

SECTION 15. ADULT USES

SUBDIVISION 1. STATUTORY AUTHORIZATION

This Section is adopted pursuant to the authority delegated to the county by Minnesota Statutes.

SUBDIVISION 2. FINDINGS AND PURPOSE OF ORDINANCE

- A. This Section is intended to regulate "adult uses," those premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.
- B. The nature of adult uses is such that they are recognized as having adverse secondary impacts, based upon studies of the impacts that adult establishments have on their surrounding communities.
- C. The adverse secondary impacts found in the studies include increased crime rates, decreased property values, increased transiency, neighborhood blight, and potential health risks. These impacts are particularly apparent when they are accessible to minors and located near residential properties or residential uses such as schools, day care centers, libraries or parks. The nature of the adult uses requires that they be allowed within certain zoning districts, or set back a minimum distance from each other, or other residential uses. Special regulation of these uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses, nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.
- D. It is therefore in the best interest of the public health, safety and general welfare of the citizens of the county that certain types of activities, as set forth in this Section, are prohibited upon the premises of licensed liquor, wine and beer establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public, in general. Further, the county intends that the standards in this Section reflect the prevailing community standards in the county. This Section is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Board of County Commissioners also desires to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of criminal conduct such as prostitution, sexual assault and disorderly conduct.

SUBDIVISION 3. LICENSING AND ENFORCEMENT

Adult Uses shall be regulated by the Le Sueur County Adult Use Ordinance per the requirements set forth by the Le Sueur County Board of Commissioners as amended from time to time as well as the standards of this Section.

**SUBDIVISION 4. ALLOWED ADULT USE LOCATIONS BY ZONING DISTRICT
AND OTHER APPLICABLE STANDARDS**

A. ADULT USE, PRINCIPAL - ALLOWED LOCATIONS

1. Adult use, principal, shall only be allowed as a conditional use in the General Business (B) District, and parking, screening, lighting and other relevant site-related criteria for all adult uses shall be as set forth in this Ordinance.
2. Adult use, principal, shall be located at least 1,000 linear feet, as measured in a straight line from the closest point of the structure within which the adult use, principal, is located to the property line of:
 - a. Any residentially used or zoned property.
 - b. Any licensed day care center.
 - c. Any public or private educational facility classified as an elementary, junior high or senior high school.
 - d. Any hotel or motel.
 - e. Any public park or trails system.
 - f. Any nursing home.
 - g. Any community center.
 - h. Any church or church-related organization.
 - i. Another adult establishment. No adult use, principal, shall be located in or upon the same property as another adult use, principal.
 - j. Establishments licensed to serve alcoholic beverages.
 - k. Hospitals/Clinics.
3. Hours of operation. Hours of operation for adult uses, principal, shall be from 9:00 a.m. to 1:00 a.m. A differing time schedule may be approved by the Board of County Commissioners if it can be satisfactorily demonstrated to the Board of County Commissioners that all of the following apply:
 - a. The use does not adversely impact or affect uses or activities within 1,000 feet.
 - b. The use will not result in increased policing and related service calls.

- c. A different time schedule is critical to the operation of the business.
- 4. Sign regulations. Adult use, principal, shall adhere to the following sign regulations in addition to those set forth in this Ordinance.
 - a. A sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.
 - b. Signs shall be limited to the size and number of signs permitted in the district in which the use is located.

B. ADULT USE, ACCESSORY - ALLOWED LOCATIONS

- 1. Adult use, accessory, shall be a conditional use in the General Business (B) District, provided that the accessory use conforms with the provisions of this section. Adult use, accessory, shall:
 - a. Comprise of no more than ten (10) percent of the floor area of the establishment in which it is located.
 - b. Comprise of no more than twenty (20) percent of the gross receipts of the entire business operation.
 - c. Not involve or include any activity except the sale or rental of merchandise.
- 2. Separation of areas. Adult use, accessory, shall be restricted from, and prohibit access to, minors, by physically separating the following and similar items from areas of general public access:
 - a. Movie rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.
 - b. Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - c. Other adult uses not specifically cited shall comply with the intent of this Section.
 - d. Advertising. Adult use, accessory, shall be prohibited from both internal and external advertising and signing of adult materials and products.
- 3. Nonconforming adult uses shall be subject to the provisions of this Ordinance.