

**ADULT USE PRINCIPLE**  
**CONDITIONAL USE PERMIT APPLICATION**

*Additional sheets may be necessary to adequately answers some questions.*

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(1) Name

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(2) Date

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(3) Telephone Number

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(4) Date of Birth

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(5) Address of Applicant

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(6) City

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(7) State

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(8) Zip Code

If the applicant is a corporation, partnership, LLC, or other entity, the names, residences, phone numbers, and birth dates of those owners holding more than 5% of the issued and outstanding stock of the corporation, or ownership interest in a partnership, LLC, or similar entity must be typed on a separate sheet and attached.

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(9) Name, Address, phone #, and bith date of operator and manager if different from the owenrs.

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(10) Address and legal description of building, establishment, or premises where business is to be located.

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(11) A statement detailing each gross misdemeanor or felony relating to a sex offense and/or the operation of adult uses and related activities of which the applicant or, for a corporation, the owners of more than five (5) per cent of the issued and outstanding stock of the corporation, or ownership interest in a partnership, LLC or similar entity, have been convicted, and whether the applicant has ever applied for or held a Conditional Use Permit to operate a similar type of business in other cities.

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(12) Activities and types of business to be conducted.

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(13) Hours of Operation.

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(14) Provisions to restrict access by minors.

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(15) A detailed building plan if a new building or proposed interior and exterior changes to an existing building.

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Signature of Applicant

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Date

**Conditions of Conditional Use Permit - Generally.**

- a) Every Conditional Use Permit shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any applicable city, county, state and federal law.
- b) All Conditional Use Permitted premises shall have the Conditional Use Permit posted in a conspicuous place.
- c) No mirror shall be allowed in or on the premises of an adult use or sexually-oriented business.
- d) Any designated inspection officer or law enforcement officer of the County shall have the right to enter, inspect, and search the premises of a Conditional Use Permittee during business hours.
- e) Every Conditional Use Permittee shall be responsible for the conduct of their place of business and shall maintain conditions consistent with this ordinance and the city and County ordinances generally.
- f) No adult goods, materials or services shall be offered, sold, transferred, conveyed, given, displayed or bartered to any minor.

**Conditions of Conditional Use Permit - Adult Use Principal.**

The County permits adult use principal and sexually-oriented businesses only in the industrial zoning district, subject to the following conditions:

- a) No adult use principal or sexually-oriented business shall be located closer than 1000 feet from any other adult use principal or sexually-oriented business in the County. Measurements shall be made in a straight line, without regard to boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.
- b) No adult use principal or sexually-oriented business shall be located closer than 500 feet from any place of worship, school, hospital, public park, open space, licensed family day-care home, licensed group family day-care home, public library, or licensed child care or day care center. Measurements shall be made in a straight line, without regard to city boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, hospital, public park, open space, licensed family day care home, licensed group family day care home, public library, or licensed child care or day care center.
- c) No adult use principal or sexually-oriented business shall be located closer than 700 feet from any residential lot line, any residential zoning district or any residential planned unit development (PUD). Measurements shall be made in a straight line, without regard to boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually-oriented business to the nearest residential lot line, boundary of the residential zoning district or planned unit development (PUD).

- d) All adult uses and sexually-oriented businesses must follow all of this ordinance.
- e) The County prohibits any building owner or operator from having more than one (1) of the following uses, tenants or activities in the same building or structure:

- Adult Body Painting Studio;
- Adult Book Store;
- Adult Cabaret;
- Adult Car Wash;
- Adult Companionship Establishment;
- Adult Entertainment Facility;
- Adult Hotel or Motel;
- Adult Modeling Studio;
- Adult Sauna/Steam Room/Bathhouse;
- Adult Motion Picture Theater;
- Adult Mini-Motion Picture Theater;
- Adult Massage Parlor;
- Adult Health/Sports Club;
- Adult Novelty Business;

Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" that the public can see.

- f) An adult use principal and sexually-oriented business shall not sell or dispense nonintoxicating or intoxicating liquors, nor shall it be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
- g) No adult use principal and sexually-oriented business, 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 that is prohibited by any ordinance of Fillmore County, the laws of the State of Minnesota or the United States of America. Nothing in this ordinance shall be construed as authorizing or permitting conduct that 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.
- h) No adult use principal or sexually-oriented businesses 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 relating 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.
- i) All adult use principal and sexually-oriented businesses shall prominently display a sign at the entrance and located within two 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 18 years of age shall not enter".
- j) No person under the age of 18 years shall be permitted on or in the premises of an adult use or sexually-oriented business establishment. No person under the age of

18 years shall be permitted access to material displayed, offered for sale, given, transferred, conveyed or rented by an adult use or sexually-oriented business.

- k) Adult use principal and sexually-oriented businesses shall not be open between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 12:00 noon on Sunday.

## **ADULT USE ACCESSORY**

## CONDITIONAL USE PERMIT APPLICATION

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**Conditions of Conditional Use Permit - Adult Use Accessory.**

The County may issue adult use accessory Conditional Use Permits to businesses or establishments located in the Commercial Zoning District subject to the following requirements:

- a) The adult use-accessory shall comprise no more than twenty (20) per cent of the floor area, or up to 500 square feet, whichever is smaller, of the establishment, space, structure or building in which it is located.
- b) Display areas for adult movie or video tape rentals or other products shall be restricted from general view and shall be located within a separate room, for which the access is in clear view and in the control of the person responsible for the operation.
- c) Magazines and publications or other similar products classified or qualified as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any materials other than the publication title.
- d) Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.