



BOARD OF SUPERVISORS

ORDINANCE NO. _____

Subject: ESTABLISHING A MORATORIUM ON CONSIDERATION AND/OR ISSUANCE OF ZONING PERMITS, CERTIFICATES OF COMPLIANCE, SITE PLAN REVIEW, AND ZONING APPROVALS FOR ADULT ENTERTAINMENT ESTABLISHMENTS PENDING A PLANNING, DEVELOPMENT EXTENSION AND EDUCATION COMMITTEE STUDY TO DETERMINE HOW THE ZONING ORDINANCE SHOULD BE CHANGED TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE IN LIGHT OF RECENT DEVELOPMENTS IN THE LAW AS RELATED TO THE COMPREHENSIVE ZONING PLAN			
Original <input type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: October 15, 2019		Date Resubmitted:	
Submitted By: Planning Development & Extension Education Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Andy M. Buehler, Director Division of Planning & Development		Signature:	

WHEREAS, studies in other communities indicate that adult establishments and certain activities that frequently occur in or around adult establishments, have tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of communities, to depreciate the value of real property, to harm the economic welfare of communities, to encourage or facilitate the spread of sexually transmitted diseases, and to affect the quality of life of the communities; and

WHEREAS, these secondary effects of adult establishments are detrimental to the public health, safety and general welfare of Kenosha County residents, businesses and visitors; and

WHEREAS, the Kenosha County Board of Supervisors has previously adopted regulations to limit the secondary effects of adult establishments within the County, including Kenosha County Ordinance Sections 12.22-6; and

WHEREAS, developments in the law subsequent to the adoption of those regulations may impair or impact those regulations, including without limitation the constitutional effect; and

WHEREAS, a moratorium on consideration and/or issuance of zoning permits, , certificates of compliance, site plan review, and zoning approvals for adult entertainment establishments is necessary to allow the Kenosha County Planning, Development Extension and Education Committee to study how the zoning ordinance should be changed to address developments in the law while still protecting the public health, safety and general welfare of Kenosha County residents, businesses and visitors.

NOW, THEREFORE, the Kenosha County Board of Supervisors does hereby ordain as follows:

Sec. 1. -- Declaration of Moratorium. A moratorium is hereby declared with respect to the acceptance of applications for and the issuance of any of the following:

- A. Zoning permits for any Limited Adult Media Stores, as described in Kenosha County Ordinance Section 12.22-2 and 12.22-6;
- B. Zoning permits for any Adult Establishment described in Kenosha County Ordinance Section 12.22-3 and 12.22-6;
- C. Certificates of Compliance required under Kenosha County Ordinance Sections 12.05-5;
- D. Site Plan Review required under Kenosha County Ordinance Section 12.08-2;
- E. Approval of any adult establishment, which includes (a) adult bookstores, (b) adult cabarets, (c) adult drive-in theatres, (d) adult live entertainment arcades, (e) adult mini-motion picture theatres, (f) adult motels, (g) adult motion picture arcades, (h) adult motion picture theaters, and (i) adult services establishments, defined as any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities identified in 12.22-6, or display of specified anatomical areas identified in 12.22-6, or massage of specified anatomical areas, not performed or operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin.

Sec. 2 -- Duration of Moratorium. This moratorium shall be in effect for six (6) months following the effective date of this ordinance or until a revised adult establishment ordinance is adopted and takes effect, whichever is earlier.

Sec. 3 -- Direction to Develop Revised Ordinance. During the period of this moratorium, the Planning, Development Extension and Education Committee is directed to draft a revised ordinance providing comprehensive regulation of adult establishments to protect health, safety and general welfare of the public and aligns with current legal requirements as part of the County's comprehensive plan which shall be presented to the Board of Supervisors on the earliest possible date. It is the intention of the Board of

Supervisors to adopt a revised ordinance prior to the expiration of this moratorium.

Sec. 4 -- Subjects for Consideration. In preparing a revised ordinance, the Planning, Development Extension and Education Committee shall review and evaluate Kenosha County Ordinance Sections 12.22-2, 12.22-3, 12.22-6, consider available studies and information concerning the secondary effects of adult establishments in Kenosha County and elsewhere, consult with legal counsel, solicit input from appropriate county staff, and interested members of the general public, and review any other information the Planning, Development Extension and Education Committee deems appropriate. The subjects the Land Use Committee shall consider include, but are not limited to, the following:

- A. The under-inclusiveness or over-inclusiveness of Kenosha County Ordinances Section 12.22-6
- B. The appropriateness of current separation requirements between different adult establishments and between adult establishments and other land uses.
- C. The secondary effects of different kinds of adult establishments and the need to treat the establishments differently.
- D. The extent to which some kinds of adult establishments may be banned entirely and the extent to which such a ban would reflect community standards.
- E. The need for a licensing ordinance governing the ongoing operation of adult establishments.
- F. The availability of sites for the location of adult establishments.

Sec. 5 -- Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 6 -- Construction. If the provisions of this ordinance are found to be inconsistent with other provisions of the Kenosha County Code of Ordinances, this ordinance is deemed to control.

PASSED BY the Kenosha County Board of Supervisors this _____ day of October, 2019, and signed in authentication thereof this _____ day of October, 2019.

/s/ _____
Name:

Title: _____

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Approved by:

PLANNING, DEVELOPMENT
& EXTENSION EDUCATION
COMMITTEE

	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
<hr/> Erin Decker, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Michael Skalitzky, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> John Poole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Mark Nordigian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> Zach Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>