

## **SECTION 32: ADULT USES**

### **Subd 1: 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 or the surrounding property and lessening of its value.

During 1999 the City conducted studies and extensive discussions of the role and purpose of its commercial and industrial districts. The amendments to the zoning ordinance that followed this process both refined and implemented the goals and objectives of the City's Comprehensive Municipal Plan. The role the City has identified for its business districts, after consideration of the City's traditional role, its goals and objectives, and its location in the context of the west metro area, is provision of the day to day convenience shopping and service needs of our community. The zoning amendments were structured to encourage the provision of goods and services in Long Lake that are frequently purchased, are not specialized, that people do not typically travel any significant distance to obtain, and are not primarily entertaining in nature. For this reason, adult uses are accommodated in the City both as accessory to the primary activity of the establishment, and as a significant part or sole activity on the premise, with different standards applied to each. This basis for accommodation of adult uses in the City was reinforced when the customary setbacks and buffers from residential use for establishments that principally or solely offer adult uses eliminated all potential sites in the narrow Long Lake business and industrial districts along the spine of Hwy 12.

### **Subd 2: Adult Uses Defined**

Adult Uses as defined in this Ordinance shall be subject to the following general provisions:

- 1) Activities classified as obscene under Minnesota State law are not permitted and are strictly prohibited.
- 2) An Adult Use which does not qualify as an accessory use shall be classified as an Adult Use-Principal.

A. Adult Uses Generally. Adult Uses include adult bookstores, adult motion picture theaters, adult motion picture sales/rentals, adult mini-motion picture theaters, adult

massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other 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 anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes 617.241, as may be amended, are not included.

Activities featuring the following specified anatomical areas, sexual activities or business activities shall be considered Adult Uses:

1. Specified Anatomical Areas:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breasts(s) below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Specified Sexual Activities:

- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- b. Clearly depicted human genitals in the state of sexual stimulation, arousal or turnescence; or
- c. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
- d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
- e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
- f. Erotic or lewd touching, fondling or other sexually-oriented conduct with an animal by a human being; or
- g. Human excretion, urination, menstruation, vaginal or anal irrigation.

3. Specified Adult Use Business Activities. The offering of goods or services classified as Adult Uses by or within a business or establishment include but are not limited to the following:

- a. Adult Use - Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas".
- b. Adult Use - Bookstore. A building or portion of a building uses for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".
- c. Adult Use - Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical area".
- d. Adult Use - Companion Establishment. A companion establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- e. Adult Use - Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an a emphasis on "specified sexual activities" or "specified anatomical areas".
- f. Adult Use - Health/Sport Club. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- g. Adult Use - Hotel or Motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- h. Adult Use-Massage Parlor, Health Club. A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

- i. Adult Use-Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- j. Adult Use-Modeling Studio. An establishment whose major business is the provision, to customers, to figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- k. Adult Use-Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".
- l. Adult Use-Motion Picture Theater. A building or portion of a building with a capacity of 50 or more persons used for presenting material in such building or portion of a building as a prevailing practice excludes minors by virtue of age if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- m. Adult Use-Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
- n. Adult Use-Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- o. Adult Use-Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

B. Adult Use - Principal. The offering of goods and/or services which are classified as adult use, as the sole activity, or any activity or activities individually or in combination, that comprise 10% or more of the floor area of the establishment in

which it is located, or more than 150 sq. ft of area, or provides 20% or more of the gross receipts of the entire on site business operation.

C. Adult Use - Accessory. The offering of goods and/or services which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment, and, individually or in combination, that comprise less than 10% of the floor area of the establishment in which it is located, but in no case more than 150 sq.ft. of floor area, or provide less than 20% of the gross receipts of the entire on site business operation. Adult Uses - Accessory do not involve or include any activity except the sale or rental of merchandise.

D. Adult Use - Exempt. The offering of goods which are classified as adult uses on a diminutive scale and which are extremely incidental to the primary activity and goods and/or services offered by the establishment, and, individually or in combination, comprise less than 5 square feet of the floor area of the establishment in which it is located, or less than 5 square feet of shelf or wall area. Adult Uses - Exempt do not involve or include any activity except the sale or rental of merchandise, and no external or internal advertising of any adult merchandise is permitted .

