

VILLAGE OF
TOLONO, ILLINOIS

ORDINANCE NO. 81-3

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED:
"AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR
THE VILLAGE OF TOLONO, CHAMPAIGN COUNTY, ILLINOIS, AND PROVIDING
FOR THE ADMINISTRATION THEREOF"

BE IT ORDAINED by the President and Board of Trustees of the Village of Tolono, Champaign County, Illinois, that for the purpose of controlling the future development of "adult bookstores", "adult motion picture theaters", "adult mini-motion picture theaters", "adult drive-in motion picture theaters", "adult cabarets", and "massage parlors" and for the promotion of the public health, safety, comfort and welfare, Title X - Supplementary District Regulations of the "Zoning and Use Regulations Ordinance, Village of Tolono, Illinois" is hereby amended by adding the following Section 18 to Title X of said Ordinance:

Section 18. Adult Bookstores, Theaters, Cabarets,
Massage Parlors.

A. This ordinance provides that "adult bookstores", "adult motion picture theaters", "adult mini-motion picture theaters", "adult drive-in motion picture theaters", "adult cabarets" and "massage parlors" can be operated only in the C-1 and I-1 Districts defined in said ordinance, subject to the terms of a validly issued Conditional Use Permit. This policy statement is intended to guide applicants in the preparation of plans and guide the Zoning Officer, Zoning Board of Appeal, and Village Board in the review of Conditional Use Permit applications regarding the necessity for the permit and the factors to be considered in deciding whether or not it should be issued.

B. No building shall be constructed or developed for the purposes of operating an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult drive-in motion picture theater, adult cabaret or massage parlor after the effective date of this ordinance unless a Conditional Use Permit has been granted by the Zoning Officer subject to appeal of the Zoning Board of Appeal and Village Board.

C. Any place of business which changes so as to be considered an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult drive-in motion picture theater, adult cabaret or massage parlor as defined in paragraph D of this ordinance, may not operate without first obtaining a Conditional Use Permit from the Zoning Officer subject to appeal to the Zoning Board of Appeal and to the Village Board.

D. Definitions:

1) Adult Bookstore: Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises, or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

2) Adult Motion Picture Theater: An enclosed building, with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating

to "specified sexual activities" or "specified anatomical areas" (as defined in sub-sections 9 and 10 of this section) for observation by patrons therein.

3) Adult Mini-Motion Picture Theater: An enclosed building, with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in sub-sections 9 and 10 of this section) for observation by patrons therein.

4) Adult Drive-In Motion Picture Theater: A drive-in theater for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in sub-sections 9 and 10 of this section) for observation by patrons.

5) Cabaret: A cafe or restaurant where patrons are entertained by performers who dance or sing or play musical instruments.

6) Adult Cabaret: A cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

7) Massage Establishment: Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of the practice.

8) Massage or Practice of Massage: Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus of appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

9) Specified Sexual Activities:

- a) Human genitals in a state of sexual stimulation or arousal.
- b) Acts of human masturbation, sexual intercourse or sodomy.
- c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast

10) Specified Anatomical Areas:

- a) Less than completely and opaquely covered:
 - 1) human genitals and pubic region,
 - 2) buttock and
 - 3) female breast below a point immediately above the areola; and
- b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

E. Those establishments listed in paragraph B of this ordinance shall not be located within 1,000 feet of any land zoned residential or land used as a church, park, playground, school or other area where large numbers of minors regularly travel or congregate.

F. Those establishments listed in paragraph B of this ordinance shall not be located within 500 feet of any other establishment listed in paragraph B.

G. Buildings used by any of the establishments listed in paragraph B of this ordinance shall meet all applicable safety standards adopted by Ordinances of the Village of Tolono.

H. Offstreet parking shall be provided in accordance with Title XII of Ordinance Number 75-3 and each parking area shall be lighted.

I. No signs or other structures shall be placed, erected or used on the premises without prior approval of the Zoning Officer nor shall the buildings be painted in garish colors or such other fashion as will effectuate the same purpose as a sign or signs.

J. All offsite improvement such as curbs, gutters and sidewalks shall be provided as required by the Ordinances of the Village of Tolono.

K. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas public or semi-public; and such displays shall be considered signs.

L. When considering an application for a Conditional Use Permit, the Zoning Officer shall impose such other conditions and limitations as may be deemed necessary to carry out the purpose and intent of the Ordinances of the Village of Tolono and to preserve and protect the general public health, safety and welfare."

M. This Ordinance shall be effective ten days after its publication as provided by law.

PRESENTED this 20 day of MAY, 1981

PASSED by the Board of Trustees of the Village of Tolono, Illinois, this 20 day of MAY, 1981.

APPROVED by the President of the Board of Trustees this 20 day of MAY, 1981.

RECORDED by the Village Clerk this 20 day of MAY, 1981.

APPROVED:

Cecil A. McCormick
President, Board of Trustees

ATTEST:

James L. Byers
Village Clerk

(SEAL)