

SECTION 1015 - ADULT USES

1015.01 **PURPOSE.** The nature of adult uses is such that they are recognized as having adverse secondary characteristics, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the concentration of adult uses has an adverse effect upon the use and enjoyment of adjacent areas. The nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of adult 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.

1015.02 **ADULT USE - GENERAL.** Adult uses, as defined in this Ordinance, shall be subject to the following general provisions:

Subd. 1. **Residential Use.** Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.

Subd. 2. **Adult use - Principal.** An adult use which does not qualify as an accessory use shall be classified as an adult use-principal.

Subd. 3. **Liquor Sales.** An adult use either principal or accessory shall not sell or dispense non-intoxicating or intoxicating liquors nor shall it be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.

Subd. 4. **Prohibited Activity.** No adult use entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment which is prohibited by any ordinance of the City of Tonka Bay, the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.

Subd. 5. **Advertising.** No adult use either principal or accessory shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to "Specified Sexual Activities" or "Specified Anatomical Areas" by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.

Subd. 6. **Signage.** Adult use-principal and adult use-accessory establishments shall prominently display a sign at the entrance and located within two (2) feet of the door-opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or displays material containing

adult themes. Persons under age 18 years of age shall not enter.” Said sign shall have letters at 3/8" in height and no more than 2" in height.

Subd. 7. Age Restriction. No person under the age of 18 shall be permitted on the premises of an adult use-principal establishment. No person under the age of 18 shall be permitted access to material displayed or offered for sale or rent by an adult use-principal or accessory establishment.

1015.03 ADULT USE - PRINCIPAL. Adult use-principal as defined in this Ordinance shall be subject to the following general provisions:

Subd. 1. Separation - Residential Uses. Adult use-principal shall be located at least one hundred (100) radial feet, as measured in a straight line from the closest part of the building or actual leased space of the adult use principal to the property line of residentially zoned property or property in a PUD which is projected to be residential.

Subd. 2. Separation - Other Uses. Adult use-principal shall be located at least one hundred (100) radial feet, as measured in a straight line from the closest part of the building or actual leased space of the adult use-principal to the property line of:

- a. A licensed day care center.
- b. A public or private educational facility classified as an elementary, junior high or senior high.
- c. A public library.
- d. A public park.
- e. An on-sale or off-sale liquor establishment.
- f. Another existing adult use-principal.

Subd. 3. Location of Use. The use shall be located within a building or actual leased space of a building within the area allowable for adult use-principal uses. Buildings or leased space intersected by a line representing the allowable area will be considered permissible only for that portion of the building or leased space that is within the allowable area.

Subd. 4. Number of Uses. Adult use-principal activities, as defined by this Ordinance, shall be classified as one use. No two adult uses-principal shall be located in the same building or upon the same property.

1015.04 ADULT USES - ACCESSORY.

Subd. 1. Floor Area. Adult use-accessory shall:

- a. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located.
- b. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
- c. Not involved or include any activity except the sale or rental of merchandise.

Subd. 2. Age Restriction. Adult use-accessory shall be restricted from and prohibit access to persons under the age of 18 by the physical separation of such items from areas of general public access:

- a. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or controlled in some other effective manner which meets with the approval of the Zoning Administrator.
- b. Publications classified or qualifying as adult uses shall not be accessible to persons under the age of 18 and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
- c. Adult use-accessory not specifically cited shall comply with the intent of this section subject to the approval of the Zoning Administrator.
- d. Adult use-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.