

# **ZONING ORDINANCE FOR THE VILLAGE OF SHERIDAN 2007**

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## **SECTION 1 - TITLE**

This ordinance shall be known and may be cited and referred to as "The Zoning Ordinance for the Village of Sheridan, Illinois". The words "this ordinance" as hereinafter used shall be held and taken to mean the entire ordinance as amended, including each and every section thereof.

## **SECTION 2 - INTENT AND PURPOSE**

This ordinance for overall intent is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comfort and general welfare of the people;
2. To divide the Village and the surrounding one and one-half mile jurisdictional area into various districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for specific uses;
3. To protect the character and the stability of the various zoning district areas within the Village and the one and one-half mile surrounding areas and to promote the orderly and beneficial development of such areas;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To regulate the intensity of use of lot areas, and to determine the area of open space surrounding buildings, necessary to provide adequate light and air and to protect the public health;
6. To establish building lines and the location of buildings designed for the various zoning districts or other uses within such areas;
7. To fix reasonable standards to which buildings or structures shall conform therein;
8. To prohibit uses, buildings or structures incompatible with the character of development of intended uses within specified zoning districts;
9. To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
10. To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;
11. To conserve the taxable value of land and buildings throughout the Village and surrounding one and one-half mile area;
12. To provide for the elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

13. And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

14. **DEFINITIONS:**

**ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

**ACCESSORY USE OR ACCESSORY STRUCTURE:** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

**ALLEY:** A street which affords only a secondary means of access to property.

**APARTMENT:** A room or suite of rooms in a multiple family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen and bath facilities, permanently installed, must be included for each apartment.

**AUTOMOBILE LAUNDRY:** A building, or portion thereof, where automobiles are washed with the use of a blower or steam-cleaning device.

**AUTOMOBILE REPAIR, MAJOR:** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame straightening or repair and over all painting of vehicles.

**AUTOMOBILE REPAIR, MINOR:** Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major."

**AUTOMOBILE SERVICE STATION:** A facility where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public, on the premises, and including minor accessories and the services for automobiles and washing of automobiles where no blower or steam-cleaning device is employed.

**AUTOMOBILE WRECKING YARD:** A premises used for the storage or sale of used automobile or truck parks or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.



**AWNING:** A roof-like covering which projects from the wall of a building or overhangs the public way.

**BASEMENT:** A story partly or wholly underground. Where more than one half (1/2) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

**BERM:** That area of public right of way between that part of the public right of way used for vehicular traffic and an adjacent property owner's private property.

**BOARDING HOUSE:** An establishment other than a hotel or restaurant where meals are provided for compensation to at least four persons but not more than twelve persons who are not members of the keeper's family residing on the premises.

**BLOCK:** A tract of land bounded by streets or in lieu of a street or streets, by a public park, cemetery, railroad right-of-way, bulkhead lines, a shore line of a waterway or a boundary line of the Village.

**BUILDING:** Any structure with substantial walls and roof, securely affixed to the land, which is designed or intended for the shelter, enclosure, or protection of persons, animals, chattels, or property of any kind.

**BUILDABLE AREA:** The space remaining on a lot after the minimum open space requirements of this ordinance, or any other, have been complied with.

**BUILDING HEIGHT:** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

**BUILDING, NON-CONFORMING:** Any building which does not conform to the regulations of this ordinance prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

**BUILDING, PRINCIPAL:** A building in which is conducted the main use of the lot on which it is situated.

**BUILDING LINE:** A line parallel to the street line at a distance from it, regulated by the front yard requirements, set up in this ordinance.

**CELLAR:** A cellar is a story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurements.

**CLUB OR LODGE, PRIVATE:** A "private club" or "lodge" is a non-profit association of persons, who are bona fide members paying annual dues which owns property, hires, or leases a building, or portion thereof.

**CURB LEVEL:** The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street the "curb level" shall be the average of the level of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the street shall be considered the "curb level."

**DOUBLE WIDE MOBILE HOME:** Two mobile home sections built upon fixed running gear constructed so that they may be fitted together at the homesite to form a dwelling.

**DWELLING, MULTI-FAMILY:** A building or portion thereof, designed for occupancy by two (2) or more families living independently of each other.

**DWELLING, ROW:** A row of two (2) or more attached one-family party-wall dwellings, not more than two and one-half (2 1/2) stories in height, nor more than two (2) rooms in depth measured from the building line.

**DWELLING, SINGLE FAMILY:** A detached building containing one (1) dwelling unit and designed for occupancy by one (1) family only.

**DWELLING, TWO FAMILY:** A detached building containing two (2) dwelling units and designed for occupancy by two (2) families.

**DWELLING UNIT:** One (1) or more rooms in a building designed for occupancy by one (1) family and having not more than one (1) cooking facility.

**EXTERIOR IMPROVEMENT:** Exterior improvement shall include any of the following activities:

- A) The installation of exterior siding or sheeting or finish including but not limited to aluminum, vinyl, or wood siding, shingles, or panels.

B) The removal of windows and the closing in or installation of windows.

Exterior remodeling shall not include application of paint, stain or varnish and shall not include the removal, application or repair of roofing.

**FAMILY:** An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

**FUEL BULK STATION:** A place where crude petroleum, gasoline, naphtha, benzine, benzol, kerosene or other flammable liquid which has a flash point at or below two hundred degrees Fahrenheit (closed cup tester) is stored for wholesale purposes, where the aggregate capacity of all storage tanks is more than six thousand gallons.

**GARAGE, PRIVATE:** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for the storage of automobiles owned or used by the occupants of the premises.

**GARAGE, PUBLIC:** A building used for the care, incidental servicing or sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck trailers, and commercial vehicles exceeding one and one-half ton capacity.

**GARAGE, BUS OR TRACTOR:** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half ton capacity.

**GRADE, GROUND LEVEL:** The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

**GUEST HOUSE:** Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants on the premises.

**HEIGHT OF BUILDING:** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.

**HOME OCCUPATION:** A gainful occupation or profession including the sale of goods or services carried on by an occupant of a dwelling unit carried on wholly within the principal building or within a building accessory thereto, by only members of the family occupying the premises. No article shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. There shall be no exterior display, no exterior sign except as allowed by the sign regulations for the district in which such "home occupation" is located, no exterior storage of materials, no other exterior indication of the "home occupation" or variation from the residential character of the principal building. Offices, clinics, doctor's offices, hospitals, barber shops, beauty parlors, dress shops, millinery shops, tea rooms, restaurants, tourist homes, animal hospitals and kennels, among others, shall not be deemed to be "home occupations."

**HOSPITAL OR SANITARIUM:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this ordinance does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter or boarding homes.

**HOTEL, APARTMENT:** A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests.

**HOTEL OR MOTEL:** A building in which more than five rooms or suites are reserved to provide living and sleeping accommodations for temporary guests, with no provision in such rooms for cooking in any individual room or suite.

**JUNKYARD:** Any place where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, including auto and building wrecking yards, outside a completely enclosed building.

**KENNEL, COMMERCIAL:** Any lot or premises or portion thereof on which more than four dogs, cats and other household domestic animals, over four months of age, are kept or on which more than two such animals are boarded for compensation.

**LABORATORY:** A place devoted to experimental study or testing and analyzing substances.

**LINE OF BUILDING:** A line parallel to the nearest lot line drawn through the point of a building or a group of buildings nearest to such lot line, exclusive of such features specified as being permitted to extend into a yard.

**LIVESTOCK:** Domestic animals of type customarily raised or kept on farms for profit or other purposes.

**LIVESTOCK FEEDING YARD:** An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing.

**LIVESTOCK SALES YARD:** An enclosure of structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

**LOADING AND UNLOADING SPACE:** An open hard-surfaced area of land other than a street or a public way the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors and trailers.

**LOT:** The word "lot" when used alone shall mean a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, area and yard as required. A lot shall have frontage on an improved public street. A lot may consist of a single lot of record, a portion of a lot of record, a combination of lots of records, or a parcel or land described by metes and bounds.

**LOT AREA:** The total horizontal area within the lot lines of a lot exclusive of streets, and easements of access to other property.

**LOT, CORNER:** A lot abutting on two or more streets other than an alley, at their intersection.

**LOT COVERAGE:** The area of a lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH:** The horizontal distance between the front and rear lot lines measured in the main direction of the side lot lines.

**LOT FRONTAGE:** The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

**LOT LINE:** The property line bounding a lot.

**LOT LINE, INTERIOR:** A side lot line common with another lot.

**LOT LINE, REAR:** The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

**LOT LINE, SIDE:** Any lot line not a front or rear lot line.

**LOT, THROUGH:** A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.

**LOT, WIDTH:** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

**MANUFACTURED BUILDING:** A mobile home, a double wide mobile home, trailer house, modular unit or units, sectional home, or any other building which was primarily constructed other than at the building lot but instead transported to the building lot. A manufactured building does not include a recreational vehicle or a storage shed used as an accessory to a single family dwelling.

**MOBILE HOME:** Any vehicle or structure, excluding a sectional home, which is, or was as originally constructed, designed to be transported by another motor vehicle designed, equipped, used or intended to be used primarily for human habitation, including any addition, attachments, annexes, foundations, and appurtenances thereto.

**MODULAR UNIT:** A factory fabricated transportable building unit to be transported to a building site on a flat bed trailer or detachable running gear designed to be used by itself or to be incorporated with a similar unit or units at a building site into a modular structure on a foundation to be used from residential, commercial, educational or industrial purposes and not placed on jacks or wheels.

**MOTOR FREIGHT TERMINAL:** A building in which freight, brought to said building by motor truck is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**NON-CONFORMING STRUCTURE OR USE:** A lawful existing structure of use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**NURSING HOME OR REST HOME:** A private home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

**NURSERY, DAY:** Place where care is provided for compensation for three or more children under the age of four years, for periods of more than four hours but not exceeding twenty-four hours.

**NURSERY SCHOOL:** A place where care is provided for compensation for children from four to six years of age.

**OWNER:** An owner of property or the authorized agent of an owner.

**PARCEL DELIVERY STATION:** A building in which commodities, sold at retail, are assembled and routed for delivery to retail customers located within the area.

**PARKING AREA, PRIVATE:** An open, hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**PARKING AREA, PUBLIC:** An open, hard-surfaced area, other than a street or public way used for the storage of passenger automobiles and commercial vehicles under one and one-half ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

**PARKING SPACE, AUTOMOBILE:** Space within a public or private parking area of not less than one hundred and sixty-two square feet (eight and one-half feet by nineteen feet), exclusive of access drive, or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

**PORCH:** A permanent roofed-over structure, projecting from the wall or walls of a main structure.

**SECTIONAL HOME:** A single family dwelling made of two or more modular units transported to the home site where they are put on a foundation and joined to make a single family dwelling.

**SIGN:** An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

**SIGN, FLASHING:** A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. Any revolving, illuminated sign shall be considered a flashing sign.

**SIGN, GROSS SURFACE AREA OF:** The "gross surface area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case, passing through or between any adjacent elements of

same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.



**STORY, HALF:** A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls, are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple -family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple family dwellings three or more stories in height, a half story shall be counted as a story.

**STREET:** A public right-of-way for vehicular and pedestrian traffic.

**STRUCTURE:** Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

**STRUCTURAL ALTERATION:** Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

**TRAILER HOUSE:** A vehicle or similar portable device originally designed or presently constructed to permit human occupancy for living and sleeping purposes.

**TRAILER PARK:** A lot upon which two or more manufactured buildings are located, regardless of whether a charge is made for such accommodations.

**USE:** The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

**USED CAR LOT:** An area on which used cars, trailers or trucks are displayed for sale or trade.

**YARD SETBACK:** An open space on a lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance.

**YARD SETBACK, FRONT:** A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

**YARD SETBACK, REAR:** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD SETBACK, SIDE: The part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard

## **SECTION 3 - GENERAL PROVISIONS**

### **1. CONSTRUCTION OF WORDS**

Whenever any word in this ordinance importing the plural number is used, any single matter, party or person shall be deemed to be included although distributive words may not have been used. When any subject matter, party or person is referred to in this ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included. The words "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The word "village" whenever used in this ordinance shall be held and taken to mean the Village of Sheridan. The words "written" or "in writing" may include printing.

The above rules of construction shall not be applied to any section of this ordinance which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

### **2. INTERPRETATION WITH OTHER LAWS, REGULATIONS AND AGREEMENTS**

#### **A) Minimum Requirements.**

The provisions of this ordinance shall be held to be minimum requirements for the promotion of public health, safety, morals and welfare.

#### **B) Relationship with Other Laws.**

Where the conditions imposed by any provision of this ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or county, state or federal law, rule or regulation the regulations which are more restrictive (or which impose higher standards or requirements) shall govern. The Village of Sheridan exercises its exclusive right to zone territory within one and one-half miles of the village corporate limits. The foregoing shall not be deemed as any limit as to said exclusive right to zone.

#### **C) Effect on Existing Agreements.**

This ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this ordinance shall govern.

### **3. SCOPE OF REGULATIONS**

Except as may otherwise be provided in Section 13, "Non-Conforming Buildings, Structures and Uses," all buildings erected hereafter; all uses or building established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

### **4. ACCESSORY USES**

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

A) An accessory building may not be located nearer to any lot line than that permitted for the principal building. However, an accessory building may be located in the rear yard setback, provided that is no closer than three (3) feet of any interior lot line, and not closer than five (5) feet of the rear lot line.

B) An accessory building shall not be erected prior to the establishment or construction of the principal building to which it is accessory, or to which it is intended to be accessory.

C) No accessory building shall have a height exceeding 20 feet.

D) All accessory buildings shall be securely anchored to a concrete slab or concrete foundation and shall comply with building code requirements as are generally required of principal structures under this ordinance or by lesser standards as are architecturally approved and customarily accepted for accessory buildings.

### **5. BUILDING HEIGHT, BULK, AND LOT COVERAGE**

A) No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height, a higher ratio of lot coverage, or smaller open space about it than permissible under the limitations set forth herein for the district in which such building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the Village.

B) No space required for the purpose of complying with side, rear or front yard setbacks may be satisfied from unoccupied space on an adjacent lot. There is no

prohibition, however, of one lot owner legally transferring unoccupied space not needed to meet the transferor's minimum yard setback requirements to an adjacent lot owner so that the adjoining lot will comply with minimum yard setback requirements.

C) In consideration of yard setback and lot coverage, an open terrace (but not including a roofed-over porch) may occupy a front yard, provided the unoccupied portion of the front yard has a depth of not less than fifteen (15) feet. A one-story bay window may project into a front yard not more than three (3) feet. Over-hanging eaves, including gutters, may project over the minimum required side yard not more than eighteen (18) inches.

## **6. LOT AREA AND DIMENSION**

### **A) Contiguous Lots.**

When two or more lots, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the Use District in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

### **B) Non-conforming Lots.**

Any single non-conforming lot that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yard setbacks, courts, or usable open spaces are not less than 75 percent of the minimum required dimensions or areas.

## **7. ACCESS TO PUBLIC STREET**

Except as otherwise provided for in this ordinance, every residential building shall be constructed or erected upon a lot, or parcel of land, which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of this ordinance.

## **8. NUMBER OF BUILDINGS ON A ZONING LOT**

Except in the case of a Planned Development or a Mobile Home Park, not more than one principal detached residential building shall be located on a zoning lot, and no principal detached residential building shall be located on the same zoning lot with any other principal building.

### **8a) FOUNDATIONS FOR MANUFACTURED BUILDINGS**

Any manufactured buildings located in any zoning districts shall be completely located on and affixed to a permanent foundation with all transportation devices including the wheels, tongue and hitch removed.

## **9. USES NOT SPECIFICALLY PERMITTED IN DISTRICTS**

When a use is not specifically listed in the sections devoted to "Permitted Uses" it shall be assumed that such uses are hereby expressly prohibited unless a variance has been issued according to Section 13 of this ordinance.

## **10. SEPARABILITY**

Each section, clause, and provision of this ordinance shall be considered as separable, and the invalidity of one or more shall not have any effect upon the validity of other sections, clauses, or provisions of this ordinance.

## **11. AMENDMENTS**

A public hearing on any proposal to amend the zoning ordinance, as required by statute, shall be held before the Zoning Board of Appeals of the Village unless the Village Board by resolution or ordinance directs otherwise. The Zoning Board of Appeals or other body conducting such public hearing shall make its recommendation promptly after the termination of its hearing on the proposed amendment.

Three copies of each petition to amend the zoning ordinance shall be filed, stating the purpose of the proposed amendment and describing the property affected thereby.

## **12. PARKING OF SECOND DIVISION VEHICLES IN RESIDENTIAL DISTRICTS**

Except as provided herein, no second division vehicles as defined by the Illinois Vehicle Code shall be parked or left idling, whether on public or private property, in an R-1 One Family Dwelling District or an R-1 General Residence District between the hours of 11:00 P.M. and 5:00 A.M. unless one of the following exceptions apply:

- a. A truck, van, or utility vehicle, with a designed carrying capacity 1 ton or less.
- b. A conditional use is granted by the Village Board following a hearing conducted by the Zoning Board of Appeals.
- c. A recreational or antique vehicle owned by occupants of the residential lot where the vehicle is parked.
- d. School buses driven by occupants of the residential lot where the bus is parked.

The following factors shall be considered in determining whether a Conditional use should be granted:

- (1) The condition of the roads routinely traveled on through the Village of Sheridan.
- (2) The availability of alternative vehicle parking outside of a residential district.
- (3) The concerns of adjoining neighbors.
- (4) The noise suffered by adjoining property owners.
- (5) Whether or not the conditional use will cause additional truck traffic in residential districts beyond the level as of the date of the amendatory ordinance on October 13, 2003. Limitations may be placed on a conditional use including the times and duration which trucks be left idling, the routes taken, the parking location and times of year that parking is allowed.

The conditional use petition fee shall be waived for any resident who routinely was parking a second division vehicle in a residential district prior to October 13, 2003 provided that they file a petition for special use permit no later than December 31, 2003.

### 13. ROOF-MOUNTED SOLAR ENERGY SYSTEMS

A) A ROOF-MOUNTED SOLAR ENERGY SYSTEM is defined as a solar energy system that is mounted on a rack that is fastened onto a building roof.

B) Roof-Mounted Solar Energy Systems are permitted in all zoning districts where building are permitted following approval of a building permit which shall be subject to conditions as follows:

- 1) Roof-Mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.
- 2) Roof-Mounted solar energy systems shall not exceed the height limit of the principal structures on the zoning lot and shall also comply with other dimensional standards for the district where the system is to be located.
- 3) The application for a building permit shall be accompanied by statement from an architect, structural engineer or qualified solar installer certifying that the building roof is adequate to support the roof-mounted solar energy system and that applicable building codes are satisfied.
- 4) In the event that the Roof Mounted Solar Energy System will be connected to a public utility grid, the connection shall be inspected and approved by the affected public utility.

## **SECTION 4 - ESTABLISHMENT OF ZONING DISTRICTS**

### **1. CLASSIFICATION OF ZONES**

For the purpose of this ordinance the following zones are hereby established:

A) Agriculturally Zoned Districts

1) Agricultural District (A-1)

2) General Agricultural District (A-2)

B) Residentially Zoned Districts

1) One Family Dwelling District (R-1)

2) General Residence (R-2)

3) Rural Residential District (RR)

C) Mobile Home Park District (MHP)

D) General Business District (B-1)

E) Manufactured District (M-1)

F) Lowland Conservancy District (C-1)

### **2. ZONING MAPS**

The locations and boundaries of the districts established herein are shown upon the Zoning Map. The Zoning Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part hereof and shall have the same force and effect as if the Zoned Map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

### **3. ZONING OF ANNEXED LAND**

The Zoning Board of Appeals or such commission as the Village Board shall direct shall hold a public hearing and recommend zoning for territory not before zoned due to annexation of territory to the Village.



#### **4. BOUNDARY LINES**

Wherever any uncertainty exists as to the boundary of any use district as shown on the Zoning Map, incorporated herein, the following rules shall apply:

A) Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the center lines thereof.

B) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

C) Where a lot held in one ownership and of record at the effective date of these suggested standards is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than twenty (20) percent.

## **SECTION 5 - AGRICULTURALLY ZONED DISTRICTS**

### **1. A-1 AGRICULTURAL DISTRICT**

#### **A) Statement of Purpose**

The A-1 Agricultural District is established as a zone in which agricultural and certain related uses are encouraged as the principal land use.

The specific intent is to facilitate the proper use of lands best suited for agriculture by preventing the mixture of urban and rural use which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services and contributes to the premature termination of agricultural pursuits.

The purpose of A-1 District is to:

- 1) Preserve productive agricultural land for the production of food and fiber.
- 2) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services.
- 3) Maintain a viable agricultural base to support agricultural processing and service industry.
- 4) Reduce costs of providing services to scattered non-farm uses.
- 5) Prevent illogical placement of residential uses in the otherwise open countryside.

#### **B) Selection of Land for A-1 Designation**

In general, the A-1 Agricultural District applied to lands in productive farm operations including:

- 1) Lands historically exhibiting high crop yields or is capable of such yields.
- 2) Lands which have been demonstrated to be productive for dairying, livestock raising, and grazing.

- 3) Other lands which are integral parts of each farm operation.
- 4) Land used for the production of specialty crops such as vegetables, fruits, sod, nursery products, fish and insects.

As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.

### C) Permitted Uses

In the A-1 District the following uses and their accessory uses are allowed:

Agricultural on a lot not less than forty acres in area, which is used specifically for agricultural purposes as defined herein. "Agricultural Purposes" do not include extraction of sand, gravel or limestone, and such activities are not a permitted use in an agricultural district, even when related to an agricultural purpose." Permitted uses for "agricultural purposes" are as follows:

- a) Dairying, general farming, grazing, floriculture, forestry, greenhouses, hatcheries, horticulture livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, vegetable farming, game farms, wildlife sanctuaries, game preserves and other relate agricultural pursuits.
- b) Roadside stands provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height. Each roadside stand shall have facilities approved by the County Superintendent of Highways for vehicular ingress and egress and adequate off-street parking.
- c) Additional non-residential farm structures necessary for the continuance of the farm operation.
- d) A single family dwelling

### D) Special Uses

In an A-1 District the following uses and their accessory uses may be allowed by special use permit in accordance with the provisions of Section 14.

- 1) Riding academies, stables and other similar pursuits.
- 2) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial stockyards and feedlots; feed mills; agricultural implements and machinery sales, service, repair, fuel bulk plants, and similar agricultural activities.

3) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created conforms with all setback regulations set forth in the Rural Residential District and existing Residential use stipulations as prescribed herein.

4) Colleges, universities, schools (elementary, junior high and senior high), hospitals, correctional facilities, sanitariums, churches and other organized religious institutions.

