

Ordinance No. 93-40

**AN ORDINANCE AMENDING THE 1989 LAND SUBDIVISION ORDINANCE  
OF THE VILLAGE OF CHATHAM, ILLINOIS**

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

**SECTION 1:** Section 5(A) of the 1989 Land Subdivision Ordinance of the Village of Chatham is amended by the addition of subsection (10) thereof, which states as follows:

(10) The division of a lot of record as of August 10, 1993, if the new lots created by such division, together with any structures existing as of the date of the division, meet all requirements of the Zoning Ordinance for the Village of Chatham with respect to the Zoning District in which such new lots are located, and not involving any new streets or easements of access. Provided, however, that this exemption shall not apply to the further division of any lots created thereby.

**SECTION 2:** Section 5(B) of the 1989 Land Subdivision Ordinance of the Village of Chatham is amended to state as follows:

(B) A tract survey shall be required for a division or subdivision of land for which no plat is required under subsection (A) of this Section, all tract surveys shall be approved and recorded in accordance with Sections 60 through 63 of the Ordinance.

**SECTION 3:** Section 6.1 is hereby added to the 1989 Land Subdivision Ordinance of the Village of Chatham, to state as follows:

6.1 Duties of Zoning Administrator.

The Zoning Administrator of the Village of Chatham shall be the staff person primarily responsible for administering this Ordinance. The Zoning Administrator shall (a) accept all plats and other documents for filing with the Village; (b) insure that the proper number of plats and other documents as required by this Ordinance are filed by the subdivider; (c) insure the timely and proper dissemination of all plats and other documents to interested parties; (d) perform whatever staff work is required by the Planning Commission; (e) collect all fees required by this Ordinance; (f) pay all such fees over to the General Fund of the Village; and (g) insure, prior to the approval and signing of any final plat, that all necessary fees have been paid by the subdivider. In addition to these general duties, the Zoning Administrator shall have all other duties required by this Ordinance.

SECTION 4: Sections 10(A) and (B) of the 1989 Land Subdivision Ordinance of the Village of Chatham, Illinois are amended to state as follows:

Section 10. Location and Sketch Maps Review Process.

(A) The subdivider shall submit 12 prints of the location and sketch maps and support data to the Zoning Administrator. The subdivision will be reviewed according to the filing deadline and review schedule established by the Planning Commission.

(B) The Zoning Administrator shall retain one (1) print on file and distribute the location and sketch maps and support data as follows:

two (2) prints to the Planning Commission;

one (1) print to the Water Department and Electric Department;

one (1) print to the Village Engineer;

one (1) print to the Village Clerk;

one (1) print to the Chatham Fire  
Protection District;

one (1) print to the Springfield Metro  
Sanitary District;

one (1) print to the Sangamon County  
Superintendent of Highways;

one (1) print to the appropriation  
Township Highway Commissioner, if applicable;

one (1) print to the Sangamon County  
Soil and Water Conservation District; and

one (1) print to the appropriate school  
district.

SECTION 5: Section 14 of the 1989 Land Subdivision  
Ordinance of the Village of Chatham, Illinois is amended to state  
as follows:

Sec. 14. PRELIMINARY PLAN REVIEW PROCESS.

(A) The subdivider shall file thirteen  
(13) prints of the preliminary plan of the  
proposed subdivision in the office of the  
Zoning Administrator with a filing fee of  
\$100 to be deposited in the appropriate  
Village account. The subdivision plan will be  
reviewed by the Planning Commission according  
to the filing deadline and review schedule  
established by the Planning Commission, and  
then by the Village.

(B) The Zoning Administrator shall  
retain one (1) print on file and distribute  
the prints as follows:

five (5) prints to the Planning  
Commission;

one (1) print to the Water  
Department and Electric Department;

one (1) print to the Village  
Engineer;

one (1) print to the Sangamon  
County Superintendent of Highways;

one (1) print to the appropriate  
Township Highway Commissioner, if  
applicable;

one (1) print to the Village Clerk;

one (1) print to the Chatham Fire  
Protection District; and

one (1) print to the Springfield  
Metro Sanitary District.

The reviewing entities shall transmit any  
comments or requirements in writing to the  
Planning Commission within one (1) week of  
receipt.

(C) The Planning Commission shall  
recommend to the Village Board that it  
approve or disapprove the preliminary plan no  
later than the Planning Commission's second  
regularly scheduled meeting after the plan  
was filed with the Village Clerk. However,  
no review will take place and no  
recommendation will be made by the Planning  
Commission until the Village Board has  
approved the location and sketch maps.  
Failure to act by the end of said second  
regularly scheduled meeting shall constitute  
a recommendation of disapproval of the plan.

