

## RESOLUTION NO. 04-2015

### A RESOLUTION INITIATING AND REFERRING TO THE ZONING BOARD OF APPEALS PROPOSED AMENDMENTS TO THE STICKNEY ZONING ORDINANCE DEFINING ADULT USES AND PROVIDING THAT ADULT USES BE PERMITTED SOLELY IN THE HEAVY INDUSTRIAL DISTRICT

**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**, the Village Board desires to initiate an amendment to Section 3.02 of the Village of Stickney Zoning Ordinance (the "Proposed Section 3.02 Amendment") by adding thereto the definitions set forth on Exhibit "A" attached to this Resolution; and

**WHEREAS**, the Village Board now desires to initiate an amendment to Section 4 of the Zoning Ordinance of the Village of Stickney by adding Section 4.22 ("Proposed Section 4.22 Amendment") to read substantially 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 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 five hundred (500) feet of a church, school, library, park, or other publicly operated recreational facility.

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.

**WHEREAS**, the Village Board now desires to initiate an amendment to Section 11.02 (the "Proposed Section 11.02 Amendment") of the Village of Stickney Zoning ordinance by adding adult business uses to the list of permitted uses in said Section provided that such adult business uses shall be subject to the provisions of the Proposed Section 3.02 Amendment and the Proposed Section 4.22 Amendment; and

**WHEREAS**, the Village Board has determined that it is appropriate and in the best interest of the Village to initiate the Proposed Section 3.02 Amendment, the Proposed 4.22 Amendment and the Proposed 11.02 Amendment and forward such matters to the Zoning Board of Appeals for a public hearing and a report and recommendation back to the Village Board.

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

**SECTION 1: RECITALS.** The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

**SECTION 2: INITIATION AND REFERRAL OF PROPOSED AMENDMENTS.** Pursuant to the applicable provisions of the Village of Stickney Zoning Ordinance, the Village Board of Trustees hereby initiates the Proposed Section 3.02 Amendment, the Proposed Section 4.22 Amendment and the Proposed Section 11.02 Amendment and refers such to the Zoning Board of Appeals for public hearing and a report and recommendation back to the Village Board. The Village Attorney and Building Official are hereby directed to provide the appropriate notice for a public hearing.

**SECTION 3. EFFECTIVE DATE.** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED this 3<sup>rd</sup> day of February 3, 2015.**

**AYES: Trustee Gomez, Lazansky, Savopoulos, Sleigher and White**

**NAYS:**

**ABSENT: Trustee De Leshe**

**ABSTENTION:**

**APPROVED by me this 4<sup>th</sup> day of February, 2015.**

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**Deborah Morelli, President**

**ATTESTED AND FILED in my  
office this 4<sup>th</sup> day of  
February, 2015.**

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**Audrey McAdams, Village Clerk**

## **EXHIBIT A**

Adult bookstore and/or video store. 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. The use of property for the operation of a use 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 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 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 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.