

ORDINANCE NO. 01- 09

AN ORDINANCE AMENDING THE ORDINANCE ENTITLED,
"ZONING ORDINANCE OF AND FOR THE VILLAGE OF SAUGET"
ADOPTED AND APPROVED ON JULY 10, 1979, NO. 438
AND FURTHER AMENDING ORDINANCE NO. 528
ADOPTED AND APPROVED ON DECEMBER 11, 1984

Be it ordained by the President and Board of Trustees of the Village of Sauget, an Illinois municipal corporation and home rule unit of local government, situated in St. Clair County, Illinois, as follows:

Section 1. This Ordinance is the result of the Resolution adopted by the Zoning Commission of this Village at its meeting held October 9, 2001, after published and posted notice.

Section 2. The purpose of this Ordinance is to amend the Ordinance entitled, Zoning Ordinance of and for the Village of Sauget, which was adopted and approved on July 10, 1979, and No. 438, and amended by Ordinance No. 528, adopted and approved on December 11, 1984. Said Ordinances are hereinafter referred to as the "Zoning Ordinance".

Section 3. Section 2 of the Zoning Ordinance is hereby deleted and the following shall be substituted therefore; to-wit:

"Section 2. Zoning Map.

The part of the Village included within each such zone is shown on the map which is entitled, 'Amended Zoning Map. Village of Sauget, St. Clair County, Illinois - October 9, 2001', prepared by P.H. Weis & Associates, Inc., Engineers, Architects, Planners and which is on file with the Village Clerk.

Under its statutory authority, the Village is hereby exercising its authority to zone the real estate which lies in so much of the presently unincorporated part of the Town of Centreville, which lies easterly of the present corporate boundaries of this Village, and which real estate lies within one mile of the present corporate boundaries of the Village."

Section 4. Section 1 of the Zoning Ordinance is hereby deleted in its entirety and the following substituted therefore; to-wit:

"Section 1. Zones.

For the purposes of this Ordinance and the applicability and enforcement

hereof, this Village of Sauget is hereby, and shall be divided into four (4) areas, hereinafter referred to as 'Zones'."

Section 5. Section 3 of the Zoning Ordinance shall be deleted in its entirety and the following substituted therefore; to-wit:

"Section 3. Restrictions on Use.

After the effective date of this Ordinance, no person, firm association, or corporation shall use any piece of real estate or any structural improvement on any piece of real estate, except:

A. For a permitted use as specified in whichever is applicable to the location thereof. Sections 4, 5, 5A and 5B hereof or;

B. As provided in Section 6 hereof."

Section 6. Section 4 of the Zoning Ordinance is hereby deleted in its entirety and the following substituted therefore; to-wit:

"Section 4. Zone IH (Industrial Heavy)

Zone IH shall be deemed to be the heavy industrial zone. Any business, commercial or industrial use shall be permitted for use in Zone IH, except the following:

1. Adult entertainment.
2. Any placement of a structure used as a permanent or temporary dwelling abode or place of residence of one or more human beings."

Section 7. Section 5 of the Zoning Ordinance is hereby amended by deleting any reference to Zone B and substituting therefore the term, Zone R. All other provisions of Section 5 shall remain in full force and effect, except that Adult Entertainment is specifically excluded from Zone R.

Section 8. That there shall be added hereto, a new Section, known as Section 5A of the Zoning Ordinance which shall be as follows; to-wit:

"Section 5A. Zone IL (Industrial Light)

Zone IL shall be deemed to be the business, commercial and light industrial zone. Any business, commercial or light industrial use shall be permitted in Zone IL, except the following:

1. Heavy industrial which is defined to include foundries, chemical plants and manufacturing plants
2. Adult entertainment.
3. No structures used as a permanent or temporary dwelling, abode or place of residence of one or more human beings."

Section 9. That there shall be added hereto, a new Section, known as Section 5B of the Zoning Ordinance, which shall be as follows; to-wit:

"Section 5B. Zone E (Entertainment)

Zone E shall be deemed to be the entertainment zone. Any business or commercial or light industrial use shall be permitted in Zone E, including Adult Entertainment, except the following:

1. No structure used as the permanent or temporary dwelling, abode or place of residence of one or more human beings shall be permitted in Zone E.
2. No heavy industrial use, i.e., foundries, chemical plants or manufacturing plants."

Section 10. Section 6 of the Zoning Ordinance shall be amended by deleting it in its entirety and the following substituted therefore.

"Section 6. Non-conforming Uses

A non-conforming use shall be a use existing on the effective date of this Ordinance which is not a permitted use as specified in whichever is applicable to the location thereof, Sections 4, 5, 5A, 5B hereof. Notwithstanding any other provisions hereof, any such non-conforming use may continue unless and until:

A. If the use be non-conforming because of the use itself, the use is hereinafter abandoned, and remains abandoned for twelve (12) consecutive months after initial abandonment; or

B. If the use be non-conforming because of the nature of the structure or improvement, the structure or improvement is substantially destroyed and is not restored within 120 calendar days after destruction.

The owner of any piece of real estate upon which a non-conforming use exists on the effective date of this Ordinance may apply to and receive from the Village Clerk a Certificate of Non-conforming Use.

No non-conforming use may be enlarged, extended, increased or relocated on the parcel of real estate where it is presently located."

Section 11. Adult Entertainment, as used in this Ordinance, is defined as including, but not limited to, adult bookstore and adult entertainment cabaret:

A. Adult Bookstore. An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for 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, or an establishment which 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, the exclusion of minors from the establishment's premises or any other factors showing that the establishment's primary purpose is to purvey such material.

B. Adult Entertainment Cabaret. A public or private establishment, which:

- i. Features topless dancers, strippers, male or female impersonators;
- ii. Not infrequently features entertainers who display "specified anatomical areas;
- iii. Features entertainers, who by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage or engage in explicit simulation of "specified sexual activities, with the exception of C(i) and C(ii), which are prohibited.

C. Specified Sexual Activities is defined as:

- i. Human genitals in a state of sexual stimulation or arousal;
- ii. Acts of human masturbation, sexual intercourse or sodomy;
- iii. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

D. Specified Anatomical Areas is defined as:

- i. Less than completely and opaquely covered:
 - a. human genitals, pubic region;
 - b. buttock; and
 - c. female breast below a point immediately above the top of the areola.

Section 12. This Ordinance shall be in full force and effect immediately upon its adoption and approval and publication as provided by law.

Section 13. The Village Clerk shall cause a certified copy of this Ordinance to be recorded in the Recorder's Office of St. Clair County, Illinois.

READ FOR THE FIRST TIME: October 9, 2001

READ FOR THE SECOND TIME:

(Under suspension of rules)

October 9, 2001

READ FOR THE THIRD TIME:

(Under suspension of rules)

October 9, 2001

ADOPTED AND ENACTED: October 9, 2001

ROLL CALL VOTE:

	<u>AYE</u>	<u>NAY</u>
Yvonne E. McDaniel	<u>X</u>	—
Michael Wors	<u>X</u>	—
Charlotte I. Cates	<u>X</u>	—
Richard A. Sauget	<u>X</u>	—
Homer C. Adele	<u>X</u>	—
Wuanita Thornton	<u>X</u>	—

Approved:

Paul Lange
President

Attest:

Betty Long Wilson
Village Clerk