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**THE VILLAGE OF SHERMAN**

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 2017-8

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**AN ORDINANCE DENYING A PERMITTED CONDITIONAL USE FOR LIVESTOCK**

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TREVOR J. CLATFELTER President  
JOHN P. SWINFORD, Acting Village Clerk

PAM GRAY  
BRET HAHN  
BRIAN LONG  
KIM ROCKFORD  
KEVIN SCHULTZ  
JAY TIMM  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Sherman  
on June 6, 2017

Sorling Northrup – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

**ORDINANCE NO. 2017-8**

**AN ORDINANCE DENYING A PERMITTED CONDITIONAL USE FOR LIVESTOCK**

**WHEREAS**, the Village of Sherman ("Village"), Sangamon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and

**WHEREAS**, a petition for essentially a conditional permitted use to utilize a portion of property consisting of 12.22 acres, with a Tax ID number of 06-36.0-300-034, and no common street address (hereinafter "Property"), for the pasturing of cows; and

**WHEREAS**, the Village's Zoning Code allows conditional permitted uses in certain circumstances, after a public hearing and findings are made that the conditional permitted use: (1) is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area; (2) is so proposed to be operated, designed and located so that the public health, safety and welfare will be protected; and (3) will not cause substantial injury to the value of other property in the vicinity in which it is located; and

**WHEREAS**, the Zoning Board of Appeals held a hearing on a proposed change to the zoning district for the Property on May 30, 2017; and

**WHEREAS**, notice of the public hearing was published in the State Journal Register on May 12, 2017; and

**WHEREAS**, the Zoning Board of Appeals voted unanimously that the conditional permitted use not be granted; and

**WHEREAS**, the existing zoning of the Property is R-1 Residential Zoning District (R-1); and

**WHEREAS**, the Village Zoning Code allows “livestock maintenance and keeping” as a conditional permitted use only in A, B-2 and I-1 Zoning Districts; and

**WHEREAS**, even if the standards were met by the Petitioner, the Zoning Code does not allow, even as a conditional permitted use, livestock on property zoned R-1; and

**WHEREAS**, for reasons set forth in this Ordinance, the Village Board concurs with the Zoning Board of Appeals and finds that the petition submitted fails to meet the requirements of the Village's Zoning Code and therefore denies the petition to allow the pasturing of cows on the property at issue.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Sherman, Sangamon County, Illinois, as follows:

**Section 1. Recitals.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2. Denial of Petition.** The Village Board finds that the petition to submitted by Ed Carter to allow the pasturing of cows on the property described above does not meet the standards set forth in Section 10-3B-6 of the Zoning Code, including specifically that the proposed may cause substantial injury to the value of other neighboring property and create public health and safety concerns, and adopts the decision and conclusions made by the Zoning Board of Appeals. The Village Board further finds that even if the standards were met, a conditional permitted use to allow livestock on the property is not available since the property is zoned R-1.

**Section 3. Severability.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such

finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Sherman prior to the effective date of this ordinance.

**Section 5. Effectiveness.** This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 6<sup>th</sup> day of June, 2017 at Sherman, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRAY	✓			
HAHN	✓			
LONG	✓			
ROCKFORD	✓			
SCHULTZ	✓			
TIMM	✓			
CLATFELTER				
TOTAL	6	∅	∅	∅

**VILLAGE OF SHERMAN**

Trevor J. Clatfelter  
Trevor J. Clatfelter, President

Attest:

John P. Swinford  
John P. Swinford, Acting Village Clerk