**SECTION 6:** Section 15 of the 1989 Land Subdivision  
Ordinance of the Village of Chatham, Illinois, is amended to  
state as follows:

Sec. 15. COMMISSION ACTION.

(A) Recommendation of Approval. If the Planning Commission finds that the preliminary plan meets the requirements of this Ordinance, the Planning Commission shall forward three prints of the preliminary plan to the Village Board, together with minutes of all meetings at which the preliminary plan was considered. The Chairman shall indicate its recommendation of approval on the plan in substantially the following language:

"The Planning Commission of the Village of Chatham recommends that this preliminary plan of subdivision be approved. This is not an approval of the final plat and is not to be recorded."

By: \_\_\_\_\_

Date: \_\_\_\_\_

(B) Recommendation of Disapproval. If the Planning Commission finds that the preliminary plan does not comply with the requirements of this Ordinance, it shall inform the subdivider of its recommendation of disapproval in writing and state the non-compliance found. Unless within five (5) working days of notification the subdivider indicates its desire to amend the preliminary plan in accordance with Subsection (C), then three prints of the proposed preliminary plan with the written findings of the Planning Commission recommending disapproval shall be submitted to the Village Board, together with minutes of all meetings at which the preliminary plan was considered. The Chairman shall indicate the Planning Commission's recommendation of disapproval on the plan in substantially the following language.

"The Planning Commission of the Village of Chatham recommends that this preliminary plan of subdivision be disapproved."

By: \_\_\_\_\_

Date: \_\_\_\_\_

(C) If the subdivider desires to amend the preliminary plan prior to its being considered by the Village Board, the subdivider shall submit thirteen (13) prints of the amended plan to the Village Clerk, which shall be reviewed according to the filing deadline and review schedule established by the Planning Commission. No filing fee shall be necessary if the amended preliminary plan is filed within two months of the date the Planning Commission recommends disapproval. The Village Clerk shall transmit copies of the amended plan as described in Section 14, and review or proceed as indicated in that Section.

**SECTION 7:** Section 15.1 is added to the 1989 Land Subdivision Ordinance of the Village of Chatham, Illinois and shall state as follows:

Sec. 15.1. VILLAGE BOARD ACTION.

Not later than the second regularly scheduled meeting after its receipt of the prints of the preliminary plan recommending approval or disapproval by the Planning Commission and of the minutes of the Planning Commission meetings considering the preliminary plan, the Village Board shall consider approval or disapproval of the preliminary plan. At such meeting, the subdivider may appear and be heard by the Village Board if it so desires. The Village Board shall by resolution approve or disapprove the preliminary plat, and shall appropriately endorse the prints of the preliminary plan, and if the preliminary plan is approved, the original of the preliminary plan, as follows:

[Dis]approved by resolution of the President and Board of Trustees of

the Village of Chatham this \_\_\_\_\_  
day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Village President

Attest:

\_\_\_\_\_  
Village Clerk

**SECTION 8:** Section 16 of the 1989 Land Subdivision Ordinance of the Village of Chatham, Illinois is amended to state as follows:

(A) The preliminary plan shall be valid for a period of three (3) years after the Village Board approval. If a final plat has not been submitted to the Planning Commission within said three (3) year period, or if submitted, no final plat is approved, the preliminary plan shall expire.

(B) If the subdivider has not submitted a final plat within three (3) years after preliminary plan approval, but wishes to avoid expiration of the plan, the subdivider shall seek reaffirmation of the plan by submitting thirteen (13) prints to the Zoning Administrator for review in accordance with Sections 14, 15 and 15.1 no later than 35 months after the initial Village Board approval. If the subdivider has submitted a final plat within said three year period, but it is not approved during or after said three period, the subdivider may avoid expiration of the preliminary plan by making the same preliminary plan reaffirmation submission described above, provided that if the disapproval of the final plat occurs during or after the 35th month, the submission required shall be made within one month of such disapproval. In such event, the review process in Secs. 14, 15 and 15.1 shall be followed.

(C) Where reaffirmation of the preliminary plan is sought, the Planning Commission shall recommend, and the Village Board shall require, any changes in the plan it deems necessary to meet the requirements of this Ordinance. If the subdivider has not resubmitted the preliminary plan with the required changes to the Village Board within 30 days after the Village Board meeting requiring changes, or if the resubmitted plan is disapproved, the plan shall expire at that time or at the end of any appeal process provided for in this ordinance, whichever is later.

