

**SCOTT FISCAL COURT  
ORDINANCE NO. 99-05  
AN ORDINANCE RELATED TO THE CREATION OF A MORATORIUM ON THE PLANNING  
COMMISSION'S ACCEPTANCE AND REVIEW OF APPLICATIONS FOR THE  
ESTABLISHMENT OF ADULT ENTERTAINMENT USES**

**WHEREAS:** The 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 the nexus between legal alcohol sales and the location of adult entertainment may no longer exist;

**WHEREAS:** KRS 82.088 (1) authorizes the County to "regulate the location of adult establishments by dispersing them throughout the county or by concentrating them in one (1) area. This regulation is intended to "to prevent crime, protect the county's retail trade, maintain property values, and generally to protect and preserve the quality of its neighborhoods, commercial districts and the quality of urban life.";

**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 SCOTT FISCAL COURT OF 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
- S. recommends appropriate regulation, if any, for adoption by the Scott Fiscal Court.

**SECTION TWO: DEFINITIONS.**

1. Moratorium: temporary prohibition of an otherwise regulated activity for the legitimate public purpose of preserving 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:

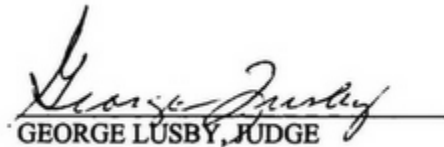
- a. outlets for sexually-oriented magazines, books, videos, toys, novelties, lingerie;
- b. movie theaters that feature primarily sexually-oriented material;
- c. facilities with individual video viewing booths; and
- d. establishments with live entertainment that involves substantial nudity an/or the performance or 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 Scott Fiscal Court's meeting June 24 1999 and for the second time, adopted and approved, at the Scott Fiscal Court's meeting July 8, 1999.

APPROVED BY:

  
GEORGE LUSBY, JUDGE

ATTESTED BY:

  
MARTHA NECLER, CLERK