

ARTICLE XII A ADULT ENTERTAINMENT DISTRICT (AED)

A. INTENT

Mindful of the fact that is the intent of this section of the zoning ordinance to protect the health, safety and morals of the citizens of the Town of Morrison and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhood in the Town of Morrison and prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment and also mindful of the criminal activity and disruption of public peace associated with such establishments, it is the intent of this section to regulate the location of such establishments of adult entertainment. By the enactment of this section of ordinance the Town Board of the Town of Morrison does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

B. DEFINITIONS. For the purpose of this section:

"Specified sexual activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

"Specified anatomical areas" is defined as:

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. Buttock;
 - c. Female breast below a point immediately above the top of the areola; and
 - d. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Adult establishments" include bookstores, motion picture theaters, mini-motion picture theaters, bathhouses, massage parlors, modeling studios, body painting studios, and cabarets, and are more specifically defined as:

1. Adult Bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.

2. Adult Motion Picture Theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

3. Adult Motion Picture Theater. (Outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas".

4. Adult Mini-motion Picture Theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

5. Adult Bathhouses. An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.

6. Adult Massage Parlors. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods

of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.

7. Adult Modeling Studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.

8. Adult Body Painting Studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.

9. Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

10. Adult Novelty Shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.

C. ADULT ENTERTAINMENT DISTRICT.

So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land, there is hereby created an adult entertainment district which, subject to the standards set forth in the ordinance, may be used for an adult establishment as defined herein.

D. ADULT ENTERTAINMENT DISTRICT (OVERLAY) - GENERAL STANDARDS.

Adult bathhouses, body painting studios, bookstores, cabarets, massage parlors, mini-motion picture theaters, modeling studios, motion picture theaters, motion picture theaters (outdoor), and novelty shops in the Adult Entertainment District.

1. The Adult Entertainment Overlay District shall only be established by Conditional Use Permit in situations in which the underlying district is a B-1 Community Business District.

2. No more than one (1) of the above adult uses may be

established on any one (1) parcel and the establishment of any of the above adult uses shall be at least fifteen hundred (1500) feet from the establishment of any other adult use. No adult use shall be permitted within two thousand (2000) feet of any land zoned residential or within two thousand (2000) feet of a Planned Residential Development, a residential dwelling, school, or public park.

3. There shall be no sale of intoxicating beverages in the Adult Entertainment District.

4. Signs advertising any of the aforementioned adult uses shall conform with Article XVIII of this ordinance with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict specified sexual activities and/or specified anatomical areas as defined in the ordinance, and provided further that there shall be no flashing or traveling lights located outside the building.

5. Adequate parking shall be provided in a lighted area and as set forth in Article XIV.

6. There shall be no display windows on the premises.

7. The owner and/or operator of the adult entertainment establishment shall agree to comply with all State, Federal, and Local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further insure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.

8. In the case of adult cabarets, the hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within the town.

9. Outdoor adult motion picture theaters shall confine their hours of operation to those hours of operation established for bars and taverns within the town. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street, or highway or residence and the premises shall be surrounded by solid fencing at least eight (8) feet in height. All theaters shall be in compliance with Section 134.46 of the Wisconsin Statutes.

10. Prior to the establishment of an Adult Entertainment District, an inventory of the surrounding area and population shall be made by a Registered Land Surveyor or Planner, along

with a study of the proposed development and plans for the area so as to enable the Planning Commission to make appropriate findings relating to the effect of the establishment of such a district in that area.

11. The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Planning Commission.

E. PRINCIPAL USES.

No principal uses shall be permitted as a matter of right in the Adult Entertainment (Overlay) District. All uses shall be Conditional Uses.

F. CONDITIONAL USES.

1. Adult bathhouses
2. Adult body painting studios
3. Adult bookstores
4. Adult cabarets
5. Adult massage parlors
6. Adult mini-motion picture theaters
7. Adult modeling studios
8. Adult motion picture theater
9. Adult motion picture theater (outdoor)
10. Adult novelty shops
11. All accessory, conditional, and principal uses of the underlying district.

G. UNDERLYING DISTRICT STANDARDS.

Lot area and width, building height and area, yard requirements, parking requirements, and sign requirements required in the underlying district shall be complied with in the Adult Entertainment Overlay District.

H. PROCEDURE FOR ESTABLISHING ADULT ENTERTAINMENT DISTRICT

1. An application for the establishment of an Adult Entertainment District petitioning for the issuance of a rezoning shall be made in accordance with Article XVII, J. and this section.

2. No application for an Adult Entertainment District shall be approved by the Town Board unless, however, the following findings have been made:

a. That all the standards and requirements in this Ordinance have been met.

b. That the proposed use will not be a detriment to the public welfare.

c. That the proposed zoning change is consistent with the general intent of any comprehensive plan in existence.

d. That the existing streets and utility services are adequate for the proposed use.

e. That the establishment of an adult entertainment establishment will in no way contribute to the deterioration of the surrounding neighborhood.

f. That the presence of the adult entertainment establishment will not have a harmful influence on children residing in or frequenting the area.

3. Approval of the application shall cause the official zoning map to be annotated as an Adult Entertainment District (AED).

This ordinance shall take effect on and after its
passage and publication.

Dated this 27th day of April, 1993.

APPROVED

Herold Treichel

Herold Treichel, Town Chairman

ATTEST

Janice Christensen

Janice Christensen, Town Clerk