

ORDINANCE NO. 2036

**AN ORDINANCE
AMENDING THE RANTOUL ZONING ORDINANCE-1991, AS
SUPPLEMENTED AND AMENDED, FOR THE PURPOSE OF
ESTABLISHING REGULATIONS IN CONNECTION WITH THE
LOCATION AND EXTERIOR OF ADULT BUSINESS ESTABLISHMENTS**

**VILLAGE OF RANTOUL
CHAMPAIGN COUNTY, ILLINOIS**

CERTIFICATE OF PUBLICATION

Published in pamphlet form this 9th day of May, 2006, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.



Village Clerk

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WHEREAS, sex related and oriented business establishments providing adult services, products or entertainment (collectively, "**Adult Business Establishments**") can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability of quality, affordable housing for area residents and reducing the value of property in such areas; and

WHEREAS, Adult Business Establishments can undermine the stability of other established business and commercial uses in the areas in which Adult Business Establishments are located or take place and can cause or contribute significantly to the deterioration of such other business and commercial uses, thereby causing or contributing to a decline in such uses, an inhibition on business and commercial growth, and a resulting adverse impact on local government revenues and property values; and

WHEREAS, Adult Business Establishments can have a dehumanizing and distracting influence on young people and students attending schools, can diminish or destroy the enjoyment and family atmosphere of persons using parks, playgrounds, forest preserves and other public recreational areas, can interfere with or even destroy the spiritual experience of persons attending church, synagogue or other places of worship, and can interfere with or even destroy the opportunity for solemn and respectful contemplation at cemeteries and similar facilities; and

WHEREAS, the presence of Adult Business Establishments is perceived by the public generally and by neighboring business owners and residents as an indication that the area in which such uses occur or take place is in decline and deteriorating, a perception that can quickly lead to such decline and deterioration, prompting businesses and residents to flee the affected area to avoid the consequences of such decline and deterioration; and

WHEREAS, the exterior appearance, including signage, of Adult Business Establishments can have an adverse impact on young people and students, can contribute to the decline in property values associated with Adult Business Establishments, and can otherwise cause or contribute significantly to the adverse impacts and secondary effects of Adult Business Establishments on the areas in which such activities are located or take place; and

WHEREAS, the President and Board of Trustees (the "**Corporate Authorities**") of the Village of Rantoul, Champaign County, Illinois (the "**Village**") have determined that Adult Business Establishments will, unless properly regulated, have these and other severe adverse impacts and secondary effects on the Village and its residents; and

WHEREAS, for the reasons set forth above, among others, the Corporate Authorities of the Village have found and determined that it is essential to the health, safety and general welfare of the Village and its residents to adopt comprehensive zoning regulations relating to Adult Business Establishments; and

WHEREAS, under and pursuant to a Resolution, the Plan Commission of the Village (the "**Plan Commission**") initiated a proposed amendment to the Rantoul Zoning Ordinance-1991, as supplemented and amended (the "**Zoning Ordinance**") under and pursuant to Section 6.B.3 of Title XXI thereof to permit the use of an Adult Business Establishment in the C-2 General Business District under certain location and other exterior appearance requirements as more particularly set forth in this Ordinance; and

WHEREAS, at 7:30 p.m. on April 24, 2006, in the Boardroom of the Village of Rantoul Municipal Building, 333 S. Tanner Street, Rantoul, Illinois, the Plan Commission held and conducted a public hearing on this Ordinance (the "**Public Hearing**"), due notice of the time, date and place of such public hearing having been published once in the Rantoul Press, a newspaper published within the Village, on April 5, 2006; and

WHEREAS, after full and complete consideration of any testimony or comment presented at the Public Hearing, the Plan Commission rendered its decision that this Ordinance be forwarded to the Corporate Authorities of the Village with a recommendation that this Ordinance be passed and approved; and

WHEREAS, the Plan Commission thereafter finally adjourned the Public Hearing on April 5, 2006, and has subsequently reported such findings and recommendation to the Corporate Authorities of the Village within thirty (30) days thereafter.

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

Section 1. Findings. The foregoing recitals are incorporated herein as the findings and determinations by the Corporate Authorities of the Village.

