

Chapter 18.40 - I INDUSTRIAL DISTRICT

Sections:

18.40.010 - Permitted uses.

The following uses of land or buildings are permitted:

Industrial and light manufacturing uses, storage yards for fuel, building materials, petroleum products, contractors' equipment, trucks and buses; and wholesale bakeries, laundries, cleaning, printing and other similar shops and businesses. Specifically excluded are junking and auto wrecking establishments, glue factories and uses which are especially detrimental to the value of property or to the health or safety of persons beyond the district by reason of noise, vibrations, or the emission of odor, light flashes, dust, gas fumes, smoke, or other waste material.

Also, any use permitted in the business districts is permitted, except the following uses, which are specifically prohibited:

Amusement establishments—Bowling alleys, pool halls, dancehalls, skating rinks and other similar places of recreation;

Art galleries;

Auction rooms;

Catering establishments;

Funeral homes;

Hotels and motels, including restaurants and meeting rooms;

Meeting halls;

Physical culture and health services;

Private clubs and lodges of fraternal and religious organizations, when either operated for profit or not for profit;

Public libraries;

Public or private preschool, elementary or secondary school or day care center, day care home, group day care home or part day child care facility;

Schools—Art, dancing, vocational, professional and business;

Theaters, indoor.

(Ord. No. 2014-2067, § 5, 6-10-2014; Ord. No. 2010-1855, § 2, 5-11-2010; Ord. No. 2010-1840, § 2, 1-12-2010; Ord. 64-682 § 3.8-1, 1964)

18.40.020 - Special uses.

The following uses may be allowed as special uses in an I Industrial District by zoning board of appeals in accordance with the requirements and procedures in Chapter 18.48:

- (1) Planned unit developments;
- (2) Medical marijuana cultivation centers;
- (3) Medical marijuana dispensary facilities.

(Ord. No. 2014-2085, § 2, 10-8-2014; Ord. No. 2010-1840, § 2, 1-12-2010; Ord. 81-985 § 5, 1981)

18.40.030 - Adult uses.

(a) Definitions. "Adult uses" shall be defined as adult book stores and adult film/video stores, adult motion picture theaters, adult mini-motion picture theaters as defined below, or other similar establishments:

- (1) "Adult book store" or "adult film/video store" means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, films or videos for rental, sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other 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 material.
- (2) "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observations by patrons therein.

- (3) "Adult mini-motion picture theater" means an enclosed building with a capacity for less than fifty persons used for presenting material 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 entertainment cabaret" means a public or private establishment which is licensed to serve food and/or alcoholic beverages, which features dancers, strippers, models or similar entertainers which are characterized by the exposure of "specified anatomical areas."
- (5) "Specified sexual activities," in connection with adult uses, means:
 - (A) Human genitals in a state of sexual stimulation or arousal;
 - (B) Acts or representation of acts of human masturbation, sexual intercourse or sodomy;
 - (C) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts;
- (6) "Specified anatomical areas," in connection with adult uses, means:
 - (A) Less than completely and opaquely covered:
 - (i) human genitals, pubic region;
 - (ii) buttocks; and
 - (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.
- (b) Prohibition. No use hereinabove defined as an "adult use" shall be permitted in any residence district (R1, R2, R3, and R4) or in any business district (B1 and B2).
- (c) Permitted uses. A use hereinabove defined as an "adult use" shall be allowed as a permitted use in any industrial district (I1 and I2) provided there is compliance with all general requirements and district requirements applicable to industrial districts generally (this chapter), and further provided that there is compliance with the conditions set forth in this section.
- (d) Conditions and Regulations.
 - (1) All adult uses must obtain a license wherein said establishment must comply with all village ordinances.
 - (2) No person under the age of twenty-one years shall be allowed on the premises, where an adult use is conducted.
 - (3) During the hours of operation of an adult use, there shall be present a manager or other employee responsible for the operation of the premises who shall not be under the age of twenty-one years.

- (4) No adult use shall be located on premises for which any license to sell alcoholic liquor has been issued.
- (5) All adult uses shall be separated from one another by a distance of at least five hundred feet.
- (6) No adult use shall be located within one thousand feet of any property on which a pre-existing public or private school, place of worship, park or public playground is located, or within one thousand of any property zoned for any residence district (R1, R2, R3, and R4), or for any business district (B1 and B2).

Such distances shall be measured along a straight line without regard to intervening structures or uses from the nearest property line of the adult use to the nearest property line of such pre-existing use or property zoned as residential district or business district.

- (7) No adult use shall be located on a main thoroughfare where there are businesses or offices in which the public frequents on a regular basis and where minor children may also frequent.
 - (8) Any adult use establishment which contains booths for individual viewing of books, magazines, pictures, videos, motion pictures, or the like shall have at least one side of the booth open for view to an adjacent public room. Partitions comprising the other walls of the booths shall be solid with no apertures.
- (e) Existing Adult uses—Nonconforming—Elimination. Any use of property, hereinabove defined as an "adult use" as of the effective date of the ordinance codified in this section which shall become nonconforming under the terms, provisions, and regulations hereof may be continued subject to the following schedule of elimination:
- (1) Any adult use of property located in any residence district or in a B1 community shopping district shall be of the effective date of the ordinance codified in this section. Any request for extension not to exceed two months, shall be made before the zoning board of appeals, and shall be granted only upon a showing of good cause and financial hardship.
 - (2) Any adult use of property located in any B2 commercial service district shall be eliminated within six months of the effective date of the ordinance codified in this section Any request for extension, not to exceed three months, shall be made before the zoning board of appeals, and shall be granted only upon a showing of good cause and financial hardship.
 - (3) Any adult use of property located in any industrial district which is non conforming under this section shall be eliminated within twelve months of the effective date of the ordinance codified in this section shall come into full compliance within said period of time.
- (f) Violations.

- (1) It is unlawful for any person, firm or corporation operating an adult use within the village to fail to comply with the conditions and regulations set forth this section or to suffer or permit noncompliance with such provisions.
- (2) Any person, firm or corporation convicted of any violation of this section shall be subject to a fine of five hundred dollars for each violation. Each day that a violation exists shall be deemed a separate violation.

(Ord. 93-1369 §§1—6, 1993)