

**ORDINANCE NUMBER 1298**

AN ORDINANCE OF THE BOROUGH OF DONORA, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF DONORA ZONING ORDINANCE NO. 1034 AND ANY AMENDMENTS THERETO TO PROVIDE FOR THE ESTABLISHMENT OF AN ADULT/SEXUALLY ORIENTED ENTERTAINMENT OR BUSINESS ZONING DISTRICT.

**WHEREAS**, The quality of life in the Borough of Donora will be preserved and protected by making some areas available for adult/sexually oriented entertainment or businesses while preventing such businesses from locating in other areas.

**WHEREAS**, Prohibiting the location of adult/sexually oriented entertainment or businesses in close proximity to residences, schools, churches, hospitals, libraries, nursing homes, sanitariums, retirement or convalescent homes, group homes, day care centers, personal care homes, public parks, recreational areas, privately owned recreational facilities that are open to the public, shopping centers, or to any other adult/sexually oriented entertainment or businesses will further the public health, safety and welfare in the Borough of Donora and serve to:

- (a) Protect and maintain property values;
- (b) Preserve an environment suitable to residential, educational and institutional uses;
- (c) Reduce crime and vagrancy;
- (d) Promote appropriate commercial growth and development;  
and
- (e) Protect the quality of life in the Borough of Donora.

**WHEREAS**, The Council of the Borough of Donora is aware of and concerned about the proliferation of businesses which offer, at one location, entertainment or activities of an adult/sexual nature, along with otherwise permissible non-adult activities such as establishments offering food or beverages, the sale of merchandise, personal services, etc. Such mixture of activities at one location makes the proper, uniform and predictable application of the Borough of Donora Zoning Ordinance extremely difficult and may adversely affect the commercial, business environment for the Borough of Donora. The Council of the Borough of Donora finds that if any substantial portion of the activities conducted on the premises are of an adult/sexual nature, then the use of the premises should be considered to constitute an adult/sexually oriented entertainment or business use and should be governed by the regulations applicable to adult/sexually oriented entertainment or businesses.

**WHEREAS**, The Borough of Donora Planning Commission has submitted its report and recommendation for making an area available for adult/sexually oriented entertainment or businesses while preventing such entertainment or businesses from locating in other areas.

**WHEREAS**, Due to its location, river frontage, and other unique features, the proposed Adult/Sexually Oriented Entertainment or Business Zoning District has the potential for industrial and service related development, including tourism or visitor related uses, as opposed to residential, educational or institutional development. The location of adult/sexually oriented entertainment

or business users in the proposed Zoning District will promote accomplishment of the goals described in Section XIII of Zoning Ordinance No. 1034 and any amendments thereto while restricting such uses to an appropriate setting.

**NOW, THEREFORE,** BE IT ENACTED AND ORDAINED by the Council of the Borough of Donora, Washington County, Pennsylvania; and it is hereby ordained and enacted by the authority of the same, as follows:

**SECTION I: ZONING CLASSIFICATION.** ARTICLE XIII, "M3" - HEAVY INDUSTRIAL DISTRICT, Section 1301 of the Zoning Ordinance No. 1034 of the Borough of Donora shall be amended to add Section 1301-64(c) to provide for the establishment of an Adult/Sexually Oriented Entertainment or Business Zoning District as follows:

1301-64(c). Adult/Sexually Oriented Entertainment or Business.  
Any adult/sexually oriented entertainment or business establishment shall be subject to all express standards and criteria of an M3 District as well as all standards and criteria generally applicable to all conditional uses.

**SECTION II: DEFINITIONS.** As used in this Ordinance **ADULT/SEXUALLY ORIENTED ENTERTAINMENT OR BUSINESS** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center, as more specifically defined in the adult/sexually oriented Business License Ordinance that has or will be enacted by the Council of the Borough of Donora.

**SECTION III: OPERATING DISTANCES.** Any adult/sexually oriented business shall be no more than five hundred (500) feet from any residences, schools, churches, hospitals, libraries, nursing homes, sanitariums, retirement or convalescent homes, group homes, day care centers, personal care homes, public parks, recreational areas, privately owned recreational facilities that are open to the public, shopping centers, or to any other adult/sexually oriented entertainment or businesses.

**SECTION IV.** All other provisions of Borough of Donora Zoning Ordinance No. 1034 and any Amendments thereto shall remain in full effect.

ADOPTED this 12<sup>th</sup> day of NOVEMBER, 1998.


ATTEST:

  
Borough Secretary

  
President of Council

EXAMINED AND APPROVED this 13<sup>th</sup> day of NOVEMBER, 1998.

ATTEST:

  
Borough Secretary

  
Mayor