Section 2. Amendments to Zoning Ordinance. The Rantoul Zoning Ordinance-1991, as supplemented and amended, be and the same is further supplemented and amended as follows:

(a) Section 3, entitled DEFINITIONS, of TITLE II, DEFINITIONS, is hereby supplemented and amended by adding thereto the following definition of "Adult Business Establishment":

Adult Business Establishment – Any of the following Commercial Establishments:

- A. Adult Cabaret. Any Commercial Establishment that as a substantial or significant portion of its business features or provides persons who appear Nude or Semi-Nude; or live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

- B. **Adult Store.** Any Commercial Establishment (1) that contains one or more Adult Booths; or (2) that as a substantial or significant portion of its business offers for sale, rental or viewing any Adult Materials.
- C. **Adult Theater.** Any Commercial Establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

As used within the definition of Adult Business Establishment above and in Title XI hereof, the following capitalized words, terms and phrases shall have the meanings respectively ascribed to them as follows:

Adult Booth. Any area of an Adult Business Establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

Adult Material. Any of the following, whether new or used:

1. Books, magazines, periodicals or other printed matter or digitally-stored materials and films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations or recordings of any kind, any of which are distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
2. Instruments, novelties, devices or paraphernalia that are designed for use in connection with Specified Sexual Activities or that depict or describe Specified Anatomical Areas.

Commercial Establishment. Any place where admission, services, performances or products are provided for or upon payment of any form of consideration.

Nude. A state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; pubic region; anus or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areolae is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Semi-Nude. A state of dress or undress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves and socks.

Specified Anatomical Areas. Any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided the areolae is not exposed.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Specified Sexual Activities. Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1, 2, 3 or 4 of this definition.

(b) Subsection A. Permitted Uses of SECTION 2, USE REGULATIONS OF TITLE XI, G-2 GENERAL COMMERCIAL DISTRICT is hereby supplemented and amended by adding thereto a new part 7, to be entitled "Adult Business Establishment" which shall provide as follows:

7. Adult Business Establishment, subject to such location and other requirements as follows:

(a) No Adult Business Establishment shall be located, established or maintained (1) within 1,000 feet of any other Adult Business Establishment; (2) within 400 feet of any R-1, R-2, R-3 or R-4 Residential District; or (3) within 400 feet of any: (i) public or private nursery school or any public or private school serving one or more grades of K through 12; (ii) public park, playground or playing field; (iii) church, synagogue or other place of worship; or (iv) a public or private cemetery (collectively, a "**Protected Use**"). All such distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the property line of the lot on which the Adult Business Establishment is located to the nearest point on a property line of a lot having any other Adult Business Establishment use, residential zoning classification or Protected Use as specified above. No Adult Business Establishment lawfully established hereunder shall be deemed a nonconforming use under this Ordinance solely because a residential zoning classification is subsequently adopted or a Protected Use subsequently locates within the minimum required distance of an Adult Business Establishment.

(b) No Adult Business Establishment shall be maintained or operated in any manner that causes, creates or allows public viewing of any Adult Material, or any entertainment depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way or any property other than the lot on which the Adult Business Establishment is located. No portion of the exterior of an Adult Business Establishment shall utilize or contain any flashing lights, search lights or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed in part (c) below with regard to signs. This part (b) shall apply to any advertisement, display, promotional material, decoration or sign; to any performance or show; and to any window, door or other opening.

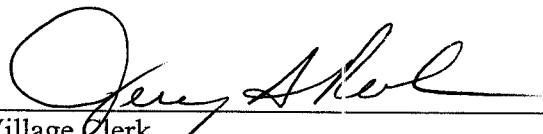
(c) All signs for Adult Business Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this part (c) shall contain only (1) the name of the Adult Business Establishment and/or (2) the specific type of Adult Business Establishment conducted on the premises. Temporary signage shall not be permitted in connection with any Adult Business Establishment.

Section 3. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law.

Section 4. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This Ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office on the date set forth below.

PASSED this 9th day of May, 2006.



Village Clerk

APPROVED this 9th day of May, 2006.



Village President

