

Chapter 19.23. Sexually Oriented Businesses.

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19.23.01. Purpose.

1. The purpose and object of this Chapter is to establish uniform and reasonable regulations to prevent the concentration of sexually oriented businesses or their locations in areas deleterious to the community, to regulate the signs of such businesses, to control the adverse effects of such signs, and to prevent inappropriate exposure to the community.
2. This ordinance by its terms is designed to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods, commercial zones, and the quality of urban life.
3. This ordinance is not designed to suppress the expression of unpopular views. This article is to be construed as a regulation of time, place, and manner of the operation of these businesses consistent with the limitations provided by the United States and Utah Constitutions.

(Ord. 12-9, Ord. 11-9)

19.23.02. Definitions.

For purposes of this Chapter, the following terms shall have the meanings defined in this Section:

1. **“Historic building or site”** means a building or site found on either the national or state historic registers, or the City register of cultural and historic resources.
2. **“Park”** means a park, playground, swimming pool, golf course, or athletic field within the City whether public or private.
3. **“Religious institution”** means a building which is used primarily for religious worship and related religious activities.
4. **“School”**:
 - a. means an institution of learning or instruction primarily catering to minors, whether public or private, which is licensed as such a facility either by the City or the State; and

- b. includes licensed pre-schools, day care centers, elementary schools, charter schools, junior high schools, senior high schools, or any special institution of learning under the jurisdiction and licensing control of the State of Utah, but not including trade schools, charm schools, dancing schools, music schools, or similar limited schools, nor public or private universities or colleges.
5. **“Sexually oriented business”** means:
- a. any store, establishment, tavern, club, or theater having as more than thirty percent of its stock in trade, books, magazines, or other periodicals or video movies, films, photographs, live appearances, or performances which are distinguished or characterized by their emphasis on matters depicting, describing, or related to specific anatomical areas or specified sexual activities, as defined below; or
 - b. any establishment or premises having a substantial or significant portion of its trade, the display, barter, rental, or sale of printed matter, pictures, graphics, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific anatomical areas or specified sexual activities as defined hereinafter; or
 - c. any sexually oriented business premises, as defined hereafter, including adult bookstores, adult entertainment shows, adult motion picture theaters, and adult arcades.
6. **“Sexually oriented business premises”** means any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment or other sexually oriented business activities on a regular basis and as a substantial part of the business operation.
7. **“Specified anatomical areas”** means any of the following:
- a. less than completely or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
 - b. human male genitals in a discernibly turgid state even if completely or opaquely covered.
8. **“Specified sexual activities”** means:
- a. human genitals in a state of sexual stimulation or arousal;
 - b. acts of human masturbation, sexual intercourse, or sodomy; or
 - c. fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

(Ord. 13-16, Ord. 12-9, Ord. 11-9)

19.23.03. Permitted Locations and Restrictions.

Sexually oriented businesses shall only be permitted in areas zoned Industrial, as defined in the Saratoga Springs Land Development Code, Section 19.04.20. Sexually oriented businesses are subject to the following additional restrictions:

1. No sexually oriented business shall be located within a 1,000 foot radius of any church, park, school, or residential zone, as measured by a straight line without regard to intervening structures. The distance is measured from the property line of the church, park, school, or residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school, or residential zone.
2. No sexually oriented business shall be permitted within 300 feet of any historic building or site. The distance shall be measured from the property line of the historic building or site nearest the sexually oriented business and the property line of the sexually oriented business nearest the historic building or site.
3. No sexually oriented business shall be allowed within 1,000 feet of any other sexually oriented business, measuring a straight distance from the nearest property line of the one business to the nearest property line of the other business.

(Ord. 13-16, Ord. 11-9)

19.23.04. Sign Restrictions.

Notwithstanding any contrary provision contained in Chapter 19.18 of the Land Development Code, sexually oriented business signs shall be limited as follows:

1. No more than one sign promoting or identifying the sexually oriented business shall be allowed on any sexually oriented business premises;
2. Off premise signs are prohibited;
3. No sign on the sexually oriented business premises promoting or identifying the sexually oriented business shall be allowed to exceed eighteen square feet, ten percent of facade area, or seventy percent of lineal frontage not to exceed three feet in height, whichever is smaller;
4. No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises;
5. Every sexually oriented business sign shall contain alpha-numeric copy only, and no descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign;
6. Signage is limited to one wall sign, as defined in Section 19.18.02, and shall not project more than twelve inches from the wall to which it is attached;
7. Cabinet signs are prohibited;
8. Painted wall advertising or window signs shall not be allowed; and

9. Other than the wall sign specifically allowed by this Section, sexually oriented businesses shall not construct or allow to be constructed any other type of sign including those types of signs listed in Chapter 19.18 of the Land Development Code, or use any light or other device designed to draw attention to the business location.

(Ord. 12-9, Ord. 11-9)

19.23.05. Severability.

If any provision or clause of this Chapter or the application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications herein which can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Chapter are declared to be severable.

(Ord. 11-9)