

Memorandum

To: Phil Kern, City Administrator

From: Kim Lindquist, Planning Consultant

Date: January 7, 2026

Mtg Date: January 13, 2026

Re: Ordinance Amendment to City Code Section 51.03 Sexually Oriented Uses

BACKGROUND:

The current ordinance regulating sexually oriented uses requires all principal structures housing a sexually oriented use, to be located at least three hundred (300) feet from eight uses, including churches, schools, day cares and residentially zoned properties. The distance is 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. A licensed day care center
3. A public or private educational facility classified as a pre-school, elementary, junior high or senior high
4. A public library
5. A public park
6. Another sexually oriented use-principal
7. An on-sale liquor establishment
8. Churches.

After evaluating some other communities, it was determined that Delano's ordinance is less restrictive than many. A survey of surrounding communities found that distances from a residential property tended to be in the range of 300-500 feet, with many at 500'. Likewise, separation between sexually oriented businesses and other uses (listed above) varied from 300' to 1000'. Several listed 500' separation, similar to the separation from residential uses. The list is attached for your information.

Staff is recommending an ordinance amendment to increase the separation distance from sexually oriented businesses to the eight land uses listed above to 500'. This appears consistent with other communities in the area and not overly regulatory.

RECOMMENDATION

Staff recommends approval of the draft ordinance.

Attachments:

Draft Ordinance Amendment

Community listing of ordinance regulations for sexually oriented businesses.

**City of Delano
County of Wright
State of Minnesota**

Ordinance O-26-01

**AN ORDINANCE AMENDING DELANO CITY CODE SECTION 51.03 SEXUALLY ORIENTED USES SUBD.
L 2. (A) SEXUALLY ORIENTED USES – PRINCIPAL**

SECTION 1. Section 51.03 Subd L. 2a is amended to add the underlined language and delete the strikethrough language, as follows:

Sexually oriented use-principal shall be located at least ~~three hundred (300)~~ 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. A licensed day care center
3. A public or private educational facility classified as a pre-school, elementary, junior high or senior high
4. A public library
5. A public park
6. Another sexually oriented use-principal
7. An on-sale liquor establishment
8. Churches.

Approved by the Delano City Council on the 20th day of January 2026.

Signed:

Holly Schrupp, Mayor

Attest: Alisha Ely, City Clerk

Delano Sexually oriented use separation from other uses:

Sexually oriented use-principal shall be located at least three hundred (300) 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) A licensed day care center
- 3) A public or private educational facility classified as a pre-school, elementary, junior high or senior high
- 4) A public library
- 5) A public park
- 6) Another sexually oriented use-principal
- 7) An on-sale liquor establishment
- 8) Churches

Chanhassen Sexually Oriented businesses:

In addition to the licensing requirements of chapter 10 of this Code, sexually oriented businesses shall not be located within 500 feet of:

1. A public or private elementary or secondary school;
2. A licensed day care center;
3. A residential district;
4. A multifamily residential building.
5. A public park adjacent to a residential district;
6. A church;
7. City hall;
8. Public libraries; or
9. Another sexually oriented business.

For the purposes of subsection (a), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school or licensed day care center, or to the nearest boundary of an affected public park, residential district, or residential lot, or the nearest portion of a building or

structure used for multifamily residential which is not located within a residential district.

Chaska Adult Oriented Business:

5.40.040 Location

1. Adult Oriented Businesses may locate only in the I-Industrial, PID-1, and PID-2 zones.
2. No person shall operate an Adult Oriented Business on property, any part of which is located less than 350 feet from community trails, as defined in the City of Chaska's Comprehensive Plan, or within 1000 feet from any of the uses listed below:
 1. Property used or zoned for residential uses;
 2. A day care facility, school, library, park, playground, or religious institution;
 3. Premises licensed under CMCO 5.44, relating to liquor, beer, and wine licensing; and
 4. Another Adult Oriented Business.

Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the boundary lines or the property parcels where the two uses are located.

(Ord. No. 636, Art. V, Sec. 104, 4/20/98)

Hanover Adult Use Principal:

SEC. 4.55 CONDITIONS OF LICENSE – ADULT USE PRINCIPAL The City permits adult use principal and sexually-oriented businesses only in the zoning districts as permitted by the Zoning Ordinance subject to the following conditions:

- A. No adult use principal or sexually-oriented business shall be located closer than 500 feet from any other adult use principal or sexually-oriented business in the City. 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 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 300 feet from any place of worship, school, 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 in any City. 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 place of worship, school, 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.

Independence – Adult Establishment:

- **1120.05. - Location.**

An adult establishment may not be located within 1,000 feet of any residentially guided area. For purposes of this section, this distance is a horizontal measurement from the main public entrance of the adult establishment to the nearest point of any residentially guided area.

Maple Plain – Adult Establishment:

Sec. 4-21. - Location.

An adult establishment may not be located within 500 feet of any residentially guided area. For purposes of this section, this distance is a horizontal measurement from the main public entrance of the adult establishment to the nearest point of any residentially guided area.

Montrose – Adult Business:

74.03. LOCATION. A) An adult establishment may not be located within 600 feet of any residentially-zoned property boundary or any church site, school site, day-care facility or park. An adult establishment may not be located within 1,000 feet of another adult establishment. For the purposes of this section, this distance is a horizontal measurement from the main public entrance of the adult establishment to the nearest point of a residentially-zoned property boundary, the property line of a church site, school site, day-care facility or park and the main public entrance of another adult establishment.

Rockford – Sexually Oriented Uses:

1. Sexually oriented use-principal shall be located at least three hundred (300) feet from the property line of any zoning district in which residential uses are allowed, either as permitted or conditional uses, and at least three hundred (300) 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 from any sensitive use provided below:

- a. Public or private school facility.
- b. Public park.
- c. Licensed day care facility.
- d. On-sale or off-sale liquor facilities.
- e. Places of religious worship and cemeteries.
- f. Another existing Sexually oriented use-principal.

Waverly – Sexually oriented business:

(3) The operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business may not occur within 1,000 feet of another sexually oriented business. In addition, there shall not be more than one sexually oriented business within a block front even if the block is greater than 1,000 feet in length.

(4) The operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business is prohibited.

(5) For the purpose of divisions (B)(1) and (B)(2) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in divisions (B)(1) and (B)(2). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section. Such distance shall be measured across property lines, regardless of ownership of the property.

(6) For purposes of division (B)(3) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.