

**ORDINANCE NO. 98-08**

**AN ORDINANCE RELATED TO THE CREATION OF A MORATORIUM OF THE PLANNING COMMISSION'S ACCEPTANCE AND REVIEW OF APPLICATIONS FOR THE ESTABLISHMENT OF ADULT ENTERTAINMENT USES.**

**WHEREAS**, the Georgetown-Scott County Zoning Ordinance has no provision for the appropriate regulation of adult entertainment. In the past, the absence of alcohol sales was thought to preclude the establishment of adult entertainment. While alcohol sales remain prohibited in Scott County nexus between legal alcohol sales and the location of adult entertainment may no longer exist,

**WHEREAS**, KRS 67.080 and 67.083 authorizes the County "to carry out governmental functions necessary for operation of the County", (i.e.) to abate public nuisances, regulate public gathering, planning, zoning and subdivision control, regulation of commerce for protection and convenience of public and police protection;

**WHEREAS**, no applications have been filed for the development of an adult entertainment establishment. Inquiries, however, have been made regarding local regulation of adult entertainment. From the recent experience of Fayette County, the regulation of adult entertainment is divisive and difficult. To equip local government to fairly review the need for regulation in this area, it is necessary to establish a reasonable period in which the Planning Commission may study the pertinent issues and recommend regulations, if appropriate, for adoption by the County's legislative body; and

**WHEREAS**, in order to research the issues, conduct a public hearing and draft proposed regulations, a minimum period of six (6) months is necessary before the consideration of applications for the establishment of adult entertainment business uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT FOR SCOTT COUNTY, KENTUCKY, as follows:**

**SECTION ONE: MORATORIUM.**

Effective upon passage of this Ordinance, there is established a moratorium on the Planning Commission's receipt and review of applications for the establishment of adult entertainment business uses in Scott County, Kentucky. During this moratorium the Planning Commission shall:

1. not accept for review, any application for establishment of an adult entertainment business use as defined below,
2. research the land use regulation issues related to the affected business uses,
3. conduct a public hearing on the land use regulation issues related to the affected business uses.

4. draft all appropriate regulations necessary for the protection of the citizens of Scott County and the prospective operators of adult entertainment business uses, and
5. recommend appropriate regulation, if any, for adoption by the Scott County Fiscal Court.

**SECTION TWO: DEFINITIONS.**

1. Moratorium: temporary prohibition of an otherwise regulated activity for the legitimate public purpose of reserving the status quo while the governing authority studies the applicable issues and devises a permanent ordinance which addresses those issues for the protection of the general public and the prospective operators of the regulated activities.

2. Adult Entertainment Businesses: These businesses include:

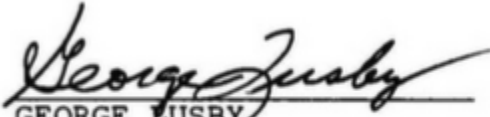
- a. outlets for sexually-oriented magazines, books, videos, toys, novelties, lingerie;
- b. movie theaters that feature primarily sexually-oriented materials
- c. facilities with individual video viewing booths; and
- d. involves substantial nudity and/or the performance of establishments with live entertainment that simulation of sexual acts.

3. Public hearing: proceedings required pursuant to KRS Chapter 100 and 424 prior to the enactment of a zoning ordinance.

**SECTION THREE: EFFECTIVE DATE:**

This Ordinance is effective from passage and publication.

The foregoing Ordinance was introduced and read for the first time at the Fiscal Court's meeting on Dec 18 1998, and for the second time, adopted and approved, at the Fiscal Court's regular meeting on Jan 9 1999.

  
GEORGE ZUSBY  
SCOTT JUDGE EXECUTIVE

ATTEST:

  
MARTHA NECLERIO  
CLERK

scfadult