### Subd. 3: Adult Uses, Regulations

#### A. Adult Uses - Principal

1. All Adult Uses-Principal shall require a Conditional Use. In granting a conditional use permit for any adult use, the City may impose such additional reasonable requirements as it deems appropriate to mitigate or prevent harmful secondary effects of adult uses. In imposing such conditions, the City may rely on studies and information available at the time the permit is issued.
2. All Adult Uses- Principal shall be located within the I-1 Industrial District.
3. All Adult Uses-Principal shall be located at least the specified distance measured radially in a straight line from the closest point of the building or actual leased space of the Adult Use -Principal to the property line of the following uses, whether located in Long Lake or an adjoining community:
  - a. A distance of at least 250 ft. shall be maintained from the following activities or facilities:
    1. A licensed day care center.
    2. A public or private educational facility classified as an elementary, junior high or senior high.
    3. A public library.
    4. A public park.
    5. An on-sale liquor establishment.
    6. A church and church-related facilities

- b. A distance of at least 1000 ft. shall be maintained from the following activities or facilities:
  - 1. Any other Adult Use
  - 2. A residential property, unless separated from that residential property by a railroad right of way or a State Highway
    - 4. No Adult Use - Principal shall locate in any building which is also utilized for residential purposes.
- 5. Any property occupied by an Adult Use - Principal must positively comply with all the current zoning, health and building regulations that apply to the site and building at the time of application for the Conditional Use Permit
- 6. Any Adult Use - Principal shall occupy a lot with a minimum lot width of at least 200 ft and provide parking as follows:
  - a. For a motion Picture Theater - one space per seat provided or the maximum seating capacity of the theater
  - b. For a motion Picture Arcade - five spaces per machine
  - c. For all other Adult Uses - Principal one space per fifteen sq. ft. of floor area open to the public or customers of the facility.
 Plus and adequate number of parking spaces for employees as determined by the City Council as part of the granting of the Conditional Use Permit.
- 7. Signage shall be as provided in Section 435, Sign Ordinance.
  - 8. Adult Use-Principal activities shall be prohibited at any public shows, movie, caravan, circus, carnival, theatrical or other performance or exhibition where minors are admitted. Adult use-Principal activities shall also be prohibited in liquor-licensed establishments.

**B. Adult Uses - Accessory**

- 1. All Adult Uses-Accessory shall require a Conditional Use Permit. In granting a conditional use permit for any adult use, the City may impose such additional reasonable requirements as it deems appropriate to mitigate or prevent harmful secondary effects of adult uses. In imposing such conditions, the City may rely on studies and information available at the time the permit is issued.
- 2. All Adult Uses-Accessory shall be located within the B2A Service Business District
- 3. All Adult Uses-Accessory shall be located at least the specified distance measured radially in a straight line from the closest point of the building or actual leased space of the Adult Use - Accessory to the property line of the following uses, whether located in Long Lake or an adjoining community:

- a. A distance of at least 250 ft. shall be maintained from the following activities or facilities:
  - 1. A residential property.
  - 2. A licensed day care center.
  - 3. A public or private educational facility classified as an elementary, junior high or senior high.
  - 4. A public library.
  - 5. A public park.
  - 6. An on-sale liquor establishment.
  - 7. A church and church-related facilities
  
- b. A distance of at least 1000 ft. shall be maintained from the following activities or facilities:
  - 1. Any other Adult Use
    - 4. No Adult Use - Accessory shall locate in any building which is also utilized for residential purposes.
  
- 5. No Adult Use-Accessory shall:
  - a. Offer goods and/or services which are classified as adult uses, individually or in combination, that comprise 10% or more of the floor area of the establishment in which it is located, and in no case occupying more than 150 sq.ft. of floor area.
  - b. Offer goods and/or services which are classified as adult uses, individually or in combination, that provide more than twenty percent (20%) of the gross receipts of the entire business operation located on the site.
    - 6. Adult Uses-Accessory shall restrict and prohibit access to minors by the physical separation of such Adult Use items from areas of general public access:
      - a. Movie Rentals. 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 at the Zoning Administrator.
      - b. Magazines. Publications classified or qualifying as adult uses shall not be 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 materials or services. Adult Uses-Accessory providing materials or services not specifically cited above shall comply with the intent of this section subject to the final approval of the City Council.

7. Adult Uses-Accessory shall be prohibited from external advertising and signing of adult materials and products.
8. Any property occupied by an Adult Use - Accessory must positively comply with all the current zoning, health and building regulations that apply to the site and building at the time of application for the Conditional Use Permit.
9. Adult Uses-Accessory activities shall be prohibited at any public shows, movie, caravan, circus, carnival, theatrical or other performance or exhibition where minors are admitted. Adult use-accessory activities shall also be prohibited in liquor-licensed establishments.