

ORDINANCE NO. 2016-13

AN ORDINANCE AMENDING SECTIONS 3.02, 4.22 AND 11.02 OF THE VILLAGE OF STICKNEY ZONING ORDINANCE – 1980, VILLAGE OF STICKNEY, ILLINOIS REGARDING THE REGULATION OF ADULT BUSINESSES

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, Section 3.02 of the Village of Stickney Zoning Ordinance – 1980 (the “Zoning Ordinance”) governs definitions, Section 4 of the Zoning Ordinance governs general provisions and Section 11.02 of the Zoning Ordinance governs uses in the Village’s Heavy Industrial District; and

WHEREAS, pursuant to Section 12.10 of the Zoning Ordinance, which vests any member of the Village of Stickney Zoning Board of Appeals (the “ZBA”) with the authority to initiate amendments to the Zoning Ordinance, the Chairman of the ZBA initiated certain text amendments described herein (the “Amendments”) to Sections 3.02, 4.22 and 11.02 of the Zoning Ordinance; and

WHEREAS, the ZBA held a public hearing, pursuant to proper notice, on the proposed Amendments; and

WHEREAS, based on the testimony given at said public hearing, the ZBA made certain findings of fact and conclusions with respect to the Amendments and made a recommendation to the Village’s Board of Trustees (the “Village Board”) that the Amendments be approved (collectively, the “Findings of Fact and Recommendation”); and

WHEREAS, a copy of the Findings of Fact and Recommendation is attached hereto as Exhibit A and is incorporated herein; and

WHEREAS, the Amendments regulate adult businesses in the Village; and

WHEREAS, in light of the above, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) have determined that it is in the public interest to adopt the Amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Sections 3.02, 4.22 and 11.02 of the Zoning Ordinance to regulate adult businesses in the Village and to authorize the President or her designee to take all actions necessary to carry out the intent of this Ordinance.

SECTION 3. APPROVAL OF TEXT AMENDMENTS.

The Findings of Fact and Recommendation are hereby adopted. The Village Board concurs with the Findings of Fact and Recommendation and, in accordance with the findings and conclusions stated therein, hereby approves the Amendments, as described below.

**ARTICLE II.
AMENDMENT OF SECTIONS 3.02, 4.22 AND 11.02 OF THE VILLAGE OF STICKNEY
ZONING ORDINANCE – 1980**

SECTION 4.0. AMENDMENT OF SECTION 3.02.

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Section 3.02, which Section shall be amended as follows:

The following words and terms shall have the meaning set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meaning indicated by common dictionary definition.

[.....]

Adult bookstore and/or video store. An “adult bookstore and/or video store” is an establishment having as a significant or substantial portion of its stock in trade books, magazines, periodicals, or other printed matter, and/or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult business use. An “adult business use” is the use of property for the operation of which a significant or substantial portion involves an activity

distinguished or characterized by its emphasis on matters depicting, describing, or relating to sexual activities or specified anatomical areas as they relate to sexual activities, including the operating of adult bookstore and/or video store, adult mini-motion picture theater, adult motion picture theater, adult motion picture arcade, and adult card, gift, and novelty store. For the purposes of this section, an adult business use shall not be deemed a retail business, service business, recreational, or social facility, accessory use, or general use.

Adult card, gift, or novelty store. An “adult card, gift, or novelty store” is an establishment having as a significant or substantial portion of its stock in trade items, such as cards, games, articles of clothing, and novelties which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult mini-motion picture theater. An “adult mini-motion picture theater” is an enclosed building or any portion or portions thereof having a capacity from six (6) to fifty (50) persons, where, for any form of consideration (including a coin or token inserted into a coin or token-operated projector, video screen, or other image producing device), patrons may view films, motion pictures, video cassettes, slides, or similar photographic electronic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials that are distinguished by an emphasis on matters depicting, describing, or related to specified sexual activities or specified anatomical areas.

Adult motion picture arcade. An “adult motion picture arcade” is an establishment in which electronic, electrical, or mechanical still or slide projector(s), motion picture projector(s), video screen(a), closed circuit television transmissions(s) or other image-producing device(s) operable by insertion of a coin or token or for other consideration, are maintained for presentation of images to five (5) or fewer persons at a single time per such device and where the images presented are distinguished or characterized by an emphasis on depicting or describing specific sexual activities or specified anatomical areas.

SECTION 4.1. AMENDMENT OF SECTION 4.22.

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adding Section 4.22, which Section shall be as follows:

Section 4.22 – Adult Business Uses

- (A) Declaration of policy. In the development and execution of these sections regulating and limiting the location of adult business uses, it is recognized that adult uses, by virtue of their nature, have serious objectionable characteristics which can have a deleterious effect upon adjacent areas to them. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary purpose of these regulations is to

control the concentration or location of these uses to the fullest extent allowable by law, in order to eliminate such adverse secondary effects. It is not the intent of these sections to deny adults access to sexually oriented materials and services or to deny the providers of such materials and services their market in a manner that is inconsistent with law.

- (B) Restrictions on the location of adult business use. No adult business use shall be maintained (1) within two hundred (200) feet of any residential zoning districts or residential uses as provided for under this ordinance; (2) within two hundred (200) feet of the property line of another adult business use; or (3) within the prohibited distance from any school, day care center, cemetery, public park, forest preserve, public housing, or place of religious worship as provided for in Section 11-5-1.5 of the Illinois Municipal Code [65 ILCS 5/11-5-1.5].

The distances provided for in this section shall be measured by following a straight line without regard to intervening structures or public rights-of-way from a point on the property upon which the proposed adult business use is to be located that is nearest the property or the land use district boundary line from which the proposed use is to be separated.

SECTION 4.2. AMENDMENT OF SECTION 11.02.

That the Zoning Ordinance is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Section 11.02, which Section shall be as follows:

The following special uses may be permitted in a heavy industrial district:

[.....]

Adult Business Uses as defined in Section 4.22.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 5. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 6. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative,

unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 7. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 8. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall be effective and in full force immediately after its passage and approval.

(Remainder of page left intentionally blank)

Passed this 19th day of April, 2016.

Deborah Morelli, President

ATTEST:

Audrey McAdams, Village Clerk

Date of Passage: April 19, 2016

Date of Publication: April 20, 2016

EXHIBIT A

Findings of Fact and Recommendation