5) Cemeteries including crematoriums and mausoleums, provided no buildings shall be located less than one hundred (100) feet from a lot line.

6) Airfields, airports and heliports.

7) Gas, electric, telephone utility uses, water and waste disposal structures and facilities.

8) Single family dwellings and mobile homes occupied by parents and/or children of the far owners, and for laborers actively engaged in the farm operation.

9) Public and private campgrounds and public parks.

10) Home occupation uses.

11) Animal hospitals, kennels.

12) Blacksmith or welding shops.

13) Churches, temple or synagogues.

14) Commercial feeding of fish, poultry and livestock.

15) Public utility and public services, including: electric substations; repeater stations; microwave relay towers and stations, mobile transmitting towers and stations, antenna towers, and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity; water filtration plants; water pumping stations; water reservoirs and other similar uses. Notwithstanding the criteria identified in the below E) Dimensional Standards, mobile transmitting towers may have a maximum height to be identified in the special use permit of up to 250 feet.

16) Dog kennels or pounds provided that they are located not less than three hundred (300) feet from a residential lot line.

17) Golf courses, driving ranges, miniature golf courses. No clubhouse or accessory building shall be located less than 300 feet from a lot line.

18) Gun club.

19) Outdoors amusement establishment, fairgrounds, carnivals, circuses, race tracks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.

20) Philanthropic and eleemosynary (charitable) institutions.

21) Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.

22) Public service sewage treatment plant.

23) Shooting range subject to terms and conditions set forth in  
SECTION 14B – SHOOTING RANGES

#### E) Dimensional Standards

1) Minimum Lot Size: 40 acres

2) Maximum Building Height: 35 feet for residential structures - 75 feet on other structures.

3) Minimum Yard Setback: Each building hereafter erected or remodeled shall have a side and rear yard setback on each side of each building of not less than fifty (50) feet.

4) Minimum Lot Width at Building Line: 150 feet.

5) Minimum setback from thoroughfares: One Hundred (100) feet from right-of-way.

6) Minimum setback from all other streets and roads: Seventy-five (75) feet from the right-of-way.

## **2. A-2 GENERAL AGRICULTURAL DISTRICT**

#### A) Statement of Purpose

The purpose of the A-2 District is to provide a mixture of low density residential and agricultural land uses. This district is designed to permit utilization of

smaller land parcels in predominantly agricultural areas for small scale agriculture and rural residential uses. The intent of the A-2 District is that it is to be applied to those rural lands with less than 40 acres that have marginal utility for agricultural use because of soil type, lot configuration and/or topography.

## B) PERMITTED USES

The following uses and their accessory uses are allowed in the A-2 District.

- 1) A single family dwellings.
- 2) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal.
- 3) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs each not larger than eight square feet each advertising such sale.
- 4) Gardening, including truck gardens, nurseries, greenhouses and orchards.
- 5) Governmental buildings.
- 6) Public parks, playgrounds, recreational and community center buildings and grounds.
- 7) Grade schools, cemeteries, churches and their affiliated uses.
- 8) Public buildings, warehouses, garages, and storage areas.
- 9) Water storage facilities and their accessory structures.
- 10) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit.

## C) Special uses

In an A-2 District the following uses and their accessory uses may be allowed by special use permit in accordance with the provision of Section 14.

- 1) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.

2) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

3) Institutions of a charitable or philanthropic nature, hospital, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those who principal activity is a service customarily carried on as a business, and except also riding clubs.

4) Single family homes or mobile homes provided that only one additional dwelling will be permitted in conjunction with an established farmstead and that the head of the occupant household of such dwelling is employed in connection with the farm operation.

5) Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses.

6) Uses customarily incidental to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

7) Public and private campgrounds.

8) Gas and electric utility uses, telephone and telegraph transmission lines, buildings or structures; and water and waste disposal structures and facilities.

9) Airports and airfields.

10) Riding academies, stables and other similar pursuits.

11) Landfills.

12) Shooting range subject to terms and conditions set forth in  
SECTION 14B – SHOOTING RANGES

#### D) Dimensional Standards

- side
- 1) Maximum Building Height: 37 feet on residential structures and 75 feet on other structures.
  - 2) Minimum Side Yard Setback: Principal Buildings - 25 feet on each side  
Accessory Buildings - 10 feet on each side
  - 3) Minimum Rear Yard Setback: 50 feet

- 4) Minimum Lot Area: 5 acres
- 5) Maximum Lot Size: Less than 40 acres
- 6) Minimum setback from thoroughfares: 100 ft. from right-of-way
- 7) Minimum setback from all other streets and roads: 75 feet  
from right-of way
- 8) Minimum lot width: 150 feet



## **SECTION 6.00 RESIDENTIALLY ZONED DISTRICTS**

### **1. R-1 SINGLE FAMILY RESIDENCE DISTRICT**

#### **A) Statement of Purpose**

The R-1 District is established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity, and welfare. These general goals include, among others the following specific purposes:

- 1) To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare and other objectionable factors.
- 2) To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through traffic, and to alleviate congestion by promoting off-street parking.
- 3) To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
- 4) To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- 5) To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
- 6) To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development and to protect the value of land and improvements and so strengthen the economic base.

#### **B) Permitted Uses**

In the R-1 District the following uses and their accessory uses are permitted outright except that no building in an R-1 District shall be a manufactured building unless the manufactured building is a sectional home for which a special use permit has been granted.

- 1) Single family dwellings.
- 2) Home occupations.
- 3) Truck gardening and other horticultural uses where no buildings are involved and when no sale of products is conducted on the premises.
- 4) Transitional uses - two family dwellings, principal offices of physicians, dentists, lawyers, architects, real estate brokers, and other professional occupations, when conducted in a residential structure used primarily as a home and when located on lots having a side line adjoining a lot in a business or manufacturing district; or on lots having a side lot line adjacent to a railroad right-of-way or directly across a street or alley from a business or manufacturing district, provided that:
  - a) The lot on which the transitional use is located does not extend more than seventy-five (75) feet from the adjoining business or manufacturing district, or more than one hundred and twenty (120) feet in depth from the street line in cases where the lot does not adjoin but faces a business or manufacturing district.
  - b) The home occupations are conducted in conjunction with the use of a dwelling unit as a home by the occupant thereof, with not more than two employees other than members of the related family, and that the residential character of the exterior of the dwelling is not changed.
- 5) Temporary buildings and uses for construction purposes for a period not to exceed three (3) MONTHS.

#### C) Accessory Uses

Allowable accessory uses include, but are not limited to, the following:

- 1) Terraces.
- 2) Awnings and canopies.
- 3) Chimneys, not exceeding three (3) percent of the width of the yard.

- 4) Steps not over four (4) feet in height.
- 5) Arbors and trellises.
- 6) Fences or walls
  - a. Decorative fences or wall in a front yard so long as not more than four (4) feet in height and not constructed of chain link or woven wire.
  - b. Fences or walls in rear or side yard not over six (6) feet in height. Any fence located on a boundary line shall be placed on the owners side of the boundary line and the finished face of the fence shall face the neighboring property.
  - c. Notwithstanding the above fence height limits, private swimming pools shall be fenced by a fence no less than four (4) feet nor more than six (6) feet.
- 7) Breezeways and open porches.
- 8) Open parking areas for parking of operating, licensed and insured vehicles provided that such parking area is no closer than 3 feet off of the improved roadway.
- 9) Children's playhouse.
- 10) Garden house or private greenhouse.
- 11) Garage, shed, carport or building for domestic storage.
- 12) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- 13) Outdoor swimming pools with water capacity height 24 inches or greater provided that it is maintained and protected as follows:
  - a. Pool must be entirely fenced with a fence no less than 4 feet in height. The fence shall be of a type not to allow passage of an object greater than four (4) inches in diameter and not easily traversable or climbable by children.
  - b. A side of a building may be used as part of the fenced enclosure so long as the resulting enclosure is entirely closed

and protected from access by children. The wall of pool may be considered part of the fence so long as fence material extends above the water level or rim of the pool, no less than 1 foot.

- c. A safety ring or pole must be located by the pool for rescue purposes.
  - d. The gate allowing access to the pool must be self-latching and equipped with hardware for a locking device to be used when the pool is not in use. In the event of no gate in the vicinity of the pool, it may be protected by a lockable ladder.
  - e. Pool water must be filtered and maintained with clarity such that a black disc twelve (12) inches in diameter placed on the bottom of the pool is clearly visible from the side of the pool.
  - f. A protective cover of sufficient strength and type to protect a child from the water shall be placed over any pool remaining erected over the non-swimming season.
  - g. All outdoor swimming pools shall be constructed in a manner consistent with Article 680 of the 2002 Edition of the National Electrical Code with respect to technical requirements for the design, installation, wiring, and location of pools and pool components, including, but not limited to, pool filters, motors, and GFCI circuits.
- 14) Outside storage of firewood provided such is located in rear or rear side yard, neatly stacked and contained within an area not to exceed 32 square feet. The foregoing shall not limit the storage of firewood within an enclosed accessory building or vehicle.
- 15) A back yard chicken hen coop, pen, and up to 6 domesticated hens subject to the following conditions:
- a) A hen coop is required and shall be between 4 square feet and 8 square feet.
  - b) Feed shall be contained within the coop and not scattered on the ground.
  - c) Hens shall be contained in a fenced area with a fenced or enclosed top having an area not less than 32 square feet nor more than 200 square feet.

- d) The coop and pen shall be set back no less than 10 feet from any property line and kept in a clean, sanitary, and rodent free condition.
- e) Electric service to enclosures shall not be provided by an extension cord.
- f) Any coop and pen shall be sheltered from view by neighbors and from the street by a privacy fence.
- g) No hens shall be allowed that produce loud noise, disturb the peace, and cannot be contained within the coop and pen.
- h) No hens shall be slaughtered on the residential lot except for proper disposal of unproductive egg laying hens.
- i) No hens shall be kept absent a valid issued Village Chicken Permit. An application for a permit shall be available from the Village Clerk. The Village Marshall or designee shall perform an inspection of the site and the Village Clerk shall issue a permit if the property is in compliance with Village Rules. Permit fee shall be \$25.00.
- j) The Village Marshall may revoke a permit upon finding a site is in violation with Village Rules. Any action of the Village Marshall in approving or denying a permit may be appealed to the Village Board.

All accessory buildings shall be securely anchored to a concrete slab or concrete foundation. No accessory building shall have a height exceeding 20 feet. Any manufactured building with a manufactured floor designed to be placed on the ground may be placed on the ground without concrete slab or concrete foundation but by tie downs and anchors per manufacturer recommendation, or if by none, by tie downs and anchors on all corners of the building, of a style and type utilized for mobile homes.

#### D) Special Uses.

In an R-1 District the following uses and their accessory uses may be allowed by special use permit in accordance with the provisions of Section 14.

- 1) Airport, landing field, or landing strip.
- 2) Bus terminal, railroad passenger station freight terminal, or any other public transportation terminal facilities.

- 3) Clinic or medical center.
- 4) Cemeteries, crematories or mausoleums.
- 5) Churches.
- 6) Convents, monasteries, rectories or parish houses to be occupied by not more than fifteen (15) persons.
- 7) Golf courses, public or private.
- 8) Hospitals or sanitariums, public or private.
- 9) Municipal or privately owned recreation building or community center.
- 10) Nursery school or day nursery.
- 11) Off-street parking areas and garages.
- 12) Penal or correctional institutions.
- 13) Police station or fire station.
- 16) Public buildings including post office, library, museum, or similar structures.
- 15) Public or private park or playground.
- 16) Public or privately owned and operated fairgrounds, permanent carnivals, "kiddy parks", or other similar amusement centers.
- 17) Public utility facilities, i.e., filtration plant, water reservoir or pumping station, heat or power plant, transformer station and other similar facilities.
- 18) Schools, elementary, high and college, public or private, but not including trade or commercial schools operated for profit.
- 19) A sectional home may be located and used as a single family residence should the sectional home be secured on a foundation, comply with applicable building codes, comply with all other village zoning restrictions and ordinances, and be improved or constructed in such a manner as to resemble a conventionally built home. In considering whether a special use permit shall issue, the

zoning board of appeals and village board shall consider, among other relevant matters, the appearance of the sectional home in comparison with neighboring buildings, the location of the sectional home in relationship to the lot, the objections, if any, of neighboring property owners, the possible impact that the sectional home may have on the village's concern in promoting a stable residential development, in protecting the character and value of land and improvements and in maintaining a strong economic base.

#### E) Dimensional Standards.

##### 1) Lot Sizes

Every single family detached dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than nine thousand, six hundred (9,600) square feet, and a width at the established building line of not less than eighty (80) feet.

##### 2) Yard Setbacks

No building shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure or enlargement.

##### 3) Front Yard Setback

Each lot upon which a dwelling is constructed shall have a front yard setback of not less than thirty (30) feet.

##### 4) Side Yard Setback

On each lot upon which a dwelling is constructed, there shall be a side yard setback on each side equal to not less than ten (10) percent of the width of the lot.

##### 5) Rear Yard Setback

Every lot or parcel of land upon which a building is constructed shall have a rear yard setback of not less than thirty (30) feet.

##### 5a) Corner Lot Yard Setback Requirements

Yards abutting on streets on corner lots shall be subject to front yard setback requirements listed above; however, a lot owner may designate one of the yards abutting a street as the front yard in which case any other yard abutting a

street as the front yard in which case any other yard abutting a street shall have a yard of not less than twenty 20 feet.

6) Lot Coverage (Maximum area)

Not more than thirty-five (35) percent of the area of the zoning lot may be occupied by buildings or structures, including accessory buildings.

7) Dwelling Sizes.

Every one-story dwelling hereafter erected in an "R-1" District shall have a total ground floor area of not less than nine hundred (900) square feet measured from the outside of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes. Every dwelling or more than one story hereafter erected in any "R-1" One-Family District shall have a total floor area, measured from the outside of the exterior walls, of not less than twelve hundred (1,200) square feet, including utility rooms, but excluding cellars, basements, open porches, breezeways, and garages.

8) Height of Buildings

The maximum height of buildings permitted shall be as follows:

- a) One-family detached dwelling: twenty-five (25) feet, and not over two and one-half (2 1/2) stories.
- b) Church: seventy-five (75) feet for towers or steeples, but not more than fifty (50) feet for the main structure.

**2. R-2 GENERAL RESIDENCE DISTRICT**

A) Statement of Purpose

Purposes for the R-2 District are the same as the purposes above provided for the R-1 District along with the following:

- 1) To allow for lower cost housing alternatives in areas other than those historically used for single family residential homes.
- 2) To allow for a duplex home or other residential structure designed for occupancy for up to 4 families to be located on an R-2 lot.
- 3) To allow as a conditional use more than one multifamily residential structure to be located on an R-2 lot.
- 4) To allow as a conditional use a residential structure designed



for occupancy for more than 4 families to be located on an R-2 lot.

#### B) Permitted Uses

In the R-2 District the following uses and their accessory uses are permitted outright except that no building in an R-1 District shall be a manufactured building unless the manufactured building is a sectional home for which a special use permit has been granted.

- 1) Any use or accessory use permitted in the R-1 District.
- 2) One duplex home or one other party wall type multifamily building allowing up to 4 dwelling units on one R-2 District lot. Ownership of dwelling units may be divided to allow for private ownership of each dwelling unit.

Every building hereafter erected or structurally altered as a multifamily dwelling of more than two (2) dwelling units shall provide a minimum of one thousand (1,000) square feet of living space.

#### C) Accessory Uses

Accessory uses for the R-2 District include but are not limited to the accessory uses above provided for the R-1 District. All accessory buildings shall be securely anchored to a concrete slab or concrete foundation. No accessory building shall have a height exceeding 20 feet.

#### D) Special Uses.

In a R-2 District the following uses and their accessory uses may be allowed in accordance with the provisions of Section 14.

- 1) Any special use permitted in the R-2 District.
- 2) Rest homes and nursing homes.
- 3) Telephone exchange, antenna towers, and other outdoor equipment essential to the operation of the exchange.

#### E) Dimensional Standards

In an R-2 District the following dimensional standards shall apply:

### 1) Height of Buildings

No building shall hereafter be erected or structurally altered to exceed two (2) stories nor shall it exceed thirty-five (35) feet in height.

### 2) Lot Size.

No building hereafter erected or structurally altered in this R-2 General Residence District shall have a total lot area of less than nineteen thousand two hundred, (19,200) square feet nor have a total lot width of less than one hundred sixty (160) feet. Every building hereafter erected or structurally altered as a multiple family dwelling of more than two (2) dwelling units shall provide a minimum of one thousand (1,000) square feet of living space.

### 3) Lot Coverage.

Not more than thirty (30) percent of the area of a lot may be covered by buildings or structures.

### 4) Yard Setbacks.

No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yard setbacks and lot areas are provided and maintained in connection with such structure or enlargement.

#### a) Front Yard Setbacks.

Multiple family dwellings shall have a front yard setback of not less than thirty-five (35) feet except that the required front yard setback for row dwellings, two family dwellings and one family dwellings shall be the same as required in the R-1 District.

#### b) Side Yard Setbacks.

On interior lots there shall be a side yard setback on each side of the principal building of not less than five (5) feet and a combined total of side yards of not less than fifteen (15) feet.

#### c) Rear Yard Setbacks.

Multiple family dwellings shall have a rear yard setback of not less than

thirty-five (35) feet except that the required rear yard for row dwellings, two family dwellings and one family dwellings shall be the same as required in the R-1 District.

d) Corner Lots.

Yards abutting on streets on a corner lot shall be subject to front yard setback requirements listed above; however, a lot owner may designate one of the yards abutting a street as the front yard in which case any other yard abutting a street shall have a yard setback of not less than twenty 20 feet. On the interior lot line, there shall be a side yard setback equal to not less than ten (10) feet. The rear yard setback requirements set forth above shall apply and there shall be a side yard setback of not less than ten (10) feet.

F. Dwelling Unit Size and Minimum Improvements

Every building hereafter erected or structurally altered as a multiple family dwelling with 2 or more dwelling units shall satisfy the following standards:

- a) Each dwelling unit shall provide a minimum of one thousand (1,000) square feet of living space.
- b) Each dwelling unit shall contain a bathroom with toilet, sink, and shower or bath.
- c) Each dwelling unit shall contain a kitchen area with sink, ventilation fan and utility hook-ups for a refrigerator and stove.
- d) All door and windows shall be lockable.
- e) Each dwelling unit shall have adequate sources for heat and ventilation.
- f) Each dwelling unit shall contain adequate smoke alarms.

### **3. RR - RURAL RESIDENTIAL**

A) Statement of Purposes

The RR District is intended to provide for a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of non-compatible land uses. The intent is to provide for rural residential development and for recreational residential development on soils that are compatible for on-site

disposal of sewage effluent, and in areas that do not infringe on existing agricultural uses.

#### B) Permitted Uses

In the RR District the following uses and their accessory uses are permitted outright:

- 1) Single-family dwellings.
- 2) Public parks, playgrounds, and athletic fields.
- 3) Home occupations.

#### C) Accessory Uses

Accessory uses for the RR District include but are not limited to the accessory uses above provided for the R-1 District. All accessory buildings shall be securely anchored to a concrete slab or concrete foundation.

#### D) Special Uses

In an RR District the following uses and their accessory uses may be allowed by special use permit in accordance with the provisions of Section 14.

- 1) Cemeteries.
- 2) Water storage facilities.
- 3) Two-family and multi-family dwellings.
- 4) Riding academies, stables and other similar pursuits.
- 5) General farming, dairying, floriculture, forestry, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves.
- 6) Fire stations, police stations, post offices and other municipal facilities necessary for township operation.
- 7) Kennels.
- 8) Transmission lines, substations, telephone and telegraph lines, and public utility installments.

9) Churches, chapels, temples, synagogues, rectories, parsonages, parish houses and other related religious institutions.

10) Shooting range subject to terms and conditions set forth in  
SECTION 14B – SHOOTING RANGES

#### E) Dimensional Standards

In an RR District the following dimensional standards shall apply:

- 1) Maximum Building Height: 35 feet.
- 2) Minimum Yard Setback: Each principal building hereafter erected or remodeled shall have a side and rear yard setback on each side of each building of not less than twenty-five (25) feet.
- 3) Minimum yard setback for accessory buildings: Each accessory building hereafter erected or remodeled shall have a side and rear yard setback on each side of each building of not less than ten (10) feet.
- 4) Minimum lot width at building lie: 150 feet.
- 5) Minimum setback from thoroughfare: 100 feet from right-of-way.
- 6) Minimum setback all other streets and roads: 75 feet from the right-of-way.
- 7) Minimum lot area: 1 acre.
- 8) Maximum lot size: Less than 5 acres.

## **SECTION 7 - MPH - MOBILE HOME PARK DISTRICT**

### **1. STATEMENT OF PURPOSES**

Mobile home park districts are provided for as a means of providing balance and variety to dwelling types available while still maintaining the integrity of existing and proposed residential neighborhoods and preserving to the maximum extent possible outstanding natural features. Mobile home park regulations are designed to provide adequate standards to protect the public health, safety, convenience, and welfare of the residents of the Sheridan Zoned Area.

### **2. PERMITTED USES**

In the MHP District the following uses and their accessory uses are permitted outright:

- A) Single family dwellings.
- B) Public parks, playgrounds, athletic fields, forest preserves.
- C) Home occupations.
- D) Golf courses.

E) Mobile home parks which comply with the below stated mobile home park regulations.

### **3. SPECIAL USES**

In an MHP District the following uses and their accessory uses may be allowed by special use permit in accordance with the provisions of Section 14.

- A) Civic buildings.
- B) Nursery schools, preschools, and day care centers.
- C) Public and private utility facilities.
- D) Religious institutions.

### **4. MINIMUM LOT SIZE: 7 1/2 ACRES**

### **5. MOBILE HOME PARK REGULATIONS**

- A) Mobile Home Park Uses

1) Mobile home parks, subject to the rules and restrictions outlined below, shall be used to lease mobile homes for occupancy or lease mobile home sites where tenants may place a mobile home. Within a mobile home park, leases for occupancy of a mobile home or a mobile home site shall be for rental periods not to exceed 18 months. No mobile home sites may be individually sold.

2) A mobile home park shall not be used as a campground or for transient occupancy. Occupants of a mobile home park must be offered a lease for not less than 12 months.

3) Unoccupied mobile homes and other types of vehicles may not be located on a mobile home park for the purpose of inspection or sale, except as below provided:

a) Mobile homes affixed to a mobile home site as required below for occupancy may be sold or offered for sale.

b) Incidental sales of personally owned vehicles by occupants of a site in a mobile home park.

