

CHAPTER 8-7 ADULT USES - REGULATIONS

8-7-1

ADULT USES - PRINCIPAL

All Adult Uses-Principal are subject to the following:

- A. 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.

- B. All Adult Uses- Principal shall be located within the Light or Heavy Industrial District or the Commercial or General Business District.

- C. 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 Brandon or an adjoining community:
 - 1. A distance of at least 500 feet shall be maintained from the following activities or facilities:
 - a. A City 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 liquor establishment.
 - f. A church and church-related facilities.
 - g. A nursing home.
 - h. A residential property.
 - 2. A distance of at least 1000 ft. shall be maintained from the following activities or facilities:
 - a. Any other Adult Use.
 - 3. No Adult Use - Principal shall locate in any building which is also utilized for residential purposes.

- D. 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.

- F. Any Adult Use -Principal shall occupy a lot with a minimum lot width of at least 200 ft. and provide parking as follows:

1. For motion Picture Theater -one space per seat provided or the maximum seating capacity of the theater.
 2. For a motion Picture Arcade - five spaces per machine.
 3. 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.
- G. Signage shall be as provided in Title 15 of the Brandon Municipal Code.
- H. No Adult Use-Principal shall operate between the hours of 12:00 o'clock midnight to 8:00 a.m. on any Monday through Saturday, and between the hours of 12:00 o'clock midnight and 12:00 o'clock noon on Sunday excepting here from an Adult Use Hotel or Motel.
- I. 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.

Legislative History:
 Ordinance No. 434, 2/17/09.
 Ordinance No. 450, 06/07/09.

Authority:
 SDCL 11-12-4 & 11-12-5
 SDCL 12

8-7-2

ADULT USES - ACCESSORY

All Adult Uses-Accessory are subject to the following:

- A. 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.
- B. All Adult Uses-Accessory shall be located within the Light or Heavy Industrial District or the General Business or Commercial District.
- C. 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 Brandon or an adjoining community:
 1. A distance of at least 500 feet shall be maintained from the following activities or facilities:
 - a. A residential property.
 - b. A licensed day care center.
 - c. A public or private educational facility classified as an elementary, junior high or senior high.

- d. A public library.
 - e. A public park.
 - f. An on-sale liquor establishment.
 - g. A church and church-related facilities.
 - h. A nursing home.
- 2. A distance of at least 1000 ft. shall be maintained from the following activities or facilities:
 - a. Any other Adult Use.
 - 3. No Adult Use - Accessory shall locate in any building which is also utilized for residential purposes.
- D. No Adult Use-Accessory shall:
- 1. 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 square feet of floor area.
 - 2. 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.
- E. No 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 including:
- 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 controlled in some other effective manner which meets with the approval at the Zoning Administrator.
 - 2. 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.
 - 3. 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.
- F. Signage shall be as provided in Title 15 of the Brandon Municipal Code.
- G. 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.
- H. No Adult Use – Accessory shall operate between the hours of 12:00 o'clock

midnight to 8:00 a.m. on any Monday through Saturday, and between the hours of 12:00 o'clock midnight and 12:00 o'clock noon on Sunday excepting here from an Adult Use Hotel or Motel.

- I. No 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.

Legislative History:

Ordinance No. 434, 2/17/09.
Ordinance No. 450, 06/07/09.

Authority:

SDCL 11-12-4 & 11-12-5