

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER THIRTEEN

ADULT USE REGULATIONS

This chapter of the Renville County Land Use Ordinance shall be known as the Renville County Adult Use Regulations or the “Adult Use Regulations”.

SECTION 1. INTENT AND FINDINGS

Renville County is concerned about the possible adverse secondary effects of sexually orientated businesses on adjacent properties located in the unincorporated areas of the County. The concerns prompted Renville County to review the following reports/studies relating to sexually orientated businesses:

1. Adult Entertainment, a 40-Acre Study, St. Paul, Minnesota, Department of Planning and Economic Development (1987, Supplemented 1988).
2. Adult Entertainment Perspectives, Rochester/Olmsted, Minnesota, Consolidated Planning Department (1988).
3. Study of the Effects of the Concentration of Adult Entertainment Establishment, Los Angeles Department City Planning (1977).
4. Adult Business Study, Planning Department, City of Phoenix, Arizona (1979).
5. Report on Adult Orientated Businesses in Austin, Texas (1986).
6. Neighborhood Deterioration and the Location of Adult Entertainment Establishments in St. Paul, Minnesota, Department of Planning and Economic Development (1978).
7. Adult Entertainment Businesses in Indianapolis, Indiana (1984).
8. Adams County, Colorado, Nude Entertainment Study (1991).
9. Report of the Attorney General’s Working Group on the Regulation of Sexually Orientated Businesses, Attorney General, State of Minnesota (1989).

Based on the results of these studies, the Planning Commission makes the following findings:

1. Sexually orientated businesses have an impact on the neighborhoods surrounding them, which is distinct from the impact caused by other commercial uses.

2. The rate of overall crime including rape, prostitution, child molestation, indecent exposure, and lewd behavior is greater in areas near sexually orientated businesses.
3. Sexually orientated businesses can result in traffic, glare, and noise in excess of that created by other businesses by virtue of their hours and operation.
4. Because of the increased potential for criminal behavior in areas near sexually orientated businesses, these businesses should be separated from areas in which children and other persons who are particularly vulnerable to crime may be expected to frequent.
5. Sexually orientated businesses have a potentially negative impact on the value and marketability of properties adjacent to these businesses. The impact is increased by the presence of more than one sexually orientated business in close proximity to another such use.
6. The adverse impacts that sexually orientated businesses have on surrounding areas diminish as the distance from the sexually orientated business increases.

SECTION 2. DEFINITIONS

Adult Uses – Adult uses include adult bookstores, adult motion picture theaters, adult cabarets, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, 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.

Adult Bookstore – A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental, or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. “Substantial or significant portion of items”, for purposes of this Ordinance, shall mean more than 15 percent of usable floor area.

Adult 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 areas”.

Adult 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 emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Health/Sports Club – A health/sports 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”.

Adult Massage Parlor – A massage parlor which restricts minors by reason of age, or which provides the service of “massage”, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Mini-Motion Picture Theater – A building or portion of a building with a capacity of 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 the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Motion Picture Theater – A building or portion of a building with a capacity of 50 or more 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 the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult 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”.

Specified Anatomical Areas:

1. Less than completely and opaquely covered:
 - A. Human genitals.
 - B. Pubic region.
 - C. Buttocks.
 - D. Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

SECTION 3. ZONING REQUIREMENTS

1. Adult uses shall be permitted in areas zoned Commercial/Industrial provided the following requirements are met:

No adult use shall be located within 500 feet of:

- A. Any area zoned Rural Residential.
 - B. Any school, as defined in Minnesota Statutes § 120.101.
 - C. Any religious facility or cemetery, as defined in the Renville County Land Use Ordinance.
 - D. Any daycare facility or any residential or nonresidential program, as defined in Minnesota Statutes § 245A.02.
 - E. Any hotel, motel, or bed and breakfast.
 - F. Any public park.
2. No adult use shall be permitted as an accessory use.

SECTION 4. SEPARABILITY

It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.

2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

SECTION 5. EFFECTIVE DATE

The regulations contained in this chapter shall be come effective from and after their publication according to law.