#### B) Mobile Home Park Size

Each mobile home park shall have a total lot area of not less than seven and one half contiguous acres under single ownership or unified control.

#### C) Mobile Home Park Location

Every mobile home park shall be located on a well drained area, and be properly graded so as to prevent the accumulation of storm or other wastes. No mobile home or mobile home park shall be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

#### D) Mobile Home Park Internal Street Network

Every mobile home site shall abut upon a roadway within the mobile home park. A two-way street must be at least 32 feet in width if parking is permitted on both sides, 25 feet in width if parking is permitted on only one side; or 18 feet in width if parking is prohibited. A one-way street must be at least 14 feet in width if parking is prohibited. All streets shall be paved with asphalt or concrete, maintained in good condition, adequately lighted and provided with adequate storm drainage.

#### E) Mobile Home Park Fencing and Screening

Each mobile home park must be fenced against all public highways or thoroughfares with a woven wire or solid fence of a minimum height of forty-eight

(48) inches. There shall be provided a screening buffer strip along the boundary of the mobile home park where it abuts a residential district. Such screening shall be at least five (5) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.

#### F) Mobile Home Park Recreation Requirements

Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele that the park is designed to serve.

#### G) Mobile Home Park Open Space Requirements

A minimum of 500 square feet per mobile home site, exclusive of that provided for individual mobile home spaces and buffers shall be required for the purpose of providing open space and recreational areas for the residents of the mobile home park.

#### H) Mobile Home Park Site Requirements and Specifications

1) At least two (2) off-street hard surfaced parking spaces shall be provided for each mobile home lot. The size of each space must be at least 8 feet by 20 feet.

2) Each mobile home site shall have utility hookups to water, sewer and electricity. Water and sewer systems shall be approved by the LaSalle County Health Ordinance.

3) Only one mobile home shall be placed on each site.

4) Every mobile home site shall at a minimum be setback from roads as follows:

- a) From thoroughfare: 100 feet from right-of-way
- b) From all other streets: 75 feet from right-of-way
- c) From any internal road: 25 feet from right-of-way

5) Every mobile home site shall have a minimum size of 8,000 square feet and minimum site width shall be 60 feet.

6) Every mobile home site shall have minimum yard setback space extending from the mobile home.

- a) Front yard setback: 30 feet
- b) Side yard setback: 16 feet
- c) Rear yard setback: 30 feet

plus a minimum of 10 feet of yard space shall extend from any accessory building.



## I) MOBILE HOME REQUIREMENTS AND SPECIFICATIONS

- 1) Maximum Building Height: 15 feet.
- 2) Minimum mobile home size: gross floor area of 700 sq. feet.
- 3) Each mobile home must contain electrical, water and heating systems, a kitchen, a flush toilet, a bedroom, a shower or bath all in livable and operable condition.
- 4) Each mobile home must be set on a concrete slab or concrete piers equal in size of the mobile home and with sufficient strength to withstand the weight of the mobile home.
- 5) Tie-downs required for each mobile home. Each tie-down shall be well anchored and withstand a minimum tensile strength of 4800 lbs. A minimum of 4 tie-downs shall be provided at each lot.
- 6) Skirting Required- Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is also recommended that insulation be provided inside the skirting to prevent the freezing of pipes.
- 7) No mobile home shall be occupied for dwelling purposes until it is properly placed on a mobile home site and connected to water, sewerage electrical and other utilities, and complies with all provisions of this ordinance.

## J) Mobile Home Additions and Accessories

No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home. Any addition to a mobile home shall be deemed a part of the mobile home and shall conform to the same setbacks of the existing mobile home and shall conform to other above stated regulations except above sub-sections I)4) and I)6).

## K) Mobile Home Accessory Uses

Allowable accessory uses include, but are not limited to, the following:

- 1) Terraces.
- 2) Awnings and canopies.
- 3) Arbors and trellises.

#### 4) Fences or walls

(a) Decorative fences or wall in a front yard so long as not more than four (4) feet in height and not constructed of chain link or woven wire.

(b) Fences or walls in rear or side yard not over six feet in height.

#### 5) Breezeways and open porches

6) Accessory Storage Buildings provided that the storage building does not exceed 100 square feet and does not exceed eight (8) feet in height. Such storage building shall be fully enclosed and securely anchored to a concrete slab or concrete foundation.

#### L) Mobile Home Park Management

In every mobile home park there shall be a mobile home park manager in charge of such a park. The manager shall:

1) Keep a register, which is to be open at all reasonable times and upon reasonable notice to inspection by appropriate state and local officials, of all owners and occupants of homes located in the park.

2) Maintain the mobile home park in a clean, orderly and sanitary condition at all times. Sanitation pickup service is required for all residents on at least a weekly basis.

3) Cooperate with local health officials in all cases of persons or animals infected or suspected of being infected with communicable disease.

4) Prohibit abandoned or junk vehicles.

5) Prohibit parking of motor homes except for short time visitors.

6) Prohibit burning of trash.

7) Post copies of mobile home park regulations at one or more conspicuous places in the mobile home park where they can be easily seen by the mobile home park personnel and visitors.

### **6. MOBILE HOME PARK LICENSES**

#### A) License Required

The owner of land upon which a mobile home park is located must annually make application for an annual mobile home park license. Licenses must be obtained no later than January 31st of each year. The form and contents of an application for an annual mobile home park license shall be established by the Zoning Enforcement Office with the approval of the Zoning Board of Appeals. Such application shall require the applicant to indicate compliance with the foregoing mobile home park regulations shall provide a plat showing the location of all mobile homes together with the names and addresses of the owners and occupants of such mobile homes, shall provide and name and address of the mobile home park manager, and shall be accompanied by performance bond with sureties in an amount established by the Zoning Board of Appeals which shall guarantee the mobile home park's compliance with all mobile home park regulations. A copy of the annual mobile home park license shall be maintained by the mobile home park manager.

#### B) Revocation of License

In the event of a violation of mobile home park regulations, the mobile home park annual license may be revoked or any further license refused by an affirmative vote of the Zoning Board of Appeals and the Village Board. The Zoning Board of Appeals shall conduct a public hearing and give notice to the license holder. Upon revocation of an annual mobile home park license, the licensee must within eighteen months must remove all mobile homes and discontinue the use of the property as a mobile home park and may not obtain a further mobile home park license for one year following removal of all mobile homes.

## **SECTION 8 – GENERAL BUSINESS DISTRICT**

In the B-1 District the following regulations shall apply:

### **I. STATEMENT OF PURPOSE**

The General Business District established to protect public health, to promote public safety, comfort, convenience and the general welfare, and to protect the economic base and the value of property. These general purposes include, among others, the following specific objectives.

A) To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base.

B) To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base.

C) To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.

D) To provide for the establishment of off-street parking facilities - permitted and required - so as to alleviate traffic congestion and so promote shopping convenience and business prosperity.

### **2. PERMITTED USES**

In the B-1 District the following uses and their accessory uses are permitted outright:

A) Dwelling units, provided they are located above the first floor and above a permitted business use. Dwelling units shall not be permitted on the ground floor of business buildings or in the rear of business establishments on the ground floor.

B) The following business uses:

- 1) Agricultural implement sales and service.
- 2) Air Conditioning and heating sales and service.
- 3) Antique shops.

- 4) Art and school supply stores.
- 5) Auto accessory store, where there is no driveway entrance across the sidewalk into the principal building.
- 6) Automobile sales and service, but not including automobile body repair and rebuilding, or painting of automobiles.
- 7) Automobile and truck (under one and one-half ton capacity) minor motor repair and service shop, but not including body repair and rebuilding or painting.
- 8) Automobile service stations.
- 9) Automobile washing, including an automobile laundry.
- 10) Bakery shop, including the baking and processing of food products, when prepared for retail use on the premises only.
- 11) Banks and financial institutions.
- 12) Barber shop, beauty parlor, or similar personal service shop.
- 13) Battery and tire service stations.
- 14) Book and stationery stores.
- 15) Beverage, non-alcoholic, bottling and distributing.
- 16) Bicycle and motorcycle sales and repair.
- 17) Billiard and pool rooms, bowling alleys, dance halls and gymnasiums.
- 18) Building materials sales, when conducted wholly within a building.
- 19) Candy and ice cream shops.
- 20) Camera and photographic supply shops for retail sale.
- 21) Catering establishments.
- 22) Clubs and fraternal organizations.
- 23) Contractor's offices and shops, where no fabricating is done on the premises and where all storage of material is within a building or enclosed area.

- 24) Repair when conducted for retail sales on the premises only.
- 25) Department stores.
- 26) Drug Stores
- 27) Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than seventeen hundred and fifty (1,750) pounds of dry goods per day and when using non-flammable solvents approved by the Fire Department.
- 28) Dry-goods stores.
- 29) Electric appliance store and repair, but not including appliance assembly or manufacturing.
- 30) Employment agency.
- 31) Exterminating shop.
- 32) Feed and seed store.
- 33) Food and fruit stores.
- 34) Frozen food stores.
- 35) Furniture store, and upholstery when conducted as part of the retail operations and secondary to the main use.
- 36) Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half (1 1/2) ton capacity.
- 37) Garden supplies and seed stores.
- 38) Gift shops.
- 39) Glass cutting and glazing establishments.
- 40) Greenhouse, wholesale growers.
- 41) Hardware stores.
- 42) Haberdashery.
- 43) Hotels, including dining and meeting rooms, when business

uses occupy the street frontage except for an entranceway to the hotel lobby.

44) Household appliance repair store.

45) Jewelry store and watch repair.

46) Laboratories, commercial (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.

47) Laundromat.

48) Liquor stores and taverns (subject to local regulations).

49) Locksmith.

50) Meat markets.

51) Meeting halls, lodge halls, fraternal organizations and clubs, provided they are located in a basement or above the first floor and above a business use permitted in this section, or said uses may be located on the ground floor when permitted business establishments occupy street frontage except for an entrance-way to the rear use.

52) News stands.

53) Offices, business and professional, including medical clinics.

54) Optician, optometrist.

55) Paint and wallpaper stores.

56) Parcel, delivery station.

57) Pet shops, kennels or animal hospitals when conducted wholly within an enclosed building.

58) Photograph developing and processing.

59) Plumbing showroom, heating and roofing supply shops.

60) Postal substations.

61) Printing, publishing and issuing of newspapers, periodicals, books, stationery and other reading matter.

62) Public auction rooms.

- 63) Public utility collection offices.
- 64) Radio and television broadcasting stations.
- 65) Restaurants, tea rooms, cafes.
- 66) Schools - music dance, business, commercial or trade.
- 67) Second-hand stores and rummage shops.
- 68) Shoe stores.
- 69) Silver plating and repair shop.
- 70) Sporting good store.
- 71) Theater indoor.
- 72) Undertaking establishments.
- 73) Used passenger automobile sales (used car lot) on an open lot or within a building.
- 74) Wearing apparel shop.
- 75) Wholesale business, excluding a building, the principal use of which is for a storage warehouse.
- 76) Any other similar type retail store not specifically listed herein, and which has economic compatibility with established use on adjoining properties.

### **3. SPECIAL USES**

In a B-1 District the following uses and their accessory uses may be allowed in accordance with the provisions of Section 14.

- A) Auditorium, stadium, arena, armory, gymnasium and other similar places for public events.
- B) Bus terminal, railroad passenger station, freight terminal, or any other public transportation terminal facilities.
- C) Clinic or medical center.
- D) Cemeteries, crematories or mausoleums.



E) Gold courses, public or private.

F) Hospitals or sanitariums, public or private.

G) Municipal or privately owned recreation building or community center.

H) Nursery school or day nursery.

I) Police station or fire station.

J) Processing or assembly limited to the following provided that space occupied in a building does not exceed six thousand (6,000) square feet of total floor and basement space, not including stairwells, or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand (6,000) square feet, they shall then be located in the M-1 Manufacturing District:

- 1) Advertising displays.
- 2) Awnings, venetian blinds and window shades.
- 3) Bakeries, wholesale.
- 4) Brushes and brooms.
- 5) Electrical equipment appliances.
- 6) Food processing, packaging and distribution.
- 7) Jewelry.
- 8) Medical and dental supplies.
- 9) Optical goods and equipment.
- 10) Pattern-making.
- 11) Products from finished materials such as plastic, bone, cloth, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious or semi-precious stone, rubber, shell or yarn.
- 12) Scientific and precision instruments.

K) Public buildings including post office, library, museum, or similar structure.

L) Public or private park or playground.

M) Publicly or privately owned and operated fairgrounds, permanent carnivals, "kiddy parks", or other similar amusement centers.

N) Radio and television transmitting or antenna towers, (commercial) and other electronic equipment requiring outdoor structure, and including antenna towers

used for sending private messages, but not including private receiving aerials or antennas.

O) Warehouses

P) Cannabis Dispensing Organization subject to terms and conditions set forth in SECTION 14-C CANNABIS USES.

#### **4. Dimensional Standards**

In the B-1 District the following dimensional standards shall apply:

A) Height of Building

No Building or structure shall be erected or structurally altered to exceed thirty-five (35) feet in height. Parapet walls, chimneys, cooling towers, elevator bulkheads, stacks and necessary mechanical appurtenances may be erected over and above said maximum height, provided they are constructed in accordance with all the ordinances of the municipality.

B) Yard Areas

No building shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

1) Front Yard Setback

No front yard setback shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in a residential district, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the residential districts.

2) Exception

When existing buildings located in this district have already established a building line at the street line or at a less depth than required above, then all new buildings may conform to District frontage adjacent to a residential district. whereupon there shall be provided a front setback of not less than ten (10) feet.

3) Side Yard Setbacks

No side yard setback is required, except for a corner lot whose rear lot line abuts upon a residential district or upon an alley separating this district from a residential district. There shall then be provided a side yard setback equal to one-half (1/2) the front yard required in the abutting residential district, but in no case

more than ten (10) feet. The set-back shall also apply if the business building fronts the intersecting street, commonly referred to as the side street.

#### 4) Rear Yard Setback

There shall be a rear yard setback of not less than twenty (20) feet, provided, however, that a one-story accessory building may be located thereon, except for the five (5) feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof.

## **SECTION 9 - MANUFACTURING DISTRICTS**

In the M-1 District the following regulations shall apply:

### **1. STATEMENT OF PURPOSE**

The Manufacturing District set forth herein is established to protect public health, safety, comfort, convenience and the general welfare, and to protect the economic base of the municipality as well as the value of real estate by regulating manufacturing development in appropriate locations. These general objectives include, among others, the following specific objectives:

A) To protect established residential areas, and the health of families living therein, by restricting those nearby manufacturing activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards and other objectionable influences, to those areas which are appropriate therefore.

B) To provide adequate space in appropriate locations for all types of manufacturing and related activities so that economic structure of the community may be strengthened, and that employment opportunities may be found in the interest of public prosperity and welfare.

C) To provide more space for manufacturing activities in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently and with a minimum of danger to public life and property.

D) To establish proper standards of performance, which will restrict obnoxious manufacturing activities, while at the same time encourage and permit the manufacturing activities which had adopted facilities for the processing of finished products without adversely affecting the health, happiness, safety, convenience and welfare of the people living and working in nearby areas.

E) To protect manufacturing districts from incompatible uses of land by prohibiting the use of such space for new residential development, thereby preserving the land for a more appropriate use in accordance with the plans for municipal improvement and development.

F) To promote the most desirable use of land in accordance with a well considered plan of land use, to conserve the use of property, to promote stability of manufacturing activities and related development, and to protect the character and established development in each area of the community, to enhance and stabilize the value of land and to protect the tax base.

## **2. PERMITTED USES**

In an M-1 District the following uses and their accessory uses are permitted outright:

A) Automobile and truck repair (major), painting, upholstering, reconditioning, and body and fender repairing when done within the confines of a structure.

B) Batteries, manufacture and rebuilding.

C) Bedspring and mattress manufacturing.

D) Brooms and brush manufacture.

E) Building equipment yards, yards for building materials, lumber, coal, sand and gravel yards, yards for contracting equipment, maintenance or operating equipment of public agencies, or public utilities, or materials or equipment of similar nature.

F) Bus line shops and garages.

G) Canning and preserving.

H) Canvas and canvas products manufacture.

I) Carpentry including boat and cabinet construction and repair.

J) Carpet manufacture.

K) Cartage (local), express hauling or storage yards.

L) Cement block manufacture.

M) Ceramic products, pottery, and glazed tile manufacture.

N) Chick hatcheries.

O) Coated fabrics, except rubberized, manufacture.

P) Creameries and dairies.

Q) Drapery and bedding manufacture.

- R) Drugs and pharmaceutical products manufacture.
- S) Electric motors and generators manufacture.
- T) Glass products, from previously manufactured glass.
- U) Heating appliances and sheet metal products, including stoves and ranges, manufacture.
- V) Ice cream and ice manufacture.
- W) Kennel and outdoor pens and runs.
- X) Machine shops and metal products manufacture, when not equipped with heavy (exceeding 50 ton pressure) punch presses, drop forges, riveting and grinding machines or any other equipment which may create noise, vibration, smoke, odors, heat glare or fire hazards.
- Y) Metal polishing and plating.
- Z) Motor freight terminal, private.
- AA) Plastic products, but not including the processing of the raw materials, manufacture.
- BB) Public utility electric substations and distribution meters, gas regulation centers and underground gas holder stations.
- CC) Shoes and boots manufacture.
- DD) Storage of household goods.
- EE) Storage and sale of trailers, farm implements and other similar equipment on an open lot.
- FF) Sporting and athletic equipment manufacture.
- GG) Tools and hardware, such as hand tools, bolts, nuts, screws, cutlery, house hardware, locks, and plumbing appliances, manufacture.
- HH) Tools and die shops.
- II) Truck, tractor, or bus storage or parking yard, lot or garage.
- JJ) Truck terminal, including exchange and handling of freight.

KK) Toys and children's vehicles, manufacture.

LL) Wire brush manufacture.

MM) Any other manufacturing establishment that can be operated in compliance with the requirements of this section, without creating objectionable noise, odor, dust, smoke, gas, fumes or vapor, and that is a use compatible with the use and occupancy of adjoining properties.

NN) Manufacture of Wood Mulch

### **3. SPECIAL USES**

In an M-1 District the following uses and their accessory uses may be allowed by a special use permit in accordance with the provisions of Section 14.

A) Storage of flammable liquids, fats or oil in tanks, each of 50,000 gallons or less capacity, but only after the location and protective measures have been approved by the Zoning Board of Appeals.

B) Clean Construction Debris Fill Operation.

C) Processing for recycling shredded tires.

D) Processing for recycling cement board.

E) Shooting range subject to terms and conditions set forth in  
SECTION 14B – SHOOTING RANGES

F) Cannabis Craft Grower, Cannabis Cultivation Center, Cannabis Infuser Organization or Infuser, Cannabis Processing Organization or Processor, or Cannabis Transportation Organization or Transporter subject to terms and conditions set forth in SECTION 14-C CANNABIS USES.

### **3(A) REQUIRED MANUFACTURING DISTRICT SPECIAL USE CONSIDERATION FACTORS**

In addition to the standards for consideration of a special use identified in Section 14- SPECIAL USES, Subsection 2 PROCEDURE FOR OBTAINING SPECIAL USE PERMIT, Paragraph E) Standards, the following standards shall be addressed by an applicant and the Village shall make findings and impose special use conditions as to the following specific consideration factors for the issuance of a special use in a manufacturing district:

1) The hours of operation shall be established giving due consideration to other lawful land uses impacted by the operation. Hours of operation shall include trucking incidental to the operation of the special use.

2) Environmental issues shall be identified and special use conditions shall address such issues. Special use conditions shall include a plan for periodic inspection which may involve Village of Sheridan inspections and which shall give due regard to any limitations of the Illinois Environmental Protection Agency or the LaSalle County Land Use and Environmental Office. Applicant shall be responsible for covering the costs of inspection beyond such available through the Illinois Environmental Protection Agency.

3) Truck routes shall be established and where a portion of the truck route is not on a Class 3 Highway, applicant shall provide for road improvements reasonably necessary to accommodate the needs of the special use. Improvements must include parking or staging areas for required trucking so as to avoid any parked or stopped truck traffic on the roadways providing access to the special use or in front of or on any public or private road access of another party. Applicant shall provide assistance to the road authority for maintenance beyond what funds the road authority has available for maintenance giving due regard to maintenance responsibility of the road authority(s) for all other roads under the jurisdiction of the road authority(s). An applicant may not tender a road bond in lieu of providing funds for road improvements and maintenance.

4) Improvements, procedures and a plan of inspection shall be established to limit spills on roads from truck traffic and to promptly clean any road spills. Such must include a backup plan to promptly clean any road spills where the principal method for road spills fails.

5) Local fire department resources, and area hazmat and disaster plans and needed emergency response personnel training must be reviewed and applicant shall give assistance as to the foregoing as reasonably required to allow emergency responders to effectively provide emergency or disaster assistance.

6. Special use conditions shall provide an expedited procedure to address any apparent special use violation. Any violation of a special use condition established to accommodate the foregoing factors shall be considered material and grounds to suspend or revoke a special use permit.

7. Special use conditions shall address matters of concern identified in a site and topographical map which shall be completed by applicant and tendered the Village.



#### **4. DIMENSIONAL STANDARDS**

In an M-1 District the following dimensional standards shall apply:

##### **A) Height of Buildings**

No building or structure shall be erected or structurally altered to exceed forty-five (45) feet in height.

##### **B) Area**

No building, with its accessory buildings, to be used for commercial or manufacturing purposes shall occupy more than seventy (70) percent of the area of a lot. Where the property or properties within a manufacturing district existing at the time of adoption of this ordinance have frontage within the limits of a block occupied by two or more commercial or manufacturing structures, there shall be no front yard and no side yard requirements.

##### **C) Yard Areas**

###### **1) Front Yard Setback**

There shall be a front yard setback having a depth of not less than thirty (30) feet wherein there shall be no structure of any kind, open storage of materials or equipment, or the parking of vehicles. Where established building line is less, the established building line governs the front yard.

###### **2) Side Yard Setbacks**

There shall be a minimum side yard setback of not less than fifteen (15) feet on both sides of the building or buildings, but where the property is adjacent to a residence district, there shall be a side yard setback of not less than twenty-five (25) feet on the side nearest to residential lots. The parking of private automobiles may be permitted within the side yard areas, but not closer than five (5) feet to any lot zoned for residential use.

###### **3) Rear Yard Setbacks**

A rear yard setback is not required except where a lot abuts upon a residence district, in which case there shall be a rear yard setback of not less than thirty-five (35) feet, and no storage of materials or equipment, or the parking of automobiles shall take place within the fifteen (15) feet closest to any residential lot or lots.

