

Section 27 - Sexually Oriented Uses

Subdivision

27.01 Purpose

27.02 Sexually Oriented Use-General

27.03 Sexually Oriented Use-Principal

27.04 Sexually Oriented Use-Accessory

27.01 PURPOSE

The purpose of this subdivision is to establish provisions for the opportunity as well as controls of sexually oriented uses within St. Augusta.

27.02 SEXUALLY ORIENTED USE-GENERAL

Sexually oriented uses, as defined in this Ordinance, shall be subject to the following general provisions:

- A. Activities classified as obscene under Minnesota State Law are not permitted and are prohibited.
- B. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- C. Sexually oriented uses, either principal or accessory, shall be prohibited from locating anywhere used to dispense or consume alcoholic beverages.
- D. Sexually oriented uses-principal which are defined in this Ordinance as sexually oriented stores, and which deal solely in the retail sales of novelties, shall be exempt from the requirements of Subd. 27.03 of this Ordinance.
- E. A sexually oriented use which does not qualify as an accessory use shall be classified as an sexually oriented use-principal.

27.03 SEXUALLY ORIENTED USE-PRINCIPAL

- A. Sexually oriented use-principal shall be located at least five hundred (500) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented use-principal is located to the property line of:
 1. Residentially zoned property.
 2. Residential uses within Agricultural Zoning Districts.
 3. A licensed day care center.
 4. A public or private educational facility is classified as an elementary, junior high or senior high.
 5. A public library.
 6. A public park.
 7. Another sexually oriented use-principal.
 8. An on-sale liquor establishment.

- B. Sexually oriented use-principal activities, as defined by this Ordinance, shall be classified as one use. No two (2) sexually oriented uses-principal shall be in the same building or upon the same property and each use shall be subject to Subd. 27.03. A of this Ordinance.

27.04 SEXUALLY ORIENTED USE-ACCESSORY

- A. Sexually oriented uses-accessory shall:
 - 1. Comprise no more than ten (10) percent of the floor area of the establishment in which they are located; and
 - 2. Comprise no more than two thousand (2,000) square feet of floor area in total; and
 - 3. Comprise no more than twenty (20) percent of the gross receipts of the entire business operation; and
 - 4. Not involve or include any activity except the sale or rental of merchandise.

- B. Sexually oriented business-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of public access:
 - 1. 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 shall be in catalogs under the direct control and distribution of the operator.
 - 2. Magazines: Publications classified or qualifying as sexually oriented 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. Sexually oriented business-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the public where minors are admitted.