



**April 30, 2010**

*(This is the seventeenth in a series of updates on zoning in Kenton County. The series is intended to brief city and county elected officials on issues being addressed by NKAPC in the **2020 Sourcebook**, a new model zoning ordinance for Kenton County's local jurisdictions. We hope you find it timely and thought provoking and encourage you to contact us using the link below if we can provide more information or answer any questions.)*

## **Proper regulation of sexually-oriented businesses critical**

The negative impacts of sexually-oriented businesses have been well documented through studies and research. On the other hand, courts across the country have ruled that sexually-oriented businesses are a constitutionally-protected form of free speech. How does a local government reduce the negative impacts of these businesses while not infringing on their right to free speech?

In 2003, the Kenton County Fiscal Court, after consultation with mayors and their staff, found that a substantial need existed to revise significantly the ordinances regarding sexually-oriented businesses within Kenton County. The NKAPC responded and retained nationally-recognized Duncan Associates of Austin, Texas—specialists in regulating adult entertainment businesses. This began a three-year process of reviewing and writing regulations for sexually-oriented businesses for all Kenton County jurisdictions.

In March 2006 the Kenton County Planning Commission recommended approval of the resulting text amendments to all the jurisdictions in Kenton County. NKAPC staff then worked with the 19 legislative bodies between March 2006 and the end of 2007 to get the recommended text amendments adopted into the various zoning ordinances. To date, all jurisdictions except Kenton Vale and Ryland Heights have approved the recommended restrictions.

The *2020 Sourcebook* recognizes this effort and the importance of protecting each Kenton County jurisdiction from the adverse effects of sexually-oriented businesses. In so doing, it also protects individual rights to free speech. Specifically, the *2020 Sourcebook*:

1. provides definitions for sexually oriented businesses and activities;
2. identifies prohibited uses;
3. identifies permitted uses;
4. identifies in which zones specific uses may be located;
5. provides a permitting process;
6. provides general standards;
7. provides for individual business standards; and
8. provides an appeal process.

Under the *2020 Sourcebook*, sexually-oriented businesses such as strip clubs are limited to certain areas, mostly high-industrial or commercial zones, and then only in certain locations. These businesses must be located at least 1,000 feet from a school, daycare center, library, religious institution, or public recreation facility—all which have been termed as "sensitive uses."

Adult retail stores are permitted mainly in shopping center zones, but must maintain a distance of at least 500 feet from those same "sensitive uses."

Case law from the US Circuit Court of Appeals and the US Supreme Court was an instrumental ingredient in this text. Besides placing tighter zoning restrictions on these sexually-oriented businesses, the *2020 Sourcebook* puts each of the local governments on firm legal footing as established by recent court rulings.

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To contact a staff member who can answer your questions about the issues covered in this update or on the *2020 Sourcebook* in general, click [here](#).

To view past editions of this update series, click [here](#).