#### **5. PERFORMANCE STANDARDS**

Any use established in the M-1 Manufacturing District after the effective date of this ordinance shall be so operated as to comply with the performance standards set forth hereinafter. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards established hereinafter for the M-1 District.

A) Noise

The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands.

Maximum Permitted Sound Levels in Manufacturing District,  
Frequency Octave Bands, Decibels

| <u>Octave Band<br/>Cycles per Second</u> | <u>Manufacturing Sound Level<br/>Sound Level In Decibels B</u> |
|--|--|
| 0 to 75                                  | 73   |
| 75 to 150                                | 69   |
| 150 to 300                               | 65   |
| 300 to 600                               | 61   |
| 600 to 1200                              | 55   |
| 1200 to 2400                             | 48   |
| 2400 to 4800                             | 41   |
| Over 4800                                | 35   |

Objectionable sounds of an intermittent nature which are not easily measured shall be controlled as not to become a nuisance to adjacent uses.

The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association. The testing of decibels shall be measured at various locations along the property line of the parcel from which the noise is generated.

B) Odors

No objectionable or hazardous odor shall be emitted by any use permitted in this district in such quantities as to be readily detectable by an average observer at any point on the boundary line of the premises or beyond.

C) Noxious Gases

Processes and operations of permitted uses, capable of dispersing gases or toxic particulates into the atmosphere must be hooded or otherwise suitably enclosed. The omission of such toxic gases or particulate matter shall be from a stack, or in such manner that they create no hazard to person or property.

D) Glare and Heat

Operations producing intense light or heat shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

E) Vibration

No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are noticeable at the property lines of the subject premises.

## **SECTION 10 - LOWLAND CONSERVANCY DISTRICT (C-1)**

In the C-1 District the following regulations shall apply:

### **1. STATEMENT OF PURPOSE**

The C-1 District is designed in order to accomplish the following purposes: to prevent unwise developments from increasing flood or drainage hazards to others; to protect new buildings and major improvements to buildings from flood damage; to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding; to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations; to maintain property values and a stable tax base by minimizing the potential for creating blight area; and to make federally subsidized flood insurance available. The C-1 District is intended, at a minimum, to include all territory encompassed by the Flood Insurance Rate Map of the Federal Emergency Management Agency. Such map shall be used as reference in determining the boundary lines of the C-1 District.

### **2. PERMITTED USES**

In a C-1 District the following uses and their accessory uses are permitted outright:

A) Agricultural uses to include crop and pasture land when conducted in accordance with the A.S.C.S. standards, not including the erection of buildings or structures.

B) Harvesting of wild crops, such as wild rice, marsh, hay, ferns, moss, berries, tree fruits and tree seeds.

C) Forestry and the management of forests.

D) Hunting, fishing and trapping.

E) Hiking trails and bridle paths.

### **3. SPECIAL USES**

#### **A) ADDITIONAL CONDITIONS FOR SPECIAL USE PERMITS**

1. The special use permit must contain an admonishment, signed by the applicant advising the applicant as follows:

The degree of protection required by this Special Use Permit under

The Zoning Ordinance for the Village of Sheridan is considered reasonable for regulatory purposes and is based on available Information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This special use permit under The Zoning Ordinance does not imply that the development either inside or outside of the floodplain will be free from flooding or damage. This special use permit under The Zoning Ordinance does not create liability on the part of the Village or any Officer or employee thereof for any flood damage that results from reliance on this special use permit under the Zoning Ordinance or any administrative decision made lawfully thereunder.

## 2. Local Findings and Conditions

No special use permit may issue otherwise in accordance with the provisions of Section 14 unless there is recorded on such special use permit records as to elevations and flood-proofing. The Village Board must make a finding on the face of such special use permit that the proposed development, as the term development is defined as indicated below, will not cause any increase in flood heights or velocities or threat to public health and safety. The development beyond that which was initially approved by the special use permit must be approved before the start of any such further development by the Zoning Board of Appeals. If the Zoning Board of Appeals finds that such further development will not cause any increase in flood heights or velocities or threat to public health and safety, they shall make a written endorsement including records as to elevations and flood-proofing on the special use permit approving such further development. The Village Clerk shall maintain as a part of the Village Records a duplicate copy of special use permits.

## 3. State Permit

No special use permit may be issued unless the Illinois Department of Natural Resources/ Office of Water Resources (IDNR/OWR), in concurrence with authorization from the U.S. Army Corps of Engineers (USCOE) and the Illinois Environmental Protection Agency (IEPA), issues an appropriate authorizing permit as mentioned below or issues an opinion letter that no permit is required.

### B) LIST OF SPECIAL USES

1. Aerial utility crossings meeting the conditions at IDNR/OWR Statewide Permit No. 4;
2. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
3. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;

4. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;

5. Minor shoreline, stream bank, and channel protection projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;

6. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and

7. Minor, non-obstructive floodway construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 6; however, no such permit shall be required to be issued for the following uses for which the IDNR/OWR has already issued a letter that no permit shall be required:

a) Wildlife preserves.

b) The management of wildlife, including waterfowl, fish and other similar lowland animals, and non-residential buildings used solely in conjunction with such activities.

c) Public and private parks, campgrounds and picnic areas.

d) Watershed conservation areas.

8. Other activities as time to time authorized by the IDNR/OWR, the USCOE, or the IEPA.

9) Shooting range subject to terms and conditions set forth in  
SECTION 14B – SHOOTING RANGES

#### **4. SPECIAL STANDARDS FOR STRUCTURES IN A C-1 DISTRICT**

All buildings in the 100 year floodplain, including any mobile home, trailer house or recreational vehicle located in the 100 year floodplain for more than 180 days, shall be protected from flood damage in one of the methods provided for in CHAPTER 24A – FLOOD DAMAGE PREVENTION of THE MUNICIPAL CODE OF SHERIDAN and according to requirements from time to time authorized by the IDNR/DWRM, the USCOE, and the IEPA.

#### **5. DIMENSIONAL STANDARDS**

|  |                          |
|--|--------------------------|
| A) Maximum Building Height                             | 35 ft.                   |
| B) Minimum Rear Yard Setback                           | 75 ft.                   |
| C) Minimum Width of Lot Frontage                       | 50 ft.                   |
| D) Minimum Lot Area                                    | No Minimum               |
| E) Minimum Side Yard Setback                           | 15 ft.                   |
| F) Minimum setback from thoroughfares                  | 100 ft from right-of-way |
| G) Minimum setback from all other streets<br>and roads | 75 ft. from right-of-way |

## **6. DEFINITION OF THE TERM "DEVELOPMENT"**

For the purpose of this SECTION 10 - LOWLAND CONSERVANCY DISTRICT (C-1) the term "development" shall be the same as the term "development" is defined in CHAPTER 24A – FLOOD DAMAGE PREVENTION of THE MUNICIPAL CODE OF SHERIDAN.

## **SECTION 11 - SIGNS**

### **1. AUTHORIZED SIGNS IN R-1, R-2 AND RR RESIDENTIAL DISTRICTS**

#### **A) Temporary Political Signs Permitted.**

- 1) Definition of temporary political campaign signs: A temporary political campaign sign is a sign announcing or supporting political candidates or issues in connection with any national, state, or local election. Political campaign signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot.
- 2) Definition of political message signs: A sign, other than a political campaign sign, expressing a non-commercial message regarding an ongoing issue of political or public concern.
- 3) Size: The total area of each political sign shall not exceed three (3) square feet in area per sign. The total area of all political signs on a particular property shall not exceed a total of thirty (30) square feet in area. Political signs shall be maintained in good physical condition.
- 4) Time limits: Temporary political signs shall be permitted for a period of no more than sixty (60) days before and not more than ten (10) days following an election.
- 5) Location: Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.
- 6) Consent to display political signs, and responsibility: Political signs must be located entirely on private property pursuant to the owners' consent. Unless a political sign includes on its face the name of the person or organization responsible for such a sign, the owner of the private property on which such a sign is located shall be deemed responsible for the sign.
- 7) Regulations and permits: Political signs shall be exempted from any regulations regarding colors but not regulations relating to illumination of signs. Political signs are exempted from permit requirements at all times.

#### **B) Realty Signs Permitted**



1) Definitions:

A realtor sign is a sign advertising for sale the property where the sign is located. A realtor sign shall not exceed 9 square feet.

2) Time limits:

A realtor sign may be displayed only while the property is listed for sale and shall be removed within 3 days following the sale.

3) Location:

Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.

C. Yard Signs Permitted

1) Definitions

Yard signs are signs advertising the sale of a vehicle or personal property (including a yard sale or moving sale) or a sign advertising a charitable or school sale, fundraiser or event when such sign is produced or sponsored by the charity or school. A yard sign shall not exceed 3 square feet.

2) Time limits

Yard signs displayed under this section shall be permitted for a period beginning no more than 30 days before the event subject of the sign and ending no more than three (3) days following said event but, in any case, a sign under this section shall not be permitted for more than 45 days within any 6-month period of time.

3) Location:

Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.

D) Nameplate and Identification Signs Permitted

1. Definitions

A Nameplate and Identification Sign is a sign indicating only the name and/or address and/or identification of an occupant. A Nameplate and Identification Sign shall not exceed three (3) square feet. One sign is allowed for a single family but homes on a corner lot may have a second sign, one facing each street. A

Separate sign is allowed for each unit of a duplex home. Signs for any residential unit having more than two units may have only a single sign per building identifying occupants not greater than 9 square feet.

2. Location

A Nameplate and Identification Sign may be affixed to a building or fence. A sign not affixed to a building or Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.

E) Home Occupation Sign Permitted:

1. Definition

A Home Occupation Sign is a sign indicating the name and/or trade of a home occupation. The sign shall not exceed three (3) square feet.

2. Location

A Home Occupation Sign may be affixed to a building or fence. A sign not affixed to a building or Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.

F) Emergency Identification Sign Permitted

An Emergency Identification Sign is a sign approved by the Village of Sheridan and used by emergency responders to identify a call for service. Regulations for an Emergency Identification Sign shall be identified in THE MUNICIPAL CODE OF SHERIDAN.

G) Signs placed directly on walls in Residential Districts:

No sign other than a Nameplate and Identification Sign may be painted, pasted, or similarly pasted directly on the surface of any wall. Nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any Residential District.

H) Signs approved by Special Use:

Signage for any special use in a residential district shall be requested and determined on a case-by-case basis following a special use

hearing conducted by the Zoning Board of Appeals and as approved by Village Board.

## **2. AUTHORIZED SIGNS IN B-1 BUSINESS AND M-1 MANUFACTURING DISTRICTS**

### **A) Temporary Political Signs Permitted.**

- 1) Definition of temporary political campaign signs: A temporary political campaign sign is a sign announcing or supporting political candidates or issues in connection with any national, state, or local election. Political campaign signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot.
- 2) Definition of political message signs: A sign, other than a political campaign sign, expressing a non-commercial message regarding an ongoing issue of political or public concern.
- 3) Size: The total area of each political sign shall not exceed three (3) square feet in area per sign. The total area of all political signs on a particular property shall not exceed a total of thirty (30) square feet in area. Political signs shall be maintained in good physical condition.
- 4) Time limits: Temporary political signs shall be permitted for a period of no more than sixty (60) days before and not more than ten (10) days following an election.
- 5) Location: Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.
- 6) Consent to display political signs, and responsibility: Political signs must be located entirely on private property pursuant to the owners' consent. Unless a political sign includes on its face the name of the person or organization responsible for such a sign, the owner of the private property on which such a sign is located shall be deemed responsible for the sign.
- 7) Regulations and permits: Political signs shall be exempted from any regulations regarding colors but not regulations relating to illumination of signs. Political signs are exempted from permit requirements at all times.

## B) Realty Signs Permitted

### 1) Definitions:

A realtor sign is a sign advertising for sale the property where the sign is located. A realtor sign shall not exceed 9 square feet.

### 2) Time limits:

A realtor sign may be displayed only while the property is listed for sale and shall be removed within 3 days following the sale.

### 3) Location:

Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.

## C) Temporary Event Signs Permitted.

### 1) Definitions:

A temporary sign includes without limitation an inflatable sign, tethered balloons, pennants, feather signs, an A frame sign, banner, or other non-permanent advertising device advertising a special event including without limitation a holiday, grand opening or going out of business sale.

### 2) Limitations:

A temporary sign shall not exceed 9 square feet. A temporary sign shall not be displayed for more than 30 days, and no business shall utilize a temporary sign more than four times per calendar year.

## D) Subject And Area For Signs:

Except as to a temporary political sign, a realty sign, a temporary event sign or a window sign, signs shall relate only to the name, business or use of buildings on the premises where they are placed. The gross surface area of all signs on a lot shall not exceed a square foot area of one-half ( $1/2$ ) the lineal frontage of such zoning lot, or thirty (30) square feet for each business use, whichever is greater.

## E) Permit Required

No person shall erect, suspend, fasten, relocate, or modify any sign (other than a temporary political sign, a realty sign, a temporary event sign or a window sign) within a business or manufacturing district without obtaining a permit therefor. No permit shall be required to repainting, cleaning, or to perform other normal maintenance or repair.

of a sign. An application for a sign permit shall be made to the city clerk. No permit shall be issued except upon approval of the Building Inspector and/or Village Engineer. The fee for a sign permit shall be \$1.00 per square foot, but not more than \$100.00. Plans and specifications for the sign shall be submitted with the application. The Building Inspector or Village Engineer may for good cause require the applicant to obtain the approval of an architect or structural engineer licensed in the state of Illinois certifying that the supporting sign structure is adequate to sustain all loads that may reasonably be anticipated and in accordance with applicable building codes. Any sign extending over a public sidewalk, street, or other public place, including any brace or guy wire may only be approved as a special use.

F) Signs Approved By Special Use:

Any billboard or a sign extending over a public sidewalk, street, or other public place, including any brace or guy wire may only be approved as a special use following a special use public hearing by the Zoning Board of Appeals and Village Board approval.

### **3. AUTHORIZED SIGNS IN AGRICULTURAL DISTRICTS**

A) Temporary Political Signs Permitted

- 1) Definition of temporary political campaign signs: A temporary political campaign sign is a sign announcing or supporting political candidates or issues in connection with any national, state, or local election. Political campaign signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot.
- 2) Definition of political message signs: A sign, other than a political campaign sign, expressing a non-commercial message regarding an ongoing issue of political or public concern.
- 3) Size: The total area of each political sign shall not exceed three (3) square feet in area per sign. The total area of all political signs on a particular property shall not exceed a total of thirty (30) square feet in area. Political signs shall be maintained in good physical condition.
- 4) Time limits: Temporary political signs shall be permitted for a period of no more than sixty (60) days before and not more than ten (10) days following an election.

- 5) Location: Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.
- 6) Consent to display political signs, and responsibility: Political signs must be located entirely on private property pursuant to the owners' consent. Unless a political sign includes on its face the name of the person or organization responsible for such a sign, the owner of the private property on which such a sign is located shall be deemed responsible for the sign.
- 7) Regulations and permits: Political signs shall be exempted from any regulations regarding colors but not regulations relating to illumination of signs. Political signs are exempted from permit requirements at all times.

#### B) Realty Signs Permitted

- 1) Definitions:  
A realtor sign is a sign advertising for sale the property where the sign is located. A realtor sign shall not exceed 9 square feet.
- 2) Time limits:  
A realtor sign may be displayed only while the property is listed for sale and shall be removed within 3 days following the sale.
- 3) Location:  
Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.

#### C) Temporary Event Signs Permitted

- 1) Definitions:  
A temporary sign includes without limitation an inflatable sign, tethered balloons, pennants, feather signs, an A frame sign, banner, or other non-permanent advertising device advertising a special event including without limitation a holiday, grand opening or going out of business sale.
- 2) Limitations:

A temporary sign shall not exceed 9 square feet. A temporary sign shall not be displayed for more than 30 days, and no business shall utilize a temporary sign more than four times per calendar year

**D) Subject And Area For Signs:**

Except as to a temporary political sign, a realty sign, a temporary event sign or a window sign, signs shall relate only to the name, business or use of buildings on the premises where they are placed. The gross surface area of all signs on a lot shall not exceed a 150 square foot area.

**E) Permit Required**

No person shall erect, suspend, fasten, relocate, or modify any sign (other than a temporary political sign, a realty sign, a temporary event sign or a window sign) within a business or manufacturing district without obtaining a permit therefor. No permit shall be required to repainting, cleaning, or to perform other normal maintenance or repair of a sign. An application for a sign permit shall be made to the city clerk. No permit shall be issued except upon approval of the Building Inspector and/or Village Engineer. The fee for a sign permit shall be \$1.00 per square foot, but not more than \$100.00. Plans and specifications for the sign shall be submitted with the application. The Building Inspector or Village Engineer may for good cause require the applicant to obtain the approval of an architect or structural engineer licensed in the state of Illinois certifying that the supporting sign structure is adequate to sustain all loads that may reasonably be anticipated and in accordance with applicable building codes. Any sign extending over a public sidewalk, street, or other public place, including any brace or guy wire may only be approved as a special use.

**F) Signs Approved By Special Use:**

Any billboard or a sign extending over a public sidewalk, street, or other public place, including any brace or guy wire may only be approved as a special use following a special use public hearing by the Zoning Board of Appeals and Village Board approval.

#### **4. AUTHORIZED SIGNS IN LOWLAND CONSERVANCY DISTRICT**

**A) Temporary Political Signs Permitted.**

- 1) Definition of temporary political campaign signs: A temporary political campaign sign is a sign announcing or supporting political candidates or issues in connection with any national, state, or local election. Political campaign signs include only those signs specifically



advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot.

- 2) Definition of political message signs: A sign, other than a political campaign sign, expressing a non-commercial message regarding an ongoing issue of political or public concern.
- 3) Size: The total area of each political sign shall not exceed three (3) square feet in area per sign. The total area of all political signs on a particular property shall not exceed a total of thirty (30) square feet in area. Political signs shall be maintained in good physical condition.
- 4) Time limits: Temporary political signs shall be permitted for a period of no more than sixty (60) days before and not more than ten (10) days following an election.
- 5) Location: Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.
- 6) Consent to display political signs, and responsibility: Political signs must be located entirely on private property pursuant to the owners' consent. Unless a political sign includes on its face the name of the person or organization responsible for such a sign, the owner of the private property on which such a sign is located shall be deemed responsible for the sign.
- 7) Regulations and permits: Political signs shall be exempted from any regulations regarding colors but not regulations relating to illumination of signs. Political signs are exempted from permit requirements at all times.

#### B) Realty signs

- 1) Definitions:  
A realtor sign is a sign advertising for sale the property where the sign is located. A realtor sign shall not exceed 9 square feet.
- 2) Time limits:  
A realtor sign may be displayed only while the property is listed for sale and shall be removed within 3 days following the sale.
- 3) Location:



Signs shall be located only on private property, not obstructing visual lines of sight for the safety of bicyclists, pedestrians, and motorists not in any public or private right of way, not blocking driveways, in front yards only, at least three (3) feet back from any sidewalk and not less than 30 feet from the edge of any street.

C) Temporary Event Signs.

1) Definitions:

A temporary sign includes without limitation an inflatable signs and tethered balloons, pennants, feather signs, an A frame sign, banner, or other non-permanent advertising device advertising a special event including without limitation a holiday, grand opening or going out of business sale.

2) Limitations:

A temporary sign shall not exceed 9 square feet. A temporary sign shall not be displayed for more than 30 days, and no business shall utilize a temporary sign more than four times per calendar year

D) Signs approved by Special Use:

Any permanent sign, billboard or a sign extending over a public sidewalk, street, or other public place, including any brace or guy wire may only be approved as a special use following a special use public hearing by the Zoning Board of Appeals and Village Board approval.

## 5. ELECTRONIC SIGNS

A. Definitions:

Electronic signs include but are not limited to LED (light emitting diode) signs, LCD (liquid crystal display) signs, and other digital signs, including but not limited to include any pixel-based or like technology used to display and/or change the image and/or copy on a sign by electronic, digital, LED, LCD, video, or similar technological means. Electronic signs do not include signs which are illuminated solely by front or back lighting, and do not include any sign less than 9 square feet, and do not include gas station fuel price signs with programmable electronic prices.

B. Special Use Required:

No electronic sign is authorized for use absent the issuance of a special use permit following a special use public hearing by the Zoning Board of Appeals and Village Board approval.

C. Application for a Special Use Permit:

Any application for a special use permit for an electronic sign shall identify the proposed location of the size, the type of zoning district in which the sign is to be located, the sign, and all specifications for the sign.

D. General Requirements: Electronic signs shall be subject to the following requirements:

1. The sign will not create a hazardous traffic condition due to its placement on the site or relationship to an intersection.
2. The sign does not include video, animation, flashing, blinking, chasing, strobe features, sounds, or other attention seeking effects.
3. The sign shall be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day.
4. Signs shall be extinguished at the time of the close of business or alternate times identified in the special use.
5. An electronic sign may not allow the display or message to change more frequently than once every eight seconds, with a transition period of one second or less.
6. All electronic signs shall be equipped with a mechanism allowing the manual shutoff of the sign.

## **SECTION 12 – OFF-STREET PARKING AND LOADING**

### **1. PURPOSE**

The purpose of this section is to alleviate or prevent congestion of the public streets and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use of to which property is put.

### **2. GENERAL PROVISIONS – PARKING AND LOADING**

#### **A) Procedure**

An application for a building permit for a new or enlarged building, structure or use, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of these standards.

#### **B) Extent of Control**

The off-street parking and loading requirements of these standards shall apply as follows:

1) All buildings and structures erected or enlarged and land uses initiated after the effective date of these standards shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.

2) When a building or structure erected or enlarged prior to or after the effective date of these standards shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions herein, parking and loading facilities may be reduced accordingly provided that existing parking or loading facilities shall so be decreased only when the facilities remaining would at least equal or exceed the parking or loading requirements resulting from application of the provisions of these standards to the entire building or structure as modified.

3) When a building or structure shall undergo any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement, specified hereinafter for required parking or loading facilities, and further, when said increase would result in a requirement for additional total parking or loading spaces through application of the provisions of these standards, parking and loading

Facilities may be increased accordingly, provided that existing parking or loading facilities shall be so increased that the facilities would at least equal or exceed the parking or loading requirements resulting from the application of these provisions to the entire building or structure as modified.

#### C) Existing Parking and Loading Spaces

Accessory off-street parking and loading spaces in existence on the effective date of these standards may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

#### D) Permissive Parking and Loading Spaces

Nothing in this section shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or buildings, subject to full compliance with the provisions of this section, except that off-street parking areas accessory to existing multiple family structures cannot be located off the premises containing the principal use, unless on a lot adjacent thereto.

