

**NEW BERLIN ZONING BOARD OF APPEALS  
MEETING  
Tuesday, July 30, 2002**

**MEMBERS PRESENT: Chairman: Don Prince, Members: Ed Cantrall, Roger Keyser, Gregg Patterson, Bill Roach, Tim Berry, Artie Hatfield, and Marsha Sweet**

The New Berlin Zoning Board of Appeals met on July 30, 2002 at 7:30 p.m. for the consideration of two proposed ordinances regarding and Adult Use Ordinance and Fences.

**OLD BUSINESS:** None

**NEW BUSINESS:** The Fence Ordinance, Article 40-1-7, was read by Chairman Prince. Several members of the Zoning Board asked questions for clarification on the set-back requirements on a corner lot and the penalty for non-compliance within one year.

Attorney Sheehan stated that a variance could be requested for existing fences and other structures after the one year compliance deadline.

Tim Berry made the suggestion that the \$100 fee requesting a zoning hearing for a variance be reduced to \$25.00.

A motion was made by Tim Berry and seconded by Bill Roach that under Article 40-1-7 to eliminate Section B, Paragraph 2 and Section C, Paragraph 5, (setback requirements for a corner lot in a residential and commercial area) from the ordinance. Also, in the motion, was under Section "H" that a non-compliance penalty be included in the ordinance. Roll call was taken and passed with all members voting aye.

A motion was made by Tim Berry and seconded by Gregg Patterson the variance fee pertaining to existing fence issues be reduced to \$25.00 from \$100.00. Roll call was taken and passed with Members, Roger Keyser, Ed Cantrall, Artie Hatfield, Tim Berry, Bill Roach, Gregg Patterson voting aye; Member Marsha Sweet voting nay.

A motion was made by Marsha Sweet and seconded by Ed Cantrall to make the recommendation to the New Berlin Village Board to approve the Fence Ordinance, Article 40-1-7, as amended. Roll call was taken and passed with all members voting aye.

Chairman Prince called for a ten-minute recess before proceeding with the rest of the meeting.

The meeting resumed at 9:10 p.m. with Chairman Prince presenting the Adult Use Ordinance to the Zoning Board for their consideration.

As presented, an Adult Use would only be permitted in an "I", Industrial zoned area. Currently, there is not an Industrial Zoned area within the Village, but there are areas that could be re-zoned for Industrial Use. An area of approximately \_\_\_\_\_ acres of undeveloped land around the Truck Plaza would appear suitable for Industrial zoning and would be the required distance away from residences, churches and etc.

A permit for an Adult Use establishment would be required and would need to be granted by the New Berlin Village Board. An area to be re-zoned would need to come before the Zoning Board of Appeals requesting their recommendation the area to be re-zoned to Industrial Use.

Attorney Sheehan pointed out that enacting regulations constitutes a balance of expression and protecting the community in accordance with applicable law.

Christy De-Groot who lives on East Gibson Street in New Berlin was recognized in the audience. She suggested that under Section 4-10-3, that the Ordinance be amended regarding the location of an Adult Use facility. She would like the Ordinance amended to state that the location of an adult use facility could not be within 1000 feet of property zoned residential, churches, and etc. as outlined in Article 40-10-3, Paragraph 1. Mrs. DeGroot also presented information to the Board, based upon extensive research she has done since the "Klubhouse" opened in New Berlin several years ago, about the negative secondary effects which the presence of adult uses creates. These include increased crime, lower property values, slowing growth of other businesses and an increase in sexually transmitted diseases.

Under the Section for criminal background check, Mrs. DeGroot suggested that the check include drug related crimes.

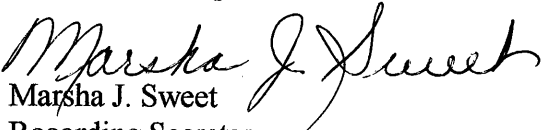
It is also noted that the CUSD #16 Board of Education supported a resolution to stop the use of an Adult Use establishment within the community..

Attorney Sheehan stated that the Minnesota Attorney General's office did a study supporting the negative secondary effects of adult uses within a community. Negative impacts were a high crime area, decrease in property values and economic growth, and an increase in sexually transmitted diseases to mention a few. In addition, recent newspaper reports indicate that the "Wild Side Cabaret," an adult use facility in Kenney, IL, has been related to a significant increase in alcohol-related accidents, involving death and personal injury, and motor vehicles offenses. Attorney Sheehan also related information to the Board concerning significant increases in DUI offenses at or near Illiopolis, Illinois following the opening of an adult use facility in their town.

A motion was made by Tim Berry and seconded by Roger Keyser to amend the Adult Use Ordinance, Section 40-10-3, Paragraph 1, increase the location from 500' to 1000' and include convicted drug related charge under the criminal background restrictions, Article 10-4-B. Roll call was taken and passed with all members voting aye.

Bill Roach made the motion and Marsha Sweet seconded to make the recommendation the New Berlin Village Board to adopt the Adult Use Ordinance as amended. Roll call was taken and passed with all members voting aye.

A motion was made by Artie Hatfield and seconded by Gregg Patterson to adjourn the meeting at 9:45 p.m.

  
Marsha J. Sweet  
Recording Secretary

CERTIFICATE OF PUBLICATION IN THE NEW BERLIN BEE

STATE OF ILLINOIS  
COUNTY OF SANGAMON, SS  
VILLAGE OF NEW BERLIN

**Public Notice**

**NOTICE OF PUBLIC HEARING**

The Zoning Board of Appeals of the Village of New Berlin will meet at 7:30 p.m. on July 30, 2002 at the New Berlin Village Hall to hear a petition for amendments to the Zoning Ordinance of the Village Code.

The following amendments are proposed:

AN ORDINANCE AMENDING PROVISIONS OF THE VILLAGE CODE OF NEW BERLIN PERTAINING TO ADULT USES. Chapter 40 the Village Code of New Berlin, Illinois.

AN ORDINANCE AMENDING PROVISIONS OF THE VILLAGE CODE OF NEW BERLIN PERTAINING TO THE CONSTRUCTION OF FENCES. Chapter 40 the Village Code of New Berlin, Illinois.

All interested parties are invited to attend this meeting.  
Donald E. Prince, Chairman  
Zoning Board of Appeals

The undersigned Joseph Michelich, publisher of THE NEW BERLIN BEE, a secular newspaper of general circulation in said county, printed and published in the aforesaid Village of Pleasant Plains county of Sangamon and state of Illinois, does hereby certify that a notice of which the annexed is a true copy has been regularly published in said newspaper one time each week for one successive weeks.

The first publication of said notice was on the 12<sup>th</sup> day of July, A.D., 20 02 and the last said publication was on the 12<sup>th</sup> day of July, A.D., 20 02. And the undersigned does further certify that the said New Berlin Bee has been and was regularly published in said city, county and state for at least six months prior to the first publication of said notice.

In Witness whereof the undersigned publisher as aforesaid has hereunto set his hand and seal on this 12<sup>th</sup> day of July, A.D., 20 02.

*Joseph Michelich*  
\_\_\_\_\_  
Publisher

Subscribed and sworn to before me this 12<sup>th</sup> day of July, A.D., 20 02.

OFFICIAL SEAL  
KAYE L. RECTOR  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 6-2-2005

*Kaye L. Rector*  
\_\_\_\_\_  
Notary Public