(D) A preliminary plan may be reaffirmed one (1) time. If a final plat has not been submitted to the Planning Commission within three (3) years from the date of the reaffirmation, or if submitted, is not approved, the plan shall expire.

(E) Final plat approval shall extend the validity of the preliminary plan for three (3) years from the date of final plat approval, provided that the Planning Commission may recommend, and the Village Board may require, any changes necessary to meet the requirements of this Ordinance, and in such an event, the provisions of subdivision (C) of this section with respect to resubmission shall apply. The preliminary plan may be reaffirmed one (1) time after each final plat approval. If another final plat has not been submitted within three (3) years from the date of the reaffirmation, the preliminary plan shall expire. In the event a preliminary plan expires, a subdivider wishing to proceed with subdivision of the land involved must resubmit a location and sketch map for review and proceed as in the case of an original submittal.

**SECTION 9:** Sections 19(A) and (F) of the 1989 Land Subdivision Ordinance of the Village of Chatham are amended to read as follows:



Section 19. Construction Plan Review Process.

(A) After receiving approval of the preliminary plan, the subdivider shall submit four (4) sets of construction plans to the zoning Administrator who shall retain one (1) set on file and distribute the remaining as follows:

one (1) set to the Village Engineer;

one (1) set to the County Superintendent of Highways when the subdivision is located outside the corporate limits of Chatham; and

one (1) set to the Springfield Metro Sanitary District.

\* \* \*

(F) The Village Engineer shall notify the subdivider's engineer and the Zoning Administrator of the approval of the construction plans. Construction plans shall not be approved until proof of acquisition of a county access permit or 404 permit, if applicable, is submitted. The Zoning Administrator shall also send a notice of the approval to the:

Planning Commission  
Electric Department  
Water Department  
Springfield Metro Sanitary District  
County Superintendent of Highways, if applicable  
Other utility companies involved

SECTION 10: Section 20 of the 1989 Land Subdivision Ordinance of the Village of Chatham is amended to state as follows:

Section 20. Notification of Construction. The Village engineer shall be notified at least twenty-four (24) hours before construction begins. Construction

shall begin only after approval of construction plans and payment of the review and inspection fee as set forth in Section 20.1 of this Ordinance. Whenever construction stops for twenty-four (24) hours or longer, the Village engineer shall be notified twenty-four (24) hours before construction begins anew.

**SECTION 11:** Section 20.1 is hereby added to the 1989 Land Subdivision Ordinance of the Village of Chatham, Illinois, and shall state as follows:

20.1 Review and Inspection Fees.  
Before starting construction of any public improvements, the subdivider shall deposit with the Zoning Administrator for the Village of Chatham an amount equal to seven-tenths of one percent (0.7%) of the estimated construction cost as approved by the Village engineer. The Zoning Administrator shall cause such funds to be deposited in the General Fund of the Village.

The foregoing fee is intended to reimburse the Village for charges of the Village engineer in connection with the review and inspection of the preliminary and final plats and the construction of the public improvements. In the event that the engineering expenses incurred by the Village are in excess of the amount initially paid by the subdivider, the Village shall bill the subdivider for the difference, and such amount shall be paid by the subdivider prior to acceptance by the Village of the final plat. However, the subdivider shall not be entitled to any refund in the event the fees actually charged to the Village by the Village engineer is less than 0.7% of the estimated construction costs.

SECTION 12: Section 22 of the 1989 Land Subdivision Ordinance of the Village of Chatham is amended to state as follows:

Section 22. Security for Public Improvements. If construction has not been completed and approved by the Village engineer before the final plat is submitted to the Village Board, a security in the amount equal to 125% of the estimated construction costs of the public improvements shall be filed with the Zoning Administrator in order to insure completion of the public improvements as required by this Ordinance within a reasonable length of time without cost to the Village. The form and sufficiency of security shall be subject to the approval of the Village attorney and the Village engineer. Security may be in the form of a bond issued by a commercial surety licensed to do business in the State of Illinois, or it may be in the form of an irrevocable letter of credit issued by an Illinois or national bank of at least one year in duration, which provides for automatic annual renewals thereof unless at least 60 days prior to the expiration of its term or any renewal thereof, written notice of nonrenewal is sent by certified mail to the Village.

The bond or letter of credit shall by its terms secure payment not only the construction of the public improvements but also of any additional review and inspection fees charged by the Village engineer and imposed by the Village pursuant to Section 20.1 of this Ordinance.