#### E) Damage or Destruction

Any building, structure or use which is in existence and is a conforming use on the effective date of these standards and which subsequently shall be damaged or destroyed by fire, collapse, explosion or other cause may be reconstructed, reestablished or repaired with or without off-street parking or loading facilities, except that parking and loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required herein for equivalent new construction.

#### F) Schedule of Requirements

##### 1) Tables for Required Parking and Loading

Requirements governing the number and location of off-street parking and off-street loading facilities in relation to the use of property are established hereinafter in this section. The parking and loading requirements for any use not specified herein shall be the same as for a similar specified use, as determined by below subsection SCHEDULE OF PARKING REQUIREMENTS:

##### 2) Floor Area

The term “floor area” as used herein in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for services to the public as customer, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. “Floor area” for the purpose of this section shall not include any area used for:

- (a) Storage accessory to the principal use of a building;
- (b) Incidental repairs;
- (c) Processing or packaging of merchandise;
- (d) Show windows, or offices incidental to the management or maintenance of a store or building;
- (e) Rest rooms;
- (f) Utilities; or
- (g) Dressing, fitting or alteration rooms.

### **3. ADDITIONAL REGULATIONS – PARKING**

#### **A) Use of Parking Facilities**

Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guest of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments, except as permitted in below subsection (E) Non-Residential Parking in Residential Districts”.

#### **B) Joint Parking Facilities**

Off-street parking facilities for different buildings, structures or uses or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

#### **(C) Control of Off-Side Facilities**

When required accessory off-street parking facilities are provided elsewhere than on the same lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in

the Office of the Recorder of Deeds, requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said principal use.

#### (D) Permitted Districts for Accessory Parking

Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served may be located in any zoning district except as follows:

1) No parking facilities accessory to a multiple family use shall be located in an R-1 District.

2) No parking facilities accessory to a business or manufacturing use shall be located in a residential district, except when having obtained a variance.

3) No parking facilities accessory to a manufacturing use shall be permitted in a B-1 District.

#### (E) Non-Residential Parking in Residential Districts

Accessory off-street parking facilities serving non-residential uses of property may be permitted in an R-2 District by a special use permit, subject to the following requirements, in addition to all other relevant requirements of this section:

1) The parking lot shall accessory to, and for use in connection with, one or more non-residential establishment located in adjoining districts, or in connection with, one or more existing professional or institutional office buildings or institutions.

2) Said Parking lot shall be used solely for the parking of passenger automobiles.

3) No commercial repair work or service of any kind shall be conducted on said parking lot.

4) No sign of any kind other than signs designating entrances, exits and conditions of use, shall be maintained on said parking lot.

5) Each entrance to and exit from said parking lot shall be at least twenty (20) feet from any adjacent property located in any residential district, except where ingress and egress to the parking lot are provided from a public alley or public way separating the residential areas from the proposed parking lot.

6) in addition to the foregoing requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the

Village Board for the protection of properties adjacent to and in the vicinity of the proposed parking lot. These may include the provisions of screen plantings.

#### F) Design and Maintenance

##### 1) Parking Space – Description

A required off-street parking space shall be an area of not less than one hundred and sixty-two (162) square feet nor less than eight and one-half (8 ½) columns or office and work areas, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles and commercial vehicles under one and one-half (1 ½) tons capacity where permitted in these standards. Aisles between vehicular parking spaces shall not be less than twelve (12) feet in width when serving automobiles parked at a forty-five (45) degree angles in one parking direction, nor less than (20) feet in width when serving automobiles parking perpendicular to the aisles and accommodating two-way traffic.

##### 2) Measurement of Space

When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall be interpreted as one (1) parking space.

##### 3) Open and Enclosed Spaces

Parking areas may be open or enclosed except that when parking facilities accessory to a multiple dwelling are located in a residential or business district elsewhere than one the same lot with the principal use served, such parking facilities shall be open to the sky.

##### 4) Access

Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.

##### 5) Signs

No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities.

##### 6) Required Setbacks

No parking space or portion thereof established on the same lot with a building shall be located within a required front yard. No parking spaces nor portion thereof established on a lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located. Further, any wall, fence, or hedge developed around any parking area shall be subject to the front yard setback requirements established in these standards in the same manner as a building or structure. The foregoing restrictions, however, shall not apply so as to limit residents of an R-1 district from parking their vehicles in any driveway which traverses their front yard.

#### 7) Screening and Landscaping

All open off-street parking areas for six or more cars shall be effectively screened by a wall, a solid fence or a densely planted compact hedge along any side which adjoins or is directly across a street or alley from a property in a residential district or an institutional property. Such wall, fence, or hedge, shall be at least four (4) feet, but not more than seven (7) feet in height, and shall be maintained in good condition.

#### 8) Lighting

Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining properties.

#### 9) "Special Use" Public Parking Areas

Any automobile parking area developed for transient trade, and no accessory to specific principal uses or groups of uses for which parking is required by these standards, shall be treated as a "special use", as defined in 14.00, and as allowed in accordance with the provisions of Section 14.00 by the Village Board.

### **4. ADDITIONAL REGULATIONS**

#### A) Design

##### 1) Loading Berth – Description

An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or a public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. A required loading space shall



not be less than ten (10) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space, except as otherwise specifically dimensioned hereinafter.

## 2) Location

No permitted or required loading berth shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. Loading berths open to the sky may be located in any required yards.

## 3) Measurement of Berth

When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including one-half ( $1/2$ ) shall be disregarded, and fractions over one-half ( $1/2$ ) shall be interpreted as one loading berth.

## 4) Surfacing

All open off-street loading berths shall be improved with a hard surface or shall be surfaced with a dustless material.

# 5. LOCATION OF PARKING AREAS

## A) Extent of Control

Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve:

1) For one and two family dwellings, on the same lot with the building they are required to serve.

2) For three and four family dwellings not over two stories in height, on the same lot of parcel of land as the building they are required to serve. For the purpose of these standards, a group of such uses constructed and maintained under single ownership or management shall be assumed to be on a single lot or parcel of land.

3) For apartment houses containing four or more dwelling units, on the

same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than one hundred (100) feet from the nearest entrance to the principal building being served provided the lot or parcel of land selected for the parking facilities is located in an apartment district or a less restricted district.

4) For rooming houses, lodging houses, clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, dormitories, sorority and fraternity houses, and for the other similar uses, the off-street parking facilities required shall be on the same lot or parcel of land as the principal building or buildings being served, or upon properties contiguous to the lot upon which is located the building or buildings they are intended to serve.

5) For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the principal building being served, or on a separate lot or parcel of land as the principal building being served, or on a separate lot or parcel of land not over the thousand (1,000) feet from the entrance of the principal building, measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

## **6. SCHEDULE OF PARKING REQUIREMENTS**

A) For one and two family dwellings, one parking space for each family unit.

B) For three or more family dwellings, one parking space for each dwelling unit.

C) For hotels and clubs, one parking space for each six guests or sleeping rooms and suites, plus one parking space for each three hundred (300) square feet of floor area devoted to supplementary parking generative activities such as bars, ballrooms, dining rooms, night club facilities and the like.

D) For motels, parking space for each guest or sleeping room or suite, plus one additional space for the owner, manager and employee on the premises.

E) For lodging, rooming and boarding houses, one parking space for each four guests, plus one additional space for the owner or manager if resident on the premises.

F) For private clubs or lodges, (without sleeping rooms), parking spaces equal in number to twenty-five (25) percent of the total membership.

G) For hospitals, one parking space for each three hospital beds, plus one parking space for each fifteen hundred (1,500) square feet of gross floor area in residents' quarters, plus one additional space for each staff or visiting doctor.

H) For sanitariums, convalescent homes, nursing homes or homes for the aged, one space for each four patient beds, plus one additional space for each staff or visiting doctor.

I) For medical or dental clinics, three parking spaces per doctor engaged at the clinic.

J) For mortuaries or funeral parlors, five parking spaces for each room used as a chapel or parlor, plus one space for each funeral vehicle maintained on the premises, plus one space for each family residing on the premises.

K) For bowling alleys, two parking spaces for each alley plus such additional spaces as may be determined by the Zoning Enforcement Officer for affiliated uses such as bars, restaurants and the like.

L) For convention halls, dance halls, skating rinks, assembly halls, exhibition halls or other places of assembly, one parking space for each one hundred (100) square feet of floor area used for assembly.

M) Stadium, sports arena, auditorium and gymnasium (other than incidental to a school), one parking space for each eight seats.

N) For theaters:

1) Indoor – one parking space for each ten seats up to five hundred (500) plus one parking space for each five (5) seats above five hundred (500).

2) Outdoor – reservoir space equal to ten (10) percent of the capacity.

O) For church, Sunday school, high school, college and university auditoriums, one parking space for each twelve (12) seats provided in said buildings or structures.

P) For airports, railroad passenger stations, bus depots, or other passenger terminal facilities (special uses). Such parking space as the Village Board, subject to the recommendation of the Zoning Board of Appeals, shall deem to be adequate for employees, passengers, spectators, visitors and others.

Q) For banks, business or professional offices, or public administration buildings, one parking space for each four hundred (400) square feet of floor area.

R) For mixed uses – the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use in the same building or on the same lot.

S) For retail stores and service shops, one parking space for each three hundred (300) square feet of retail floor area.

T) For establishments handling the sale and consumption of alcoholic beverages, food or refreshments on the premises, one parking space for each three hundred (300) square feet of floor area.

U) For furniture and appliance stores, motor vehicle sales, wholesale stores, household equipment or furniture repair shops or machinery sales, one parking space for each six hundred (600) square feet of floor area.

V) For manufacturing and industrial uses, research and testing laboratories, laundry and dry-cleaning plants, printing, binding, publishing and issuing of newspapers, periodicals, books and other reading matter, telephone exchanges, warehouses, storage buildings, engraving shops, assembly of materials and products, and other similar uses, one parking space for each employee, based upon the maximum number of persons to be employed at any one work period during the day or night, plus such additional parking facilities as shall be required for all vehicles used in the conduct of the enterprise.

W) For home occupations or businesses in a residential district, such parking places as reasonably found to be necessary by the Zoning Enforcement Officer.

## **7. OFF-STREET LOADING AND UNLOADING FACILITIES**

In all districts where property uses include the loading and unloading of materials or merchandise from vehicles, off-street loading facilities shall be provided in accordance with the following requirements:

A) For hospitals or sanitariums containing forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area, one off-street loading and unloading space, plus one additional such space for each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof in excess of one hundred thousand (100,000) square feet.

B) For buildings containing bowling alleys, taverns, restaurants, or any retail shops and having ten thousand (10,000) or more square feet of gross floor area one off-street loading and unloading space.

C) For banks, business or professional offices or public administration buildings containing twenty thousand (20,000) square feet or more of gross floor space, one off-street loading and unloading space.

D) For buildings containing manufacturing uses research and testing laboratories, laundry and dry-cleaning establishments, printing, binding, publishing, and issuing of newspapers, periodicals, books and other reading matter, warehouse and storage facilities, engraving shops, assembly of materials and uses, having more than eight thousand (8,000) square feet of gross floor area, exclusive of basement area, and less than forty thousand (40,000) square feet of gross floor area, one off-street loading and unloading space, plus one additional such space for each additional sixty thousand (60,000) square feet of gross floor area in excess of forty thousand (40,000) square feet.

## **SECTION 13 - NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

### **1. CONTINUANCE OF USE**

Any lawfully established use of a building or land on the effective date of this ordinance or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

### **2. CONTINUANCE OF BUILDING PERMIT**

Any building for which a permit has been lawfully granted prior to the effective date of the ordinance or of amendments thereto, may be completed in accordance with the approved plans: provided that substantial construction is started within ninety (90) days and diligently prosecuted to completion. Such buildings shall thereafter be deemed a lawfully established building.

### **3. DISCONTINUANCE OF USE**

#### **A) Change to Conforming Use**

Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use conforming to the provisions of this ordinance, such premises shall not thereafter be used or occupied by a non-conforming use, even though the building may have been originally designed and constructed for the prior non-conforming use.

#### **B) Abandonment of Non-Conforming Use**

When a non-conforming use of a building or structure or part thereof, has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not after being discontinued or abandoned be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a non-conforming manner.

#### **C) Termination of Non-Conforming Use with Lapse of Time**

The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain shall be limited from the

effective date of this ordinance or amendment hereto which causes the use to be non-conforming. Every such non-conforming use shall be completely removed from the premises at the expiration of the period of time specified below:

1) Any non-conforming use of building or structure having an assessed valuation not in excess of Five Hundred Dollars (\$500.00) on the effective date of this ordinance shall be removed after two (2) years.

2) Any non-conforming use of land where no enclosed building is involved, or where the only buildings, employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building shall be removed after a period of two (2) years.

3) All non-conforming signs and outdoor advertising structures shall be removed after a period of three (3) years.

#### D) Repairs and Alterations

1) Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

2) No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:

a) When the alteration is required by law.

b) When the alteration will actually result in eliminating the non-conforming use.

#### E) Additions and Enlargements

1) A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all regulations of the district in which it is located.

2) No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

3) No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the lot as it existed on the effective date of the ordinance, or to displace any conforming use in the same building or on the same parcel.

#### F) Damage and Destruction

If a building or other structure containing a non-conforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at that time the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located.

In the event the damage or destruction is less than fifty (50) percent of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. In such event, however, restoration of the building or other structure must be started within a period of six (6) months from the date of damage or destruction and diligently prosecuted to completion, and completion shall be within one (1) years from the date of damage, if not completed within one (1) year the use shall be abandoned and future use must conform to the district in which it is then located. Any restoration mentioned above shall not invalidate the termination of the non-conforming use under any other provision of this section.

### **4. MOBILE HOME PARKS**

In addition to other provisions of this Section 13 which is not contradictory to the following, the following regulations shall apply to non-conforming mobile home parks.

#### A) Licenses Required

Within six (6) months after passage of Section 7 of this ordinance, all owners of lots upon which mobile home parks are located shall comply with licenses requirements of Subsection "6". "MOBILE HOME PARK LICENSES" of Section 7 of this ordinance.

#### B) Mobile Home Requirements

Within six months after passage of Section 7 of this ordinance, all owners of lots upon which mobile home parks are located and mobile home occupants shall comply with Subsections 5L)2), 5L)4), 5L)5), 5L)6), and 5L)7) of Section 7 of this ordinance. Within twelve months after passage of Section 7 of this ordinance, all owners of lots upon which mobile home parts are located shall comply with Subsections 5D), 5E), 5F),5H)1), 5H)2), 5H)4), 5H)5) and 5H)6) of Section 7 of this ordinance.



## **5. USE DISTRICT CHANGES**

Whenever the boundaries of a use district shall be changed so as to transfer an area from one use district to another use district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

## **6. RESTRICTIONS OF SURFACE MINING OPERATIONS**

Surface mining operation shall not approach property lines, established right-of-way liens of any public road, street or highway closer than a distance equal to 10 feet plus one and one-half times the depth of the excavation. Variances may be granted on recommendation of the Board of Appeals and in the discretion of consents to a variance and/or where the operator of the surface mining operation shows by clear and convincing proof that consolidated material or materials are of sufficient harness or ability to resist weathering and to inhibit erosion or sloughing in the high wall.

The following definitions shall apply to the above restrictions:

A) "Overburden" means all of the earth and other materials which lie above natural deposits of coal, clay, stone, sand, gravel, or other minerals, and also means such earth and other materials disturbed from their natural state in the process of surface mining.

B) "Surface mining" means the mining of any minerals by removing the overburden lying above natural deposits thereof, and mining directly from the natural deposits thereby exposed or the deposition of overburden therefrom.

C) "Operator" means any person, firm, partnership or corporation engaged in controlling a surface mining operation, and includes political subdivisions and instrumentalities of the State of Illinois.

D) "Pit" means a tract of land, from which overburden has been or is being removed for the purpose of surface mining.

E) "High wall" means that side of the pit adjacent to unmined land.

Other terms shall be defined by their ordinary usage.

## **SECTION 14 - SPECIAL USES**

### **1. PURPOSE**

The development and execution of a zoning ordinance is based upon the division of the Village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses on neighboring land of the public need for the particular use at the particular location. Such special uses fall into two categories:

A) Uses publicly operated or traditionally affected with a public interest.

B) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

### **2. PROCEDURE FOR OBTAINING SPECIAL USE PERMIT**

A) Ownership or Other Interest Required

Any person owning or having an interest in the subject property may file an application to use such land for one or more of the special uses provided for in this ordinance in the zoning district in which the land is situated.

B) Application for Special Use Permit

An application for a special use permit or expansion of a special use permit shall be filed with the Village Clerk and shall be accompanied by such plans or data as prescribed by the Zoning Board of Appeals from time to time. The application shall be accompanied by the fee as established in the "SCHEDULE OF FEES" set out in SECTION 17.

C) Hearing on Application

Upon receipt of the application referred to above, the Zoning Board of Appeals shall hold at least one public hearing. At least fifteen (15) days in advance of such hearing, but not more than thirty (30) days, notice of the time, place and purpose of such hearing shall be published in a newspaper of general circulation in the Village of Sheridan.

#### D) Authorization

For each application for a special use, the Zoning Board of Appeals shall report to the Village Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Village Board may grant or deny any application for a special use, provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty (20) percent of the frontage adjacent thereto, or across an alley, or directly opposite therefrom such special use shall not be granted except by the favorable vote of two-thirds (2/3) of all the members of the Village Board.

#### E) Standards

No special use shall be recommended by the Zoning Board of Appeals unless said board shall find:

- 1) That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- 4) That adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
- 5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- 6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendations of the Plan Commission.

#### F) Review, Amendment or Revocation of Special Use Permits

1) The Village of Sheridan reserves to itself the jurisdiction and authority to review, amend or revoke any Special Use Permit.

2) The Village Marshall or other elected or appointment officials or any person or entity that is substantially and adversely affected by a Special Use Permit may file a written Petition with the Village Clerk requesting the Village Board to direct the Zoning Board of Appeals conduct a review of any Special Use Permit. Any such Petition to the Village Board shall state the reasons why a review should take place and reference facts and circumstances relevant to factors for consideration referenced below. The Petition shall also state what remedy is requested such as revocation of a Special Use Permit or an amendment to a Special Use Permit referencing any particular amendments requested. For any Special Use Permit which contains a condition for period review by the Zoning Board of Appeals, the Zoning Board of Appeals shall perform such period review without any need of direction from the Village Board to conduct a review.

3) Factors relevant to the Village Board and/or Zoning Board of Appeals to consider review of any Special Use Permit shall include the same factors to be considered when a special use is first considered as well as the following:

- a. Has the holder of the Special Use Permit violated express terms and conditions of the Special Use Permit.
- b. Has a history of the Special Use Permit caused injury to the health, safety, or welfare of the community or of the public?
- c. Has a history of the Special Use Permit caused repeated incidents of violence or violation of state statutes, administrative regulations or ordinances?
- d. Has a history of the Special Use Permit caused public or private nuisance or tend to corrupt the manners and morals of the public or of the community?
- e. Has the Special Use Permit resulted in a substantial depreciation or lowering of property values in the community or neighborhood?
- f. Has the history of the Special Use Permit been a burden on the finances or manpower the Village or other impacted unit of government?

4) When the Village Board has directed a review of a Special Use Permit pursuant to an approved request, notice shall be provided the person filing the Petition for Review, the person or entity with the Special Use Permit and notice shall be provided to other parties in the same fashion as it the special use were initially being considered. When a periodic review is being conducted pursuant to terms set forth in the Special Use Permit, notice

need only be provided to parties who filed an appearance as an interested party in prior hearings before the Zoning Board of Appeals. Notice shall include, without limitation, a copy of the Petition requesting review of the Special Use Permit and the date, time, and location of the Zoning Board of Appeals hearing.

5) The Zoning Board of Appeals shall conduct their hearing utilizing their normal hearing procedures identified in SECTION 17, Subsection 3. Zoning Board of Appeals, Paragraph (C) Meeting Procedures except that the Petitioner requesting the review shall be considered the Petitioner for hearing purposes and the person or entity with the Special Use shall be considered an Interested Party or objector to the Petitioner.

6) The Zoning Board of Appeals shall make recommendations as to their review with the Village Board and shall make findings relevant to recommendations for revocation of the Special Use Permit or any recommendations for amendment of a Special Use Permit.

## **SECTION 14A – ADULT USES**

### **1. PURPOSE**

Through communication with other Illinois municipalities and through study of community resources such as the State of Minnesota REPORT OF THE ATTORNEY GENERAL'S WORKING GROUP ON THE REGULATION OF SEXUALLY ORIENTED BUSINESSES, the Village of Sheridan finds that adult entertainment, as below defined, because of their very nature, have serious objectionable operational characteristics, particularly when more than one of these uses are concentrated in certain areas. Adult uses, particularly when more than one of these uses are concentrated in certain areas. Adult uses, particularly when concentrated, cause deterioration of property values, an increase in crime, congested traffic conditions, depressed economic conditions for adjacent businesses, an unwholesome atmosphere for children, and generally have a deleterious effect upon adjacent areas. The purpose of this section is to protect the territory subject to Village of Sheridan zoning from the above mentioned objectionable operational characteristics by restricting the close proximity of places of adult entertainment from other places of adult entertainment and from places of worship, schools, and residential areas.

### **2. DEFINITIONS**

A) For the purpose of the SECTION 14A-ADULT USES, the following words and phrases shall have the meanings respectively prescribed as follows:

#### **1) Adult Entertainment**

Includes the following uses which are subject to this ordinance: adult bookstore, adult entertainment cabaret, adult motion theater, adult mini motion picture theater, adult motion picture booth, adult novelty store, massage parlor, massage school and any other business which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activity" or "specific anatomical areas."

#### **2) Adult Bookstore**

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, films, video cartridges, or other electronic reproduction or reception devices for sale, rent, or display or viewing, on or off the premises, 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.

### 3) Adult Entertainment Cabaret

An establishment which features topless dancers, go-go dancers, exotic dancers, male or female strippers, male or female impersonators, a lingerie or bathing suit fashion show, or models or body builders who display specified anatomical areas or depict specified sexual activities, or similar entertainers.

### 4) Adult Motion Picture Theater

An enclosed building with a capacity of fifty (50) or more persons used regularly or routinely 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.

### 5) Adult Mini Motion Picture Theater

An enclosed building with a capacity for less than fifty (50) persons used regularly or routinely for presenting material distinguished or characterized by or emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observation by patrons therein.

### 6) Adult Motion Picture Booth

An enclosed area designed or used for presenting to one person material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observation by the patron therein.

