
To: Planning and Zoning Commissioners

From: Brad Deets, City Administrator

Date: July 21, 2023

Re: Modifications to Zoning Ordinance Definitions

Attach: Proposed Ordinance
Existing Definitions Section

The City received a letter from the ACLU related to a specific definition of “Adult Cabaret” as defined within the current Zoning Definitions chapter of the City Code. Adult Cabaret is currently defined within the City Code as “a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.” Specifically, the ACLU has concerns with including male or female impersonators as they believe the inclusion to be unconstitutional as it would prohibit drag shows throughout the City.

City staff and the City Attorney do not agree with the ACLU’s interpretation on two specific points.

1. This definition does not outright prohibit the location of an Adult Cabaret within City limits but rather restricts such uses to specific zoning districts within the City (M-1A and M-2).
2. The definition of Adult Cabaret is used within the context of the zoning ordinance as an example of an adult entertainment business which is defined as display of specified sexual activities or specified anatomical areas. Simply stated, as long as a show which would include male or female impersonators without the display of specified sexual activities or specified anatomical areas (nudity), it would be permitted in other commercially zoned areas of the City.

Regardless, this notice has given the City the opportunity to review all definitions as included within the Adult Entertainment Business section of the City’s zoning ordinance and staff believes this is an opportunity to clean up and modernize a section of the City’s zoning ordinance which has not been touched in over 20 years.

The proposed ordinance would replace all current definitions within the existing code as it pertains to Adult Entertainment Businesses. Staff has consolidated a number of definitions which has allowed for the examples provided for Adult Entertainment Businesses to be reduced from 12 down to six. Additionally, the specific definition of “Adult Cabaret” has been eliminated in favor of a more generalized definition of “Sexual Encounter Center”.

Finally, the current ordinance included the definitions for “Massage” and “Massage Establishment” under the heading of “Adult Entertainment Business”. Staff felt these definitions were more appropriate within the main context of the Zoning Definitions Chapter and not as subtext to “Adult Entertainment Business”.

The City Attorney has reviewed the proposed ordinance and believes the proposed changes will continue to provide assurance that adult entertainment businesses are still regulated within the context

of specific zoning districts while at the same time addressing the concern that has been stated by the ACLU.

Staff would recommend approval of the proposed ordinance.