

Section 14

ADULT USES

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14.0 Definitions

(1) Adult Bookstore: An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for rent, sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas;" or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(2) Adult Entertainment Cabaret: A public or private establishment which (i) features nude or semi-nude dancers, strippers, male or female impersonators; (ii) not infrequently features entertainers who display "specified anatomical areas"; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designated primarily to appeal to the prurient interest of the patron; or (iiii) entertainers who engage in or are engaged in explicit simulation of "specified sexual activities".

(3) Adult Motion Picture Theater: A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(4) Adult Use: Adult bookstores, adult motion picture theaters, adult entertainment cabarets, and other similar uses.

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(5) "Specified Sexual Activities: For the purpose of this section
 "specified sexual activities" means: (i) human genitals in the state of sexual
 stimulation or arousal; (ii) acts of human masturbation, sexual
 intercourse or sodomy; and (iii) fondling or other erotic touching of human
 genitals, pubic region, buttock or female breasts.

(6) "Specified Anatomical Areas": For the purpose of this section,
 "specified anatomical areas" means:

(a) less than completely and opaquely covered: (i) human
 genitals, pubic region, (ii) buttock; (iii) female breasts below
 a point immediately above the top of the areola; and

(b) human male genitals in a discernibly turgid state, even if
 completely and opaquely covered.

(7) "Semi-Nude": For the purpose of this section "semi-nude" means a
 state of dress in which clothing covers no more than the human bare buttock,
 anus, male genitals, female genitals, or female breast without a fully opaque
 complete covering of the breast below a point immediately above the top of the
 areola, or human male genitals in a discernibly turgid state even if completely and
 opaquely covered.

14.1 Location

Adult uses may be allowed, upon obtaining a special use permit, in an I-1 or I-2
 Industrial District provided that no adult use shall be located on a parcel, a lot line
 of which is within 1,000 feet of any property which is zoned or used for
 residences, churches, schools, parks or other adult use.

14.2 Special Use Permit Required

No adult use shall operate even at those locations where they may be allowed
 pursuant to Section 14.1 above without first having obtained a Special Use Permit
 in the manner set forth in Section 12.8, *et seq.* Final decisions as to any
 application for a Special use Permit for an adult use shall be made in no less than
 90 days. Upon denial of such application, the applicant shall seek judicial review
 of such decision within 30 days in the manner provided by state law for review of
 such zoning decisions.

14.3 Registration

The owner of a building or premises, his agent for the purposes of managing, controlling or collecting rents, or any other person managing or controlling a Building or premises any part of which contains an adult use, shall register the following information with the Village Clerk:

- (1) The address of the premises;
- (2) The name of the owner of the premises and names of the beneficial owners if the property is in a land trust;
- (3) The address of the owner and the beneficial owners;
- (4) The name of the business or establishment;
- (5) The name (s) and address (es) of the owner, beneficial owner or the major stockholders of the business or establishment;
- (6) The date of initiation of the adult use;
- (7) The nature of the adult use;
- (8) If the premises or building is leased, a copy of said lease must be attached.

14.4 Exterior Display

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

14.5 Existing Adult Uses

Any adult use which existed lawfully, but which became nonconforming upon the adoption of this section to the Zoning Ordinance, may be continued as hereinafter provided:

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- (a) Upon written notice from the Village to the owners or interests therein that any building, structure, lot or regulated use is nonconforming under the provisions of the Zoning Ordinance as amended, the owners or interests therein shall, within two months from the date of such notice, apply to the Village Clerk for a Certificate of Nonconformance.

- (b) Failure to apply for a Certificate of Nonconformance within two months of the notice provided in Section (a) above will require the amortization of the nonconformance within six months of the notice provided for in Section (a).

- (c) Nonconformances that have applied for a Certificate of Nonconformance from the Village Clerk shall be discontinued within one year of the notice provided in Section (a) above.