### 7) Adult Novelty Store

An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing, novelties, lotions and other items distinguished or characterized by their emphasis on or use for specified sexual activities or specified anatomical areas or an establishment that holds itself out to the public as a purveyor of such materials based upon signage, advertising, displays, actual sales, or other factors showing the establishment’s primary purpose is to purvey such material.

### 8) Adult Use License

The adult use license granted pursuant to the requirements of this ordinance and/or any subsequent renewal or renewals thereof.

9) Fortune Telling Business

An establishment where any activity, such as, but not limited to palm reading, psychic reading, and astrology reading, is performed which purports to foretell the future or any future event or occurrence or to predict the happening or non-happening of any future event or occurrence or to explain or recommend a future course of conduct for any other person a response to any predicted future event, occurrence or activity.

10) Massage

Any method of applying pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body by another individual with or without the aid of any mechanical or electrical apparatus, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other preparations used in this practice. The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device with or without supplementary aids.

11) Massage Parlor

An establishment where a massage is made available or an establishment that holds itself out to the public as a place where massage is available except the place of work of a massage therapist or other professional or a massage school or a health and recreational facility with massage.

12) Massage Therapist or Other Professional

A person who for consideration engages in the practice of massages and provides proof of one or more of the following:

- a) Proof of active member status in a professional massage therapy organization whose minimum standards require graduation from a massage school



or the passing of a competency test for active membership.

- b) Graduation or completion of a professional level entry program which consists of five hundred (500) hours or more in classroom study and one hundred (100) hours or more of clinical experience in a massage school.
- c) A State of Illinois licensed physician, physician's assistant, surgeon, podiatrist, chiropodists, osteopaths, chiropractor, registered nurse, practical nurse, certified nurses' assistants, physical therapists, barber or cosmetologist.
- d) An athletic trainer for any athletic program or a private of Public State of Illinois accredited school.

13) Massage School

A state certified, licensed and accredited establishment, which provides instruction in the theory, method and practice of massage.

14) Health and Recreational Facility with Massage

An establishment equipped for exercise rooms, gymnasium, tennis court, racquetball court, swimming pool or similar equipment used in exercising the human body which does not derive more than 10% of its yearly income from providing massage.

15) Piercing Business

An establishment where any method of perforating the skin for the purpose of attaching ornaments such as, but not limited to, earrings, rings or studs.

16) Premises

All lands, structures, places, the equipment and appurtenances connected with or used in any business providing adult entertainment including any parking area but excluding any private driveway to the structure and parking area and also any personal property which is either affixed to or is otherwise used in connection with such business.

17) 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.

18) Specified Anatomical Areas

- a) Less than completely and opaquely covered: (1) human genital, pubic region; (2) buttock, and (3) female breast below a point immediately above the top of the areola;

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- b) Human male genitals in a discernible turgid state even if completely and opaquely covered.

19) Tattoo Parlor

An establishment where tattooing or other method of placing designed, letters, scrolls, figures, symbols or other marks upon or under the skin with ink or other substance resulting in the coloration of the skins by the aid of needles or any other instrument designed to touch or puncture the skin is made available or an establishment that holds itself out to the public as a place for the same.

20) Village

Village of Sheridan

21) Village Board

The Village Board of Trustees and President of the Village of Sheridan.

B) All other words and phrases in this SECTION 14A – ADULT USES shall be defined by their context and normal meaning ascribed to them.

### **3. ALCOHOLIC BEVERAGES PROHIBITED**

No liquor shall be sold or consumed in any premises providing adult entertainment.

### **4. LOCATION**

A premises providing adult entertainment is permitting in a Manufacturing District provided that the premises is not located within five hundred (500) feet of any property used for residence, church, school, park, cemetery, day care center, day nursery or other adult entertainment premises. Measurements shall be made in a straight line without regard to intervening structures or objects, from the nearest point of the premises or fence or other screening to the nearest point of the lot line to a residence, church, school, park, cemetery, day care center, day nursery or other adult entertainment premises.

### **5. ISSUANCE OF ADULT USE LICENSE**

#### **A) Adult Use License Required**

It shall be unlawful for any person or entity, either by himself or itself or through an agent, employee or partner, to engage in the following of adult entertainment within the territory zoned by the Village of Sheridan without first having obtained an ADULT USE LICENSE.

The requirements of this ordinance shall apply without regard to whether the providing such adult entertainment constitutes the sole or primary business or activity of the persons or entity. Any person or entity which, by themselves, or through an agent, employee, or partner engages in or holds forth as being engaged in such business, or solicits such business, either actively or passively, within the territory zoned by the Village of Sheridan is subject to the requirements of this ordinance and shall be required to obtain an adult use license for each location at which such business is conducted within the territory zoned by the Village of Sheridan.

#### **B) Granting of Adult Use License**

In all cases where an Adult Use License is required to be procured under the terms of this SECTION 14A-ADULT USES, the Village Board shall grant adult use license.

#### **C) Issuance of Adult Use License**

The Village Clerk upon instruction or direction shall issue all Adult Use Licenses granted by the Village Board.

All such adult use licenses so issued shall bear the seal of the Village of Sheridan, the name of the licensee, his or its address, identify the type of adult entertainment which is licensed and the amount of the fees paid. IT shall also contain apt words indicating that it is issued and accepted subject to the representations made in the completed application and to all of the provisions of this ordinance governing the conduct of the licensed premises now in effect or which may hereafter be adopted.

## **6. APPLICATION FOR ADULT USES LICENSE**

All applications for an adult use license, authorized to be issued and required to be procured by this ordinance, shall be made in writing to the Zoning Board of Appeals containing the following information.

A) The name and the residence and business address and telephone number of the applicant.

1) If the applicant is doing business under an assumed name, the assumed or trade name of the applicant.

2) If the applicant is a corporation, association or other organization, the name and the residence and business address and telephone numbers of each director and officer of the corporation.

3) If the applicant is a partnership, the names and the residence and business addresses and telephone numbers of each member of the partnership.

4) If the applicant is a limited partnership, the names and the residence and business address and telephone numbers of each general or managing partner of the limited partnership.

B) The address, age, date of birth and social security number of each individual named in the application and a statement as to any criminal misdemeanor or felony offense to which the individual has pled, stipulated to, been found guilty or been placed on court supervision or some other type of deferred judgement. No adult use license shall be issued if any such individual:

1) Is under 18 years of age

2) Has within 10 years pled, stipulated to, been found guilty of or been placed on court supervision or other form of deferred judgement for any felony offense.

3) Has within 5 years pled, stipulated to, been found guilty of or been placed on court supervision or other form of deferred judgement for any Class A misdemeanor.

C) The address, legal description, and plat of survey illustrating the location or proposed location of the premises for adult entertainment, which shall include any

driveway, the area designated for parking and accessory uses and structures, and any proposed fence or other screening.

D) A description or illustration of the premises used or intended to be used.

E) The type of adult entertainment, as defined in this SECTION 14A-ADULT USES, which is provided or conducted from the premises.

F) The number of the Certificate of Registration required under Retailer's Occupation Tax Act, Service Occupation Tax act and/or Use Tax act, if applicable.

G) A statement that each individual named in the application has read the ordinance and understands it's terms, and will comply with the ordinance including the following identified REGULATIONS.

H) A statement that the information contained in the application is true and correct.

I) A statement that the applicant will not cause or allow the licensed premises to be used for any unlawful purpose.

J) A statement that the applicant agrees to comply with the provisions of this ordinance, and all applicable statutes, codes, ordinances, rules and regulations, and the order and decisions of all public officials which pertain to the licensed premises and the business to be conducted thereon.

K) Such other information as the Village Board may from time to time require in conformity with the provisions of this ordinance prescribing the requirements of such adult use licenses.

All applications for an Adult Uses License must be signed, verified and acknowledged under oath. The following individuals are required to sign the application.

- 1) If the applicant is an individual, the individual.
- 2) If the applicant is a corporation, the president of the corporation.
- 3) If the applicant is a partnership, the managing or a general partner.
- 4) If the applicant is any other organization or association, the chief administrative official.

All applications for an Adult Use License or renewal thereof must be filed with the Chairperson of the Zoning Board of Appeals, and shall include the following:

- 1) The full amount for the fee payable for the adult use licenses.
- 2) If the applicant is doing business under an assumed name, a certified copy of its Certificate of Registration issued by the Clerk of LaSalle County.
- 3) If the applicant is a corporation, a certified copy of its Certificate of Authority to do business in the State of Illinois and/or Certificate of Good Standing issued by the Secretary of State.
- 4) If the applicant intends to engage in any activity requiring a building permit or a zoning permit, a copy of the issued building permit or zoning permit or a copy of the application for building permit or zoning permit.

## **7. INVESTIGATIONS AND INSPECTION**

### **A) Investigations**

Upon receipt of a completed application for an Adult Use License, an investigation shall be made by the Zoning Enforcement Officer to verify that the information stated in the completed application is true and correct and that the applicant has complied with all the requirements for an adult use license set forth herein and is in compliance with all applicable statutes, codes, ordinances, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the licensed premises or authority over the business to be conducted thereon. The assistance of local law enforcement authorities or agencies may be sought for purposes of conducting the investigation.

### **B) Inspections**

For purposes of determining if an applicant or licensee is in compliance with the provisions of this ordinance and all applicable statutes, codes, ordinances, rules and regulations and the order and decisions of any governmental body which has jurisdiction over the licensed premises or authority over the business conducted thereon, the applicant or licensee shall permit inspection of the premises and shall permit any officer or employee of the Village or any governmental or regulatory agency having jurisdiction over the premises or authority over the business conducted thereon to enter upon the premises to make such inspection at any reasonable time that such entry is requested.

The Village Board is authorized to enter into contractual agreements with local, county or other governmental authorities having jurisdiction over the premises or authority over the business conducted thereon for the purpose of making such inspections.

## **8. LICENSE FEE, TERM, RENEWAL**

#### A) Adult Use License Fee

The adult use license fee for engaging in the business of providing adult entertainment shall be Three Hundred (\$300.00) Dollars per year. The Village Treasurer shall issue a receipt to the applicant for the fee paid in advance. No such receipt, or the payment of any adult use license fee in advance of the issuance of the license, shall authorize any person to engage in the business of providing adult entertainment or entitle any person to any rights or privileges conferred by the issuance of an adult use license.

The adult use license fee shall be paid to the Village of Sheridan and is intended to cover the Village of Sheridan's cost in administering the provisions of this ordinance. In no event shall a proration, rebate or refund be made of any adult use license fee or part thereof for any reason, including but not limited to, the non-issuance of the adult use license.

#### B) Terms of Adult Use License

No adult use license shall be granted for a period longer than one year and every adult use license shall expire on the thirty-first (31<sup>st</sup>) of December following the date of its issuance. An adult use license may be issued for a period of time less than a year, but such adult use license shall not extend beyond December 31<sup>st</sup> of the year of issuance.

The Village Clerk shall endeavor, from ten (10) to sixty (60) days prior to the expiration of the license period, to mail written notice to each licensee directing the attention of such licensee to the fact that a new adult use license will be required on the day following the expiration of his existing adult use license, and also directing attention to the amount of the adult use license fee and to the penalty for failure to procure and adult use license; provided, however, that failure on the part of the Village Clerk to mail such notice to each licensee shall not be deemed a defense to a suit brought to recover the penalty for a violation of the provision of this Ordinance under which the licensee is required to obtain and adult use license.

#### C) Renewal

Adult Use Licenses issued pursuant to this ordinance must be renewed from year to year. Applications for the renewal of existing adult use licenses shall be made in writing to the Village Clerk. All applications for renewal shall be made not less than twenty-one (21) days prior to expiration of the existing adult use license and shall include the following:

- 1) The same documents as those required for initial applications under Article III of this ordinance.

2) The same adult use license fees as that required for initial applications under Article V of this ordinance.

3) The existing adult use license or satisfactory evidence of its loss or destruction.

The requirements and procedures for issuing an adult use license renewal shall be the same as the requirements and procedures for granting a new adult use license except that no hearing need be held before the Zoning Board of Appeals unless requested by the Village Board.

#### D) Display of Adult Use License

It shall be the duty of the licensee to post the adult use license in a conspicuous place upon the licensed premises.

No adult use license shall be permitted to remain posted or displayed after the period for which the adult use license was issued has expired.

No person shall add to, alter, deface, forge, or counterfeit any adult use license certificate or license plate, tag, badge, emblem, or other insignia, which has been or is being issued by the Township.

#### E) Loss of Adult Use License

In case any licensee shall lose any certificate, plate, badge, tag, emblem or other insignia which has been issued in accordance with the provisions of this ordinance, then it shall be within the discretion of the Village Clerk to authorize the issuance of duplicate insignia, upon the making of an affidavit of loss by the licensee and the payment of a fee of ten (\$10.00) dollars to the Village.

#### F) Transfer of Adult Use License

It shall be unlawful for any licensee to transfer, assign, sell, loan or give away any adult use license, or to use it as collateral or otherwise encumber it.

### **9. HEARING UPON DENIAL OF ADULT USE LICENSE APPLICATION**

Within sixty (60) days after the date upon which the completed application is filed with the Chairperson of the Zoning Board of Appeals, the Zoning Board of Appeals shall hold a public hearing to review the completed application together with the results of the investigation of the Zoning Enforcement Officer. This hearing shall be conducted in a similar fashion to hearings for a special use, variance or amendment. The Zoning Board of Appeals shall file their recommendation with the Village Board who issue or deny an adult use license. Reasons for a denial of an adult use license shall be stated in writing. An adult use license may be denied upon finding that:



A) The information stated in the completed application is not true and correct.

B) The applicant is not in compliance with the requirements for an adult use license set forth herein and all applicable statutes, codes, ordinances, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the premises or authority over the business to be conducted thereon.

C) if the issuance of the adult use license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

1) Unreasonable increasing traffic in the area in which the premises are located, or

2) Increasing the incidence of disruptive conduct in the area in which the premises are located, or

3) Unreasonably increasing the level of noise in the area in which the premises are located.

D) The applicant is indebted to the Village of Sheridan, LaSalle County, or State of Illinois or has not paid in full past due property taxes.

## **10. REGULATIONS**

A) Compliance with Statutes, Ordinances, Etc.

The licensee shall at all times comply with the provisions of this ordinance and all applicable statutes, ordinances, codes, including but not limited to building, health, planning, housing, zoning and fire, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the licensed premises or authority over the business conducted thereon.

The licensee shall not permit any illegal conduct or activity or anything that is in any manner a violation of law to occur on the licensed premises or in the conduct of the licensed business.

B) Health and Safety

The licensee shall keep the licensed premises in a safe and sanitary condition, clean and free from any sort of rubbish or combustible or explosive material. Sufficient washroom facilities for the public shall be provided and such facilities shall be properly ventilated and kept in a safe and sanitary condition.

It shall be unlawful for the licensee to permit any substance, condition, matter or things of any kind whatsoever to exist on or about the licensed premises, which may be injurious, dangerous or detrimental to the public health or safety.

It shall be unlawful for the licensee to permit any substance, condition, matter or thing of any kind whatsoever to exist on or about the licensed premises, which constitutes pollution of air, water or land or a nuisance. "Nuisance" shall include those offenses declared to be such by the common law as well as by any applicable statute, rule or regulation.

It shall be unlawful for any licensee engaged in the business of providing adult entertainment on premises abutting a public way or any licensee using any part of a public way for or in connection with the business of providing adult entertainment to litter or permit the accumulation of any paper, rubbish or refuse upon that portion of the public way abutting said premises or on or about that portion of the public way so used. It shall also be the duty of the licensee to remove snow and ice from any sidewalks or walkways in front of the licensed premises.

#### C) Accessibility

The licensee shall make necessary improvements to assure the licensed premises meets or exceeds the requirements of the Environmental Barriers Act (410 ILCS 25/1 et. Seq.).

#### D) Minors

It shall be unlawful for the licensee, to permit the entry of any person under eighteen (18) years of age onto the licensed premises.

It shall be unlawful for the licensee, either directly or through his agents or employees, to sell, rent, barter, give or disseminate or to offer to sell, rent, barter, give or disseminate to any person under eighteen (18) years of age, any material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in Sections 10 and 11 of Article I of this ordinance. It shall be unlawful for the licensee, either directly or through his agents or employees, to permit the display or presentation of such material in any area on the licensed premises to which persons under eighteen (18) years of age have access or from which all or any part of such material may be viewed or heard by persons under eighteen (18) years of age.

#### E) Hours of Operation

It shall be lawful to engage in the business between the hours of 6:00A.M. until midnight on Monday, Tuesday, Wednesday, and Thursday and from 6:00A.M. until 1:00A.M. the following mornings on Friday and Saturday and Sunday from noon

until midnight. It shall be unlawful to harbor or permit any person to remain on the licensed premises between such hours, however this section shall not be construed to prevent regular employees from performing necessary work within the licensed premises during such prohibited hours of operation.

#### F) Advertising and Sight Lines

The licensee may not display or cause to be displayed more than one outside sign on the licensed premises. The sign shall not exceed 10 feet in length and 3 feet in width and shall not display or present any material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas as defined in Section 10 and 11 of Article I of this ordinance.

The licensee, either directly or through his agents, or employees, shall not display or present any material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas in such a way that all or any part of such material may be seen or heard by anyone from outside the licensed premises.

If all or any part of the licensed premises can be seen from a nearby residence, church, school, park, cemetery, day care center, day nursery, the licensee shall install and maintain a fence or other screening located outside of the building and parking area which will block the view of the premises from such property.

#### G) Change of Location/Name

It shall be unlawful for the licensee to conduct the licensed business under a name other than that identified in the adult use application.

If the licensee, before the expiration of the adult use license term, desires to change the location or name of the licensed business, he shall forthwith notify the Village Clerk of such fact. No business shall be conducted under the authority of the adult use license at a new location or under a new name until notice of such change has been given and until the licensee has complied with all the provisions of this ordinance relating to engaging in such business at the new location or under the new name, including approval of the Zoning Board of Appeals. The fee for reissuing the adult use license to reflect a changed location or name shall be twenty-five (\$25.00) dollars.

### **11. SUSPENSION AND REVOCATION**

#### A) Suspension and Revocation

The Village Board shall have the power to revoke or suspend any adult use license issued under this ordinance if it determines that:

1) The license has violated any of the provisions of this ordinance.

2) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for an adult use license or renewal thereof required by this ordinance or knowingly caused another to furnish or withhold such information on his behalf.

3) The licensee has knowingly permitted any illegal conduct or activity or anything that is in any manner a violation of law to occur on the licensed premises or in the conduct of the licensed business.

4) The licensee has created a nuisance or endangered the public health, safety or order by causing:

a) An unreasonable increase in pedestrian traffic in the area in which the licensed premises are located, or

b) An unreasonable increase in the incidence of disruptive conduct in the area in which the licensed premises are located, or

c) An unreasonable increase in the level of noise in the area in which the licensed premises is located.

## B) Hearing

No adult use license shall be suspended or revoked except after a public hearing before the Village Board. A complaint for adult use license revocation or suspension setting forth the grounds therefore, may be filed with the Village Clerk. Upon filing of the complaint, the licensee shall be given five (5) days written notice of the time and place of the hearing and a copy of the complaint. Such notice shall be sent to the licensee by certified mail (return receipt requested) at his address shown on the adult use license. Hearings shall be conducted in similar fashion to that of a dram shop hearing.

If the Village Board determines after such hearing that the adult use license should be suspended for up to thirty days or revoked, then within fifteen (15) days after the conclusion of the hearing, it shall state the reason or reasons therefore in a written order of suspension revocation and shall serve a copy of such order upon the licensee.

## 12. PENALTY

In addition to all other remedies, including suspension or revocation of the adult use license, any person or entity violating this ordinance shall be subject to a fine of no less than seventy-five (\$75.00) dollars nor more than five hundred (\$500.00) dollars

for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **SECTION 14B – SHOOTING RANGES**

### **1. PURPOSE**

The Village Board of Sheridan finds that shooting ranges promote the health safety and welfare of the Village in that shooting ranges encourage training and safety of residents who choose to incorporate the carrying or use of firearms into their normal lives. The Village Board of Sheridan also finds that shooting ranges, because of their many forms and the unique nuisance characteristics, cannot be properly classified as an authorized use in any particular district or districts without consideration, in each case, of the impact of the requested type of shooting range on neighboring lands and the suitability of the requested form of shooting range at the particular location. For such purposes, Shooting Ranges are authorized only as a special use in certain identified districts and special consideration factors must be considered as the Village of Sheridan considers an application for a special use for a shooting range.

### **2. DEFINITIONS**

Shooting Range:

Any location, on public or private land, where firearms are discharged towards a target including the discharge of firearms needed to obtain or maintain any type of firearms license including concealed carry. A shooting range does not include an area when used for hunting. A shooting range does not include the occasional discharge of a firearm by a land owner or occupant on their private land when otherwise authorized by law, ordinance or regulation.

Small Arms Shooting Range

A shooting range, indoor or outdoor, approved by a Village of Sheridan special use for use of firearms not more powerful than .22 long rifle.

Large Arms Shooting Range

A shooting range, indoor or outdoor, approved by a Village of Sheridan special use for use of firearms more powerful than .22 long rifle.

Indoor Shooting Range

A shooting range approved by a Village of Sheridan special use for use of firearms within a completely enclosed building.

Outdoor Shooting Range

A shooting range approved by a Village of Sheridan special use for use of firearms at a range not completely enclosed within a building.

Trap, Skeet or Sporting Clay Range

An outdoor shooting range approved by a Village of Sheridan special use where clay targets are shot in any range format including trap, skeet or sporting clay.

#### Range Master

A person holding a certificate as a firearms instructor issued by a law enforcement agency, the NRA, a state or nationally accredited educational institution or other entity as time to time approved by the Village Board and who is identified as a range master by the holder of a Village of Sheridan special use for a shooting range.

### **3. APPLICATION**

Any application for a special use for a shooting range shall:

- a. Identify the type or types of shooting range for which the special use is sought.
- b. Identify intended procedures to comply with lead management practices.
- c. Identify a site plat for an outdoor range;
- d. Identify a conceptual plan for an indoor range which shall include the contemplated backstop and OSHA recommendation improvements (including ventilation) along with costs estimates for such.
- e. Outline safety designs and operation practices including signage
- f.

Identify the availability of restrooms or other reasonable need accommodations.

- g. Identify a person with ownership interest in land as the applicant and provide a copy of their FOID card.

