new owner or operator of an Adult Entertainment Facility must obtain a special permit before commencing or continuing operations.
- i. Adult Entertainment Facilities shall comply with all other provisions of the Zoning By-Laws of the Town. To the extent that the provisions of this Section XXI may conflict with other provisions of the Zoning By-laws of the Town, the provisions of this Section XXI shall apply.
- j. The Building Inspector shall enforce this by-law and any special permit issued or extended pursuant to this by-law.

Zoning Districts – Zoning Map Bylaw - Section II

Amendment to II-3

Rationale: The zoning map is small scale and is not a surveyed plan. Particularly when districts are defined by distances rather than by roads or specific lot lines, there have been differences between boundaries as shown on the zoning map and boundaries as stated in Section II-2-(B) and II-2-(C). This amendment removes any confusion and clarifies that, in the event of a difference, the stated distances prevail.

Delete existing Section II-3 and replace it with the following:

3. Said districts are shown generally on the most recent map entitled “Town of Princeton Zoning Map” signed by the Planning Board and filed with the office of the Town Clerk. In the event of a difference between the Zoning Map and the distances stated in II-2-(B) or in II-2-(C), the distances stated in II-2-B or II-2-C shall be used in determining the location of districts.

The current II-3 provides

3. *Said districts are hereby established as shown, located, defined and bounded on the most recent map entitled “Town of Princeton Zoning Map” signed by the Planning Board and filed with the office of the Town Clerk.*

Definitions in By-laws

Section X

Amendment to Definition of Sandwich Shop, Deli, Coffee Shop

Rationale: “Restaurant or other place for serving food” is a permitted use in a Business District. Fast food restaurants and drive through restaurants are not permitted. This amendment removes any confusion that a food truck is “(an)other place for serving food” and is a permitted use in a Business District.

Amend the definition of “Sandwich Shop, Deli, Coffee Shop” in Section X so that the definition will read:

Sandwich Shop, Deli, Coffee Shop: A food service establishment, which may be mobile, where food is prepared and sold at retail and may or may not be consumed on the premises, such as sandwiches, soups, salads, pizza, coffee or baked goods, or other individually proportioned food items. For purposes of the By-law, a sandwich shop, deli, or coffee shop may include a walk-up service window, but does not include a fast-food restaurant or a drive through restaurant.

The current Section X definition of Sandwich Shop, Deli, Coffee Shop provides:

Sandwich Shop, Deli, Coffee Shop: A food service establishment where food is prepared and sold at retail and may or may not be consumed on the premises, such as sandwiches, soups, salads, pizza, coffee or baked goods, or other individually proportioned food items. For purposes of the Bylaw, a sandwich shop may include a walk-up service window, but does not include a fast-food restaurant or drive through restaurant.

Open Space Residential Design Bylaw - Section XIV

Amendment to XIV-6-(C)

Rationale: The purpose of the OSRD by-law is to encourage clusters of buildings, with the rest of the development preserved as open space. The existing sentence is confusing, and can be read as requiring 100 feet between each dwelling unit within the OSRD as well as a setback from abutting lots. The amendment removes any confusion and is consistent with the purpose of the OSRD by-law.

Delete existing Section XIV-6-(C) and replace it with the following:

- (C) The minimum distance between any dwelling unit in the OSRD and an abutting lot outside of the OSRD shall be one hundred (100) feet.

The current XIV-6-(C) provides

- (C) *The minimum width of existing and proposed open space between dwelling units in the OSRD and adjacent residential lots shall be one hundred (100) feet.*