### **4. CONSIDERATION FACTORS**

In addition to the standards for consideration of a special use identified in Section 14- SPECIAL USES, Subsection 2 PROCEDURE FOR OBTAINING SPECIAL USE PERMIT, Paragraph E Standards, the following shall be addressed by an applicant:

- a. Recommendations for lead management procedures based upon any publication of the United States Environmental Protection Agency including without limitation publication EPA-902-B-01-001 Best Management Practices for Lead at Outdoor Shooting Ranges or any update to said publication, recommendations of OSHA (Occupational Safety and Health Administration), recommendations of the Illinois Environmental Protection Agency and any recommendations from the LaSalle County Health Department of LaSalle County Environmental Services and Land Use Department.
- b. Safety recommendations set forth in the NRA Range Source Book, 2012 version or subsequent updated version.

- c. For indoor ranges, building codes as time to time adopted by the Village Board and OSHA recommendations shall be considered.

## **5. REQUIRED SPECIAL USE TERMS**

The following shall be required terms of any special use for a shooting range.

- a. No alcoholic beverages may be sold or consumed on a shooting range.
- b. No person shall be allowed on a shooting range who is under the influence of alcohol or drugs as defined under Article 5 Driving While Intoxicated under the Illinois Vehicle Code (625 ILCS 5/11-500 et. seq).
- c. No person shall be allowed on a shooting range unless they hold a valid Illinois FOID card or are exempt from the need of an FOID card pursuant to the Firearm Owners Identification Card Act, (430 ILCS 65/0.01 et. seq.).
- d. No person, except a certified police officer, shall be allowed to discharge a firearm on a shooting range unless there is present a Range Master approved by the Village of Sheridan.
- e. No person shall discharge a firearm not approved for the type of shooting range approved by the special use.
- f. No person shall discharge a firearm on an outdoor range except in times identified in the Special Use permit which shall not be greater than between sunrise and sunset and no person shall discharge a firearm on an indoor range except between the hours of 7:00 A.M. and 10:00 P.M.
- g. Lead management terms shall be set forth in the special use or incorporated by reference.
- h. Safety standards including shooting range rules to be posted at the shooting range shall be set forth in the special use or incorporated by reference.
- i. In January of each year, the special use holder shall pay a \$500.00 fee and file a report identifying the extent of range usage, the status of lead management practices, the status of safety standards, the identify of anticipated Range Masters, provide certificates on insurance, and make any requests for revisions of lead management or safety standards. The Zoning Board of Appeals must conduct a public hearing for modification of lead management or safety standards.
- j. A special use shall not run with the land but shall be personal to the applicant and shall not be transferable absent approved of the Village Board following a hearing before the Zoning Board of Appeals.
- k. The shooting range shall be open to inspection of the Village of Sheridan police department at any time.
- l. Violations of special use terms may be enforced by ordinance violation and/or the shooting range may be temporarily closed by the Village Marshall for safety concerns identified in writing by the Village Marshall and tendered to holder of the special use and the Chairperson of the Zoning Board of Appeals who shall call a hearing on the Village Marshall's complaint within no less than 30 days.



m. The special use holder shall maintain general liability insurance with the minimum of \$1,000,000.00 per person and \$3,000,000.00 per occurrence. Said liability insurance plan shall provide coverage for events involving the discharge of firearms. The special use holder shall provide proof of insurance to the Village

## **SECTION 14-C CANNABIS USES**

1. Intent and Purpose
2. Definitions
3. Special Use Required for Cannabis Business Establishment
4. Special Use Standards for Cannabis Business Establishment
5. Cannabis Business Establishment License Required

### **1. INTENT AND PURPOSE**

The State of Illinois enacted the Cannabis Regulation and Tax Act (hereinafter "Act"), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019. Pursuant to the Act, the Village is authorized to enact reasonable zoning ordinance regulations, not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive. It is the intent and purpose of this SECTION 14-C CANNABIS USES, to establish regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Sheridan. Such facilities shall comply with all regulations provided in the Act, as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

### **2. DEFINITIONS**

For the purpose of this SECTION 14-C CANNABIS USES, the following words and phrases shall have the meanings respectively prescribed as follows:

#### **CANNABIS BUSINESS ESTABLISHMENT**

Any business establishment performing one or more of the following cannabis related activities authorized as special uses under this SECTION 14-C CANNABIS USES:

- CANNABIS CRAFT GROWER
- CANNABIS CULTIVATION CENTER
- CANNABIS DISPENSING ORGANIZATION
- CANNABIS INFUSER ORGANIZATION OR INFUSER
- CANNABIS PROCESSING ORGANIZATION OR PROCESSOR
- CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER

#### **CANNABIS CRAFT GROWER**

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package

cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Act and any State of Illinois rules and regulations.

#### CANNABIS CULTIVATION CENTER

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### CANNABIS DISPENSING ORGANIZATION

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### CANNABIS INFUSER ORGANIZATION OR INFUSER

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### CANNABIS PROCESSING ORGANIZATION OR PROCESSOR

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

### **3. SPECIAL USES REQUIRED FOR CANNABIS BUSINESS ESTABLISHMENT**

No CANNABIS BUSINESS ESTABLISHMENT is authorized in the Village of Sheridan unless authorized by the issuance of a special use issued pursuant to this SECTION 14-C CANNABIS USES

### **4. SPECIAL USE STANDARDS FOR CANNABIS BUSINESS ESTABLISHMENT**

In addition to the special use standards “E) Standards” in Sub-section “2. PROCEDURE FOR OBTAINING SPECIAL USE PERMIT” in SECTION 14 - SPECIAL USES the following shall be considered. In the event of any conflict of the following with said standards in SECTION 14 – SPECIAL USES, the following shall control.

#### **A) GENERAL STANDARDS FOR ALL CANNABIS BUSINESS ESTABLISHMENTS**

In addition to the standards required for a special use found in paragraph “E) Standards” in Sub-section “2. PROCEDURE FOR OBTAINING SPECIAL USE PERMIT” in SECTION 14 - SPECIAL USES, the following standards shall be considered in consideration of a request for a special use for a CANNABIS BUSINESS ESTABLISHMENT

- 1) The impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
- 2) Proposed structure in which the facility will be located, including total square footage, other building occupants and building code compliance.
- 3) Hours of operation and anticipated number of employees and customers.
- 4) Anticipated parking demands and available private parking supply.
- 5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- 6) Site design, including access points and internal site circulation.
- 7) Site security, security plans, and building enhancements, such as security cameras, lighting or other improvements to ensure the safety of employees and customers of the cannabis business establishment, as well as its environs.
- 8) Proposed signage plan.

- 9) Parking shall be provided as a result of the analysis completed through the Petitioner and approved by the Village Engineer. Parking areas shall comply with SECTION 12 – OFF-STREET PARKING AND LOADING.
- 10) Petitioner shall file an affidavit with the Village affirming compliance with the Act and any State of Illinois rules and regulations.
- 11) The Village may approve the co-location of a Cannabis Dispensing Organization with a Cannabis Craft Grower Center or a Cannabis Infuser Organization, or both, subject to the provisions of the Act and additional special use conditions and restrictions.
- 12) Compliance with any of the following additional requirements for particular cannabis business establishments set forth below.

#### B) SPECIAL STANDARDS FOR CANNABIS DISPENSING ORGANIZATION

- 1) The facility may not be located within 300 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2) The facility may not be located in a dwelling unit or within 300 feet of the property line of a pre-existing property zoned or used for residential purposes.
- 3) The facility may not be located within 1,000 feet of the property line of any other Cannabis Business Establishment.
- 4) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.
- 5) The facility may not conduct any sales or distribution of cannabis other than as authorized by the Act and any State of Illinois rules and regulations.
- 6) Hours of operation shall not exceed hours for which alcoholic liquor may be sold in the Village of Sheridan.

#### C) SPECIAL STANDARDS FOR CANNABIS CRAFT GROWER

- 1) The facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2) The facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- 3) The facility may not be located within 1,000 feet of the property line of any other Cannabis Business Establishment.

#### D) SPECIAL STANDARDS FOR CANNABIS CULTIVATION CENTER

- 1) The facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2) The facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- 3) The facility may not be located within 1,000 feet of the property line of any other Cannabis Business Establishment.

#### E) CANNABIS INFUSER ORGANIZATION

- 1) The facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2) The facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- 3) The facility may not be located within 1,000 feet of the property line of any other Cannabis Business Establishment.

#### F) CANNABIS PROCESSING ORGANIZATION

- 1) The facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary

school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2) The facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.

3) The facility may not be located within 1,000 feet of the property line of any other Cannabis Business Establishment.

#### **G) CANNABIS TRANSPORTING ORGANIZATION**

1) The facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2) The facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.

3) The facility may not be located within 1,000 feet of the property line of any other Cannabis Business Establishment.

### **5. CANNABIS BUSINESS ESTABLISHMENT LICENSE REQUIRED.**

#### **A) Cannabis Business Establishment License Required**

It shall be unlawful for any person or entity, either by themselves or itself or through an agent, employee or partner, to engage in the operation of a cannabis business establishment without first having obtained a Village of Sheridan CANNABIS BUSINESS ESTABLISHMENT LICENSE.

#### **B) Issuance of Cannabis Business Establishment License**

The Village Clerk shall issue all Cannabis Business Establishment Licenses granted by the Village Board. The license shall bear the seal of the Village of Sheridan, the name of the licensee, the licensee's address, identify the type of Cannabis Business Establishment which is licensed. It shall also contain wording indicating that it is issued and accepted subject to the representations made in the completed application and subject to all of the provisions of this ordinance and State of Illinois laws, rules and regulations relevant to a cannabis business establishment now in effect or which may hereafter be adopted.

### C) Application for Cannabis Business Establishment License

All applications for a Cannabis Business Establishment License shall be made in writing to the Village Clerk and containing the following information:

- 1) The applicant's name, address, contact information and date of birth.
- 2) If the applicant is doing business under an assumed name, the assumed or trade name of the applicant.
- 3) If the applicant is a corporation, partnership or other business entity business, the name, address, contact information and date of birth of each owner, partner, director and officer of the corporation, partnership or other business entity.
- 4) Each individual named in the application must execute a consent to a criminal background and provide upon request suitable fingerprints for submission to the Illinois Bureau of Identification or other entity perform the criminal background check and pay the fees associated with the criminal background check. The requirement of a criminal background may be waived on the receipt of a current criminal background check performed by another Illinois governmental body. Each individual named shall provide a statement identifying any criminal misdemeanor or felony offense to which the individual has pled, stipulated to, been found guilty or been placed on court supervision or some other type of deferred judgement.
- 5) No Cannabis Business Establishment License shall be issued if any such individual:
  - a) Is under 21 years of age.
  - b) Has within 10 years pled, stipulated to, been found guilty of or been placed on court supervision or other form of deferred judgement for any felony offense.
  - c) Has within 5 years pled, stipulated to, been found guilty of or been placed on court supervision or other form of deferred judgement for any Class A misdemeanor.
- 6) The address, legal description, and property tax identification number for the location of the proposed Cannabis Business Establishment and a description of the type of Cannabis Business Establishment.
- 7) A copy of the Certificate of Registration required under Retailer's Occupation Tax Act and a copy of any State of Illinois Cannabis Business Establishment approval.
- 8) A statement that the information contained in the application is true and correct.



9) A statement that the applicant will not cause or allow the licensed premises to be used for any unlawful purpose.

10) A statement that the applicant agrees to comply with the provisions of this ordinance, and all applicable State of Illinois statutes, rules and regulations.

11) Such other information as the Village Board may from time to time require in conformity with the provisions of this ordinance prescribing the requirements of Cannabis Business Establishment licenses.

All applications must be signed by an appropriate person of authority and be sworn to before a notary public. All anticipated fees shall be submitted with the application to the Village Clerk. In no event shall a proration, rebate or refund be made of any fee for any reason, including but not limited to, the non-issuance of a Cannabis Business Establishment license.

D) Investigation and Inspection.

Upon receipt of a completed application, the Village Marshall shall perform an investigation to verify that the information stated in the completed application is true and correct and that the applicant has complied with all the requirements for a Cannabis Business Establishment. The applicant shall permit inspection of the premises by the Village Marshall or their assign at any reasonable time that such entry is requested.

E) License Term, Renewal and Display.

1) The Village Clerk shall issue an approved license. No Cannabis Business Establishment license shall be granted for a period longer than one year and every license shall expire on the thirty-first (31<sup>st</sup>) of December following the date of its issuance. A Cannabis Business Establishment license may be issued for a period of time less than a year, but such license shall not extend beyond December 31<sup>st</sup> of the year of issuance.

2) All applications for renewal of a Cannabis Business Establishment License shall be made not less than twenty-one (21) days prior to expiration of the license and shall include the same documents and fees as those required for initial applications shall be submitted. The requirements and procedures for issuing a Cannabis Business Establishment license shall apply to the renewal of a license, except that no hearing need be held before the Zoning Board of Appeals unless requested by the Village Board.

3) The Cannabis Business Establishment License shall be the prominently displayed at the Cannabis Business Establishment.

4) No Cannabis Business Establishment License may be transferred, assigned, sold or given away or use as collateral.

#### F) Hearing on License Application

The Village Clerk shall promptly schedule a hearing on a complete application with the Chairperson of the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a public hearing to review the completed application together with the results of the investigation. This hearing shall be conducted in a similar fashion to hearings for a special use and may be conducted at the same time as the hearing for a special use. The Zoning Board of Appeals shall file their recommendation with the Village Board who issue or deny the license. Reasons for a denial of a license shall be stated in writing. A license may be denied upon finding that:

1) The information stated in the completed application is not true and correct.

2) The applicant is not in compliance with the requirements for a license, this ordinance and set forth herein and all applicable statutes, codes, ordinances, rules and regulations and the orders and decisions of any governmental body which has jurisdiction over the premises or authority over the business to be conducted thereon.

3) If the issuance of the license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

a) Unreasonable increasing traffic in the area in which the premises are located, or

b) Increasing the incidence of disruptive conduct in the area in which the premises are located, or

c) Unreasonably increasing the level of noise in the area in which the premises are located.

4) The applicant is indebted to the Village of Sheridan, LaSalle County, or State of Illinois or has not paid in full past due property taxes.

#### G) License Requirements

1) The licensee shall at all times comply with the provisions of this of this ordinance, and all applicable State of Illinois statutes, rules and regulations.

2) The licensee shall not permit any illegal conduct or activity or anything that is in any manner a violation of law to occur on the licensed premises or in the conduct of the licensed business.

3) The licensee shall keep the licensed premises in a safe and sanitary condition, free from substance, condition, matter or things of any kind whatsoever to exist on or about the licensed premises, which may be a public nuisance or injurious, dangerous or detrimental to the public health or safety.

4) It shall be unlawful for the licensee, to permit the entry of any person under twenty-one (21) years of age onto the licensed premises.

5) Hours of operation of a Cannabis Dispensing Organization may not exceed the hours of operation for sale of alcoholic liquor in the Village of Sheridan.

6) It shall be unlawful for the licensee to conduct the licensed business under a name other than that identified in the license application. It shall be unlawful for the licensee to conduct the licensed business at any location in the Village of Sheridan other than the location identified on the license.

7) On-premise consumption of cannabis is prohibited in any cannabis business establishment.

#### H) Suspension or Revocation of License

The Village Board shall have the power to revoke or suspend any license issued under this ordinance if it determines that the licensee or their employee or agent has violated any of the provisions of the license or this ordinance, no longer qualifies for a license, has knowingly furnished false or misleading information or withheld relevant information on any application for or renewal of license, or has permitted any illegal conduct or activity on the licensed premises in violation any ordinance of the Village of Sheridan or any applicable State of Illinois statute, rule or regulation.

#### I) Hearing

No license shall be suspended or revoked except after a public hearing before the Sheridan Zoning Board of Appeals. A complaint setting forth the grounds therefore shall be filed with the Village Clerk. Upon filing of the complaint, the licensee shall be given no less than five (5) days written notice of the time and place of the hearing and a copy of the complaint. Such notice shall be provided to the licensee by any means identified in the license application. Hearings shall conduct in a fashion similar to the conduct of hearings for a special use. The Sheridan Zoning Board of Appeals shall forward their recommendation to the Village Board. If the Village Board determines after such hearing that the Cannabis Business Establishment License should be suspended for up to thirty days or revoked, the Village Board shall state the reason or reasons therefore in a written order of suspension revocation and shall serve a copy of such order upon the licensee.

## **SECTION 15 - VARIATIONS AND AMENDMENTS**

### **1. GRANTING**

Variations from the terms and regulations of the Zoning ordinance or a Zoning Map Amendment may be granted as authorized by statute in specific cases where an undue hardship exists. Such variations or zoning map amendment shall be granted by the Board of the Village, by resolution or ordinance, following a public hearing before the Zoning Board of Appeals. The grant of such variation or zoning map amendment shall incorporate the findings of the Zoning Board of Appeals as to facts, or other findings by the Village Board.

No variance shall be granted from the restrictions provided for within a Lowland Conservancy District (C-1) unless the applicant demonstrates that:

- A) The development activity cannot be located outside the Lowland Conservancy District;
- B) An exceptional hardship would result if the variance were not granted;
- C) The relief requested is the minimum necessary;
- D) There will be no additional threat to public health or safety, or creation of a nuisance;
- E) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- F) The applicant's circumstances are unique and do not establish a pattern inconsistent with the purpose of the Lowland Conservancy District; and
- G) All other required state and federal permits have been obtained.

No variance or map amendment shall be granted so as to allow a residential subdivision or mobile home park within a Lowland Conservancy District (C-1).

### **2. APPLICATIONS**

Applications for the grant of a variation or zoning map amendment shall be made in writing in triplicate, and shall contain all the facts necessary to a consideration of the proposal and shall be accompanied by a fee as established in the "SCHEDULE OF FEES" set out in SECTION 17. Any application seeking relief from the restrictions provided for within a Lowland Conservancy District (C-1) must contain a statement signed by the applicant stating as follows:

Applicant understands that a variance would lessen the degree of protection to a building and will result in increased premium rates from flood insurance coverage, will increase the risks to life and property. Applicant with knowledge of these risks desires to submit this application and assume such risks and liability.

### **3. HEARING**

No variation or zoning map amendment shall be granted excepting after a public hearing before the Zoning Board of Appeals, notice of which must be published at least once not less than fifteen (15) days nor more than thirty (30) days before the hearing, as required by law.

### **4. REPORT TO VILLAGE BOARD**

After holding a public hearing on a requested variation or zoning map amendment, the Zoning Board of Appeals shall make its report, together with its findings of fact, to the Village President and Board promptly.

### **5. CONDITIONS**

A grant of variation under the terms of this article may be made subject to such conditions as are property necessary for the protection of the public welfare, and use by the applicant or subsequent owner or occupant of the property, of the privilege granted by the variation, may be continued only so long as such conditions are complied with.

### **6. TIME LIMIT ON VARIATIONS**

No order for a variance permitting the erection or alteration of building shall be valid for a period longer than six (6) months unless such use is established within such period; provide, however, that where such use permitted is depending upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order for a variance permitting a sue of a building or premises shall be valid for a period longer than six (6) months, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if

a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Other than as mentioned above and unless otherwise stated in the order for variances, variances shall terminate upon the same grounds and conditions for termination of non-conforming buildings, structures and uses as set out in SECTION 13.

## **7) Review, Amendment or Revocation of Variance**

a) The Village of Sheridan reserves to itself the jurisdiction and authority to review, amend or revoke any Variance.

b) The Village Marshall or other elected or appointment officials or any person or entity that is substantially and adversely affected by a Variance may file a written Petition with the Village Clerk requesting the Village Board to direct the Zoning Board of Appeals conduct a review of any Variance. Any such Petition to the Village Board shall state the reasons why a review should take place and reference facts and circumstances relevant to factors for consideration referenced below. The Petition shall also state what remedy is requested such as revocation of a Variance or an amendment to a Variance referencing any particular amendments requested. For any Variance which contains a condition for period review by the Zoning Board of Appeals, the Zoning Board of Appeals shall perform such period review without any need of direction from the Village Board to conduct a review.

c) Factors relevant to the Village Board and/or Zoning Board of Appeals to consider review of any Variance shall include the same factors to be considered when a Variance is first considered as well as the following:

1. Has the holder of the Variance violated express terms and conditions of the Variance.
2. Has a history of the Variance caused injury to the health, safety, or welfare of the community or of the public?
3. Has a history of the Variance caused repeated incidents of violence or violation of state statutes, administrative regulations or ordinances?
4. Has a history of the Variance caused public or private nuisance of tend to corrupt the manners and morals of the public or of the community?
5. Has the Variance resulted in a substantial depreciation or lowering of property values in the community or neighborhood?
6. Has the history of the Variance been a burden on the finances or manpower the Village or other impacted unit of government?

d) When the Village Board has directed a review of a Variance pursuant to an approved request, notice shall be provided the person filing the Petition for Review, the person or entity with the Variance and notice shall be provided to other

parties in the same fashion as if the variance were initially being considered. When a periodic review is being conducted pursuant to terms set forth in the Variance, notice need only be provided to parties who filed an appearance as an interested party in prior hearings before the Zoning Board of Appeals. Notice shall include, without limitation, a copy of the Petition requesting review of the Variance and the date, time, and location of the Zoning Board of Appeals hearing.

e) The Zoning Board of Appeals shall conduct their hearing utilizing their normal hearing procedures identified in SECTION 17, Subsection 3. Zoning Board of Appeals, Paragraph (C) Meeting Procedures except that the Petitioner requesting the review shall be considered the Petitioner for hearing purposes and the person or entity with the Variance shall be considered an Interested Party or objector to the Petitioner.

f) The Zoning Board of Appeals shall make recommendations as to their review with the Village Board and shall make findings relevant to recommendations for revocation of the Variance or any recommendations for amendment of a Variance.

## **SECTION 16 - BUILDING CODES**

All building and remodeling shall comply with the following building codes:

1. The International Residential Codes for one and two family dwellings, 2003 edition as published by the International Code Council, Inc.

2. The International Building Code, 2003 edition, published by the International Code Council, Inc.

3. The International Fire Code, 2003 edition, published by the International Code Council, Inc.

4. The International Mechanical Code, 2003 edition, published by the International Code Council, Inc.

5. The International Fuel Gas Code, 2003 edition all published by the International Code Council, Inc.

6. The National Electrical Code, NEC 2002 Edition, published by the National Fire Protection Association, Inc.,

7. The State of Illinois Plumbing Code as it presently exists and in the future as amended. In the event of any conflict between the Illinois Plumbing Code and any of the other codes as listed above, the Illinois Plumbing Code shall control.

8. The State of Illinois Energy Conservation Code as it presently exists and in the future as amended. In the event of any conflict between the Illinois Energy Conservation Code and any of the other codes as listed above, the Illinois Energy Conservation Code shall control.

9. The NFPA 101, Life Safety Code (2015 Edition). In the event of any conflict between the NFPA 101, Life Safety Code (2015 Edition) and any of the above codes published by the International Code Council, Inc., the NFPA 101, Life Safety Code (2015 Edition) shall control.



## **SECTION 17 - ADMINISTRATIVE PROVISIONS**

### **1. ZONING ENFORCEMENT OFFICER**

The Village President with the approval of the Village Board may appoint one or more Zoning Enforcement Officers for the Village who shall be charged with the duty of seeking compliance with this ordinance, and performing such other tasks as directed by the Zoning Board of Appeals. The Zoning Enforcement Officer with the assistance of the Building Inspector shall make periodic inspections of the Village and zoned territory outside of the Village corporate limits for the purpose of assurance compliance with village ordinances. The Zoning Enforcement Officer along with Building Inspector shall have the authority to issue building permits, zoning permits, stop work orders and other administrative notices. The Zoning Enforcement Officer shall file monthly reports with the Village Board as to all village activities involving zoning and duties performed as Zoning Enforcement Officer.

### **2. BUILDING INSPECTOR**

The Village President with the approval of the Village Board may appoint one or more Building Inspectors for the Village who shall be charged with the duty of inspecting improvements and proposed improvements within territory zoned by the Village to assure compliance with the building permits, building codes, zoning permits and compliance with other applicable laws, rules and regulations. The Building Inspector with the assistance of the Zoning Enforcement Officer shall make periodic inspections of the Village and zoned territory outside of the Village corporate limits for the purpose of assurance compliance with village ordinances. The Building Inspector along with the Zoning Enforcement Officer shall have the authority to issue building permits, zoning permits, stop work orders and other administrative notices.

#### **2A. INTERPRETATION AUTHORITY**

When any use, class or other regulatory language in this ordinance is not specifically identified, is ambiguous or subject to interpretation, the Zoning Enforcement Officer and/or Building Inspector shall interpret this ordinance giving due consideration to the general intent of the ordinance and related provisions of the ordinance. Any interested party may seek a review of a determination made by the Zoning Enforcement Officer and/or Building Inspector by timely initiating a review by the Zoning Board of Appeals.

### **3. ZONING BOARD OF APPEALS**

#### **(A) MEMBERSHIP OF BOARD:**

The Village President with the approval of the Village Board shall appoint a Zoning Board of Appeals consisting of 7 members, one of which when so appointed shall be designated as Chairman of the Zoning Board of Appeals. The term of office

for Zoning Board of Appeal Members shall be five years or until their respective successors are appointed. Said terms of office, however, may be adjusted by the Village President with the approval of the Village Board from time to time as required so that terms of no more than two members terminate within the same year.

#### (B) MEETING NOTICE

Notice shall be provided for any Zoning Board of Appeals/Plan Commission meeting. Notice shall include the date, time and location of the meeting as well as a brief statement of the subject matter of the meeting. If the Board is to consider zoning as relates to a particular parcel of property, the notice shall also provide a general description of the property. The notice shall state that any person desiring to participate at the meeting (more than presenting a brief statement) must file an appearance form no less than 2 business days prior to the meeting on a form supplied by the Zoning Board of Appeals/Plan Commission. Said appearance required for someone to actively participate at a meeting shall require the name of the person entering their appearance, and contact information by telephone and/or e-mail, the reasons why the person believes they will be substantially affected by the outcome of the meeting, the manner and procedures by which the party seeks to participate in the meeting, and such further information as the Zoning Board of Appeals/Plan Commission may request.

The notice shall be published at least once, not more than 30 nor less than 15 days before the meeting, in one or more newspapers published in LaSalle County with a general circulation within Sheridan. Within, more or less, the same dates required for said publication, the Village Clerk or Administrator should post notice on the Village Bulletin Board and provide a notice of meeting and any supporting or related documents to all Zoning Board of Appeals/Plan Commission members.

When a petitioner requests the Zoning Board of Appeals/Plan Commission to take action as to a particular parcel of property, the petitioner, within, more or less, the same dates required for said publication shall post signage as follows:

- It will be the responsibility of the applicant to ensure that the sign(s) is placed and maintained as required. Failure to properly post signs shall be grounds for delay or denial of the petition.
- A sign shall be posted for every 500 linear feet of road frontage with a minimum of one sign on each street abutting the property. The sign or signs shall be placed within the same dates required for said publication of meeting.
- The sign shall be at least two (2) feet in height and four (4) feet in length.
- The sign shall be posted so that it is clearly readable.
- The sign shall contain the following information:
  1. Requested action.
  2. Date, time & place of public meeting.

3. Reference the Village Hall for further information.
- Petitioner shall remove signs following final action of the Village Board.

### (C) MEETING PROCEDURES

Meetings of the Zoning Board of Appeals/Plan Commission shall be held at the call of the Village President, Chairman of the Zoning Board of Appeals, or any two members of the Zoning Board of Appeals/Plan Commission, or at such times as such Zoning Board of Appeals/Plan Commission may determine to hear matters required under this ordinance or required under applicable law. Except where meeting may be closed as authorized under the Open Meeting Act, all meetings conducted by said Zoning Board of Appeals/Plan Commission shall be open to the public. The Zoning Board of Appeals/Plan Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its meetings and other official actions. The Chairperson may require that the meeting be recorded by audio and/ or video recording devices and/or may require the presence of a court reporter.

The Petitioner and the Village shall be considered appearing parties at any meeting. At the start of the meeting, the Chairperson shall identify further parties that have filed a timely appearance with the Village Clerk. A majority of the Board of Appeals/Plan Commission present at the start of the meeting may strike the appearance of a person who has filed an appearance if the Board of Appeals/Plan Commission finds that such person would not be substantially affected by the outcome of the meeting. At the start of the meeting, the Chairperson shall review the petition and meeting notice which shall be exhibits to the meeting minutes. The meeting shall be continued if the published notice was not timely published. Other notice defects may be grounds for continuation of the meeting. At the start of the meeting, and at other times as required, the Chairperson shall determine and announce the order of the meeting which in general shall be as follows:

- Brief opening comments of Petitioner and appearing parties.
- Petitioner's presentation.
- Presentation by other appearing parties.
- Rebuttal presentations.
- Brief closing comments of Petitioner and appearing parties.
- Public Comments.
- Closing of Evidence.
- Deliberation, recommendation, and findings of fact.

After each witness, the members of the Board of Appeals may ask questions. After questions of the Board of Appeals, appearing parties may cross examine a witness provided the Chairperson believes that cross examination is requested and reasonably required.

The Chairperson shall not be bound by strict rules of evidence but shall attempt to maintain an orderly and civil meeting. The Chairperson shall require that all parties presenting testimony and evidence shall be placed under oath and assure that the Petitioners, Appearing Parties and Zoning Board of Appeals members have some ability to cross examine critical witnesses. The Chairperson shall grant reasonable requests of the Petitioners, Appearing Parties or Zoning Board of Appeals members for issuance of subpoenas. Appearing parties objecting to a petition may, upon request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the Petitioner. The Chairperson shall grant such further due process rights as appear reasonable under the given circumstances.

The Chairperson shall rule on motions, objections, the admissibility of evidence and on other matters raised at the meeting. The Chairperson may impose reasonable limitations on testimony and other evidence such as time limits and barring repetitions, irrelevant or immaterial testimony. In establishing such limitations, the Chairperson shall consider, among other factors, the following:

- The complexity of the issues.
- Whether the witnesses possess special expertise.
- Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue or fact.
- The degree to which the testimony or other evidence relates to factors to be considered in approving or denying the petition.
- Whether cross examination of a witness is being conducted as an attempt to offer evidence. As a general rule, evidence should be offered by direct examination.

The Chairperson may more severely limit the time period for testimony and other evidence offered by those attending a meeting but not filing an appearance in advance of the meeting or of those whose appearance has been stricken. Any ruling of the Chairperson may be overruled by a majority vote of those members of the Zoning Board of Appeals present at the meeting. The Chairperson may be assisted during the meetings by the Village Attorney or a Specially Appointed Village Attorney should the Village Attorney decline to represent the Zoning Board of Appeals and its Chairperson.

Findings of fact shall be included in the minutes of each case of a requested variation, zoning map amendment or special permit, and the reasons for granting or denying such application shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately with the Village Clerk with copies provided as need to the Zoning Enforcement Officer and Building Inspector. Such documents shall be a public record. The Board may adopt its own rules of procedure not in conflict with this Ordinance or with the Illinois Statutes and may select or appoint such officers as it deems necessary.

#### **4. BUILDING PERMITS**

No person shall commence any new construction or an additional structure to an existing building (including a porch or deck), destruction, exterior improvement, subdivision of land or other development without first obtaining a building permit. The application for a building permit shall be a form as required by the Zoning Board of Appeals and shall be accompanied with the following:

- 1) A filing fee as established in the "SCHEDULE OF FEES" set out in this SECTION 17.
- 2) Two copies of building plans.
- 3) Two copies of a line drawing or plat illustrating the boundaries of the lot, the location of all improvements, and the location or any proposed improvements, and,
- 4) A copy of the applicant's deed or other documents indicating ownership interest in the subject property.

Requests for an Application for a Building Permit shall be made by calling the Village Hall at 815-496-2251 and speaking with or leaving a message for the Zoning Enforcement Office or Building Inspector.

Completed Zoning Applications shall be personally delivered to the Village Hall. The Zoning Enforcement Officer or Building Inspector shall determine if the application illustrates compliance with this ordinance and applicable rules and regulations. If an application is rejected, the applicant shall be advised of the reasons for rejection and allowed to file an Amended Application within thirty (30) days at no additional charge. An application not acted upon by the Village within thirty (30) days shall be presumed approved.

The applicant of an approved application for a Building Permit shall be issued a numbered Building Permit, provided a signed copy of the building plans and plat, and provided a zoning guideline which shall include a statement of required inspections. Unless waived by the Building Inspector or Zoning Enforcement Officer in writing on the Building Permit, such inspections shall include the following:

- 1). A site inspection to identify and locate proposed excavation. The inspection shall be completed and approved prior to any groundbreaking.
- 2). A footing inspection to be completed and approved prior to the pouring of any concrete or setting of any other foundation material.

- 3). A backfill inspection to be completed and approved to any wall framing.
- 4). A rough framing inspection to be completed and approved prior to insulating and wall covering.
- 5). A rough electrical and plumbing inspection to be completed and approved prior to wall covering.
- 6). A final inspection shall be completed and approved and a CERTIFICATE OF OCCUPANCY shall be issued prior to occupancy and use of the improvements subject matter of the permit.

The date and time of inspections shall be arranged with the Building Inspector or Zoning Enforcement Officer by contacting them or leaving a message at the Village Hall telephone number of 815-496-2251. Although inspections shall be scheduled as far in advance as practical, the inspections shall be made within forty-eight (48) hours of a request for an inspection.

The Building Permit must be conspicuously posted at the main entrance of the lot for which the permit was obtained. The signed copy of building plans and plat shall be available for inspection at the lot for which the permit was obtained. Unless otherwise stated on the building permit, building permits shall terminate six (6) months after issuance. Should the activity contemplated for the building permit not be completed upon termination of six (6) months or other time as stated on the building permit, such activity must stop until another building permit is obtained. A continued building permit can be issued at half (1/2) the cost of the original building permit in the same fashion as a building permit upon the following terms and conditions:

1. The applicant shall file a written request for a continued building permit.
2. The request shall identify the remaining work to be performed.
3. The request shall identify good cause for why improvements were not completed within the original duration of the building permit.
4. The applicant shall tender half (1/2) the cost of the original building permit.

## **5. ZONING PERMITS**

In any territory outside the corporate limits of the Village of Sheridan but within the one and one-half miles of territory zoned by the Village beyond the corporate limits, no person shall commence any new construction of an additional structure to an existing building (including a porch or deck), destruction, improvements, subdivision of land or other development without first obtaining a Zoning Permit from the Zoning Enforcement Officer. The intended purpose of Zoning Permits is to assure that as to zoned territories outside the corporate limits, that there is compliance with traditional zoning matters involving the nature of the use of property and restrictions on height, bulk and area, but not building code regulations. An applicant need not submit building plans and completed work need not be inspected other than to assure compliance with information provided on the Zoning Application. A final inspection shall be completed and approved and a CERTIFICATE OF OCCUPANCY shall be issued prior to occupancy and use of the improvements subject matter of the permit.

The Application for a Zoning Permit shall be made on a form as required by the Zoning Board of Appeals and shall be accompanied by a filing fee as established in the "SCHEDULE OF FEES" set out in this SECTION 17. The Application for a Zoning Permit shall be accompanied with the following:

- 1). A filing fee as established in the "SCHEDULE OF FEES" set out in this SECTION 17.
- 2). Two copies of a lined drawing or plat illustrating the boundaries of the lot, the location of all improvements, and the location of any proposed improvements, and,
- 3). A copy of the applicant's deed or other documents indicating ownership interest in the subject property.

Procedures for obtaining and displaying Zoning Permits shall be the same as for Building Permits. Unless otherwise stated on the zoning permit, zoning permits shall terminate six (6) months after issuance. Should the activity contemplated for the zoning permits not be completed upon termination of six (6) months or other time as stated on the zoning permit, such activity must stop until another zoning permit is obtained. A continued zoning permit can be issued at half (1/2) the cost of the original zoning permit in the same fashion as a zoning permit upon the following terms and conditions:

- 1). The applicant shall file a written request for a continued zoning permit.
- 2). The request shall identify the remaining work to be performed.
- 3). The request shall identify good cause for why improvements were not completed within the original duration of the zoning

permit.

- 4). The applicant shall tender half (1/2) the cost of the original building permit.

## **6. SPECIAL REQUIREMENTS FOR MOBILE HOME PARKS**

This section as relates to mobile homes and Mobile Home Parks applies to both territories within the village corporate limits and territory outside the corporate limits but zoned by the Village. Before any new mobile home is moved into a Mobile Home Park and before any construction on a Mobile Home Lot or any structural addition or alteration to the exterior of a mobile home, a mobile home permit must be obtained. Prior to construction or modification of a Mobile Home Park, the Mobile Home Park Owner must obtain a Mobile Home Park Building Permit. An Application for obtaining a building permit must illustrate compliance with SECTION 5 "Mobile Home Park Regulations" and other applicable law, ordinance or regulation. Such applications must provide as follows:

- 1) A complete plan of the mobile home park drawn on a topographic map at a scale of not less than one inch equals 200 feet.
- 2) The number, location, and dimensions of all mobile home lots.
- 3) The location and width of roadways, walkways, easements, setback lines, planting strips, and recreation areas.
- 4) The location of automobile parking areas and service buildings, if provided.
- 5) The location and size of utility service lines, wells, on-site septic systems, electrical, telephone and fuel.
- 6) Plans and specifications of all buildings and other improvements constructed, or to be constructed within the mobile home park including a detailed sketch of a typical mobile home lot.

Procedures for obtaining and displaying permits as to mobile homes and mobile home parks shall be the same as for Building Permits.

## **7. ZONING CHANGES**



If after the issuance of a permit or license there are contemplated zoning amendments relevant to such permit or license, such permit or license may be suspended unless substantial construction has been started within ninety (90) days of the issuance of such permit or license. Within three months of suspension of permit or license, an Amended ruling shall be made on the application for such permit or license. Without such amended ruling within three months, the license or permit before suspended shall again be considered valid.

## **8. APPEALS**

Any person aggrieved by any decision of the Zoning Enforcement Officer may within 30 days of the objected to action of the Zoning Enforcement Officer file an appeal to the Board of Appeals. The appeal shall be timely filed with the Village Clerk with the appropriate fee as established in the "SCHEDULE OF FEES" set out in this SECTION 17. Upon such appeal being filed, the Zoning Board of Appeals shall hold a hearing within 30 days and shall affirm, over-rule, or modify the decision of the Zoning Enforcement Officer as the facts may indicate.

## **9. HEARING ON APPEALS**

The Zoning Board of Appeals shall keep an accurate record of all its proceedings and of all evidence presented to it on appeals from the Zoning Enforcement Officer, and shall furnish the same to the attorney for the Village in the event an administrative review action is taken to have its decision reviewed by the courts, as provided by law.

## **10. VOTE REQUIRED ON APPEALS**

The concurring vote of four members of the Board of Appeals shall be necessary for the Board of Appeals to reverse any decision by the Zoning Enforcement Officer.

## **11. SCHEDULE OF FEES**

Upon an applicant's first contact with Village of Sheridan officials for action involving fees identified below, the applicant will be expected to sign a fee agreement agreeing to pay all costs incurred by the Village of Sheridan. Before the Village will proceed in any zoning action, the applicant must pay the preliminary fee identified below. The below preliminary fee is a good faith estimate of costs normally incurred by the Village of Sheridan for costs such as publication fees, Village Zoning Official fees, Board Member fees, Attorney's fees and Engineering fees. Prior to final action by the Village as to an applicant's zoning request, a Village zoning official will request the applicant to pay any actual charges incurred by the Village of Sheridan exceeding the normally incurred costs. Such additional charges may include, without limitation, costs incurred by a continued public hearing, unanticipated Village Engineering charges, or unanticipated Village Attorney

charges. An applicant assessed a fee beyond the below identified preliminary fee may request modification or elimination of such additional fee by application to the Village Board. The Village Board retains authority to modify any additional final fee if it finds that the additional requested final fees are not attributable to the applicant's project.

#### A. RESIDENTIAL, SINGLE FAMILY

##### Building Permit

##### New Construction,

Homes up to 1600 square feet – \$.23 per square foot of living space or minimum of \$200.00

Homes 1600 square feet and over - \$.23 per square foot of living space or a minimum of \$400.00

\$75.00 per each additional inspection.

##### Room Additions, and Alterations,

\$.23 per square foot of living space or a minimum of \$150.00

Accessory Structures (decks, patios, sheds, detached garages, gazebos, etc.) \$.21 per square foot for all areas, but not less than \$75.00 minimum

Wood Decks - \$.21 per square foot for all areas, but not less than \$75.00 minimum

Patios (specify Concrete Slab) over 200 square feet \$.21 per square foot for all areas, but not less than \$75.00 minimum.

Sheds, under 200 square feet - no concrete slab necessary but anchoring is required. \$.21 per square foot for all areas, but not less than \$75.00 minimum.

Sheds, over 200 square feet –No concrete slab but anchoring is required. \$.21 per square foot for all areas, but not less than \$100.00 minimum.

Detached Garage - \$.21 per square foot for all areas, but not less than \$75.00 minimum.

Pools, above ground - \$105.00 flat fee plus \$60.00 electrical fee

Pools, in ground - \$150.00 flat fee plus \$60.00 electrical fee

##### Reroof, Residing, New Cut Driveway

Reroof, Residing - \$25.00 flat fee for initial permit and \$25.00 per month after 6 months if not complete.

Resurfacing of existing driveway - \$95.00 flat fee which includes 1 inspection.

Establishing a new driveway - \$185.00 flat fee for two inspections, one pre-work and one post-work. Any driveway work performed in the street right-of-way is also subject to cost and requirements identified in Section 7 Construction of Facilities in the Rights-of-Way in "Chapter 27 – Public Parks and Public Ways" of THE MUNICIPAL CODE OF SHERIDAN which includes the cost of review by the Village Engineer and the driveway contractor providing proof of insurance to the Village of Sheridan prior to performing any work within the street right-of-way.

#### B. COMMERCIAL, STORAGE, BUSINESS, INSTITUTIONAL, PUBLIC AND MULTI-FAMILY

##### Building Permit

##### New Construction, Additions, Accessory Structures

\$0.25 per square foot for all areas, including the basement and attached garage, but not less than \$185.00 minimum

##### Alterations, Remodeling, Use Change, Reroof, Residing

\$14.00 per \$1,000.00 project value or minimum of \$155.00.

##### COMMUNICATION/CELL TOWER

##### Building permit

New construction \$1,900.00

Shelter and fencing, additions, other accessory structures- the commercial fees set forth above shall apply.

#### C. AGRICULTURE BUILDINGS

##### Building Permit

##### New Construction, Additions, Accessory Structures

\$0.11 per square foot for all areas, but not less than \$90.00 minimum.

Residential or Commercial rates would apply, depending on the use of the proposed building. For agricultural uses, agricultural exemptions would apply.

#### D. DEMOLITION

\$.12 per square foot or \$125.00 minimum.

#### E. SIGNS AND RELATED STRUCTURES

Sign, regular - \$.94 per square foot or minimum of \$94.00

Sign, illuminated - \$.94 per square foot or minimum of \$94.00

F. FENCES

\$ .10 per linear foot or \$62.00 minimum – replacing an old fence does not require a permit, unless fence is being relocated or fence posts are being replaced

G. REINSPECTION OR EXTRA INSPECTIONS NEEDED OR REQUESTED

\$75.00 per inspection for Residential  
\$75.00 per inspection for Commercial

H. ADDITIONAL SPECIAL INSPECTION FEES:

Electrical: \$0.10 per square foot or \$60.00 minimum  
Plumbing: \$0.11 per square foot or \$60.00 minimum  
HVAC: \$0.10 per square foot or \$60.00 minimum

I. PERMIT RENEWAL FEE:

50 % of the normal permit fee but not less than any listed minimum fee.

J. ADMINISTRATIVE COST:

In order to offset the cost of billing, filing, and other Administrative costs to the village, an amount of 10% shall be added to the total cost of each permit issued.

Initial applications for special use, variance or map amendment  
\$ 375.00

Other charges may apply; applicant is responsible for any additional costs.

Initial appeal of decision of zoning enforcement officer \$375.00

Other charges may apply; applicant is responsible for any additional costs

*Fee increase applies to all initial and renewal permits after the adoption of this ordinance. Adopted 10/12/2020*

All other building permit activities not specifically mentioned shall be fixed by the building inspector or zoning enforcement officer using the foregoing as a basis for establishing the fee.

The above mentioned fees payable for applications for building permits, special uses, variances or map amendments shall be double the amount above stated if such application is filed after a time unauthorized construction or unauthorized uses has begun or in response to warning notice or demand from the Village of Sheridan.

## **12. PENALTY**

A. This ordinance may be enforced by fine, and/or injunction, and/or any other remedy available in a court of law or equity. In the event the Village seeks the remedy of a fine against any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with this Ordinance, such fine upon a conviction shall be not less than \$300.00 nor more than \$750.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

B. The Zoning Enforcement Officer is hereby designated and authorized to enforce this Ordinance. However, it shall also be the duty of all officers, citizens, and employees of the City to assist the Zoning Officer by reporting to him any new construction, reconstruction, improved land use, or upon any seeming violation.

C. A private person or entity identified in Section 11-13-15 of the Illinois Municipal Code (65 ILCS 5/11-13-15) may enforce provisions of the Zoning Ordinance.