SECTION 13: Section 27(A) and (B) of the 1989 Land Subdivision Ordinance of the Village of Chatham are amended to read as follows:

(A) The subdivider shall submit ten (10) prints of the final plat of the proposed subdivision to the Zoning Administrator with a filing fee of \$100 plus, if it has not already been paid, the review and inspection fee established pursuant to Section 20.1 of this Ordinance. The subdivision will be reviewed according to the filing deadline and review schedule established by the Planning Commission. Any final plat shall be reviewed only after approval of the preliminary plan by the Planning Commission and the Village Board and approval of the construction plans by the Village engineer. Preliminary plans and final plats will not be reviewed at the same meeting. However, if the preliminary plan is being reaffirmed, the preliminary plan being reaffirmed and its final plat may be reviewed and approved at the same meeting if there are no major changes required to reaffirm the preliminary plan.

(B) The Zoning Administrator shall retain one (1) print and shall distribute the final plats as follows:

Two (2) prints to the Planning Commission;

One (1) print to the Water Department and the Electric Department;

One (1) print to the Village engineer;

One (1) print to the Village clerk;

One (1) print to the Springfield Metro Sanitary District;

One (1) print to the Sangamon County Superintendent of Highways;

One (1) print to the Chatham Fire Protection District; and

One (1) print to the appropriate township highway commissioner, if applicable.

The reviewing entity shall transmit any comments or requirements in writing to the Planning Commission within one (1) week of receipt.

**SECTION 14:** Section 27(D) of the 1989 Land Subdivision Ordinance of the Village of Chatham is amended to read as follows:

(D) The Planning Commission shall transmit the endorsed original plat and two (2) prints to the Zoning Administrator for immediate reference to the Village Board. One (1) print of the endorsed final plat shall remain on file with the Planning Commission.

**SECTION 15:** Sections 28(A) and (B) of the 1989 Land Subdivision Ordinance for the Village of Chatham are amended to read as follows:

Section 28. Submission of Final Plat to the Village Board.

(A) Upon receipt of the endorsed original final plat and two (2) prints, the Zoning Administrator shall retain one (1) print on file and shall deliver one (1) print to the Village Engineer.

(B) The Zoning Administrator shall deliver the original final plat to the Village Board at its next regular session after receiving the documents from the Planning Commission.

**SECTION 16:** Section 47(A)(8) of the 1989 Land Subdivision Ordinance of the Village of Chatham is amended to state as follows:

(8) Contours referring to the United States Geological Survey Datum with intervals

of two feet or less unless a greater interval is required because of terrain. This requirement may be waived by the Planning Commission in its sole discretion. Any such waiver shall be noted on the final plat and signed by the Chairman of the Planning Commission.

SECTION 17: Section 66 of the 1989 Land Subdivision Ordinance of the Village of Chatham, Illinois is amended to delete the words "preliminary plan" from the first sentence.

SECTION 18: The table entitled "Subdivision Review Procedure" following the Table of Contents of the 1989 Land Subdivision Ordinance of the Village of Chatham, Illinois is amended in accordance with Exhibit A to this Ordinance. The Table of Contents thereof is amended to reflect the addition of Sections 6.1, 15.1 and 20.1.

SECTION 19: All provisions in the 1989 Land Subdivision Ordinances of the Village of Chatham not specifically amended hereby shall remain in effect. This Ordinance shall be published in pamphlet form and shall be effective upon its publication. As soon as practicable, the Clerk shall cause the 1989 Land Subdivision Ordinance, as amended, to be retyped and published in pamphlet form.

SECTION 20: Nothing in this ordinance shall affect any vested right under any existing annexation agreement. Changes in procedures shall not be deemed to affect any such vested right.

DRAFT #1  
8-10-93

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
LINDA KOESTER, VILLAGE PRESIDENT

ATTEST:

\_\_\_\_\_  
Village Clerk

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_

PASSED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_

ABSENT: \_\_\_\_\_

## SUBDIVISION REVIEW PROCEDURE AND FEES

	# OF PRINTS	REVIEWED BY	PAYMENT	APPROVAL VALID FOR
Location Map Minor Subdivision	12	CPC	None	1 Year
Location and Sketch Maps	12	CPC Village Board	None	1 Year
Preliminary Plan	13	CPC Village Board	\$100	3 Years
Construction Plans	4	Village Engineer	0.7% of est. cost of public improvement or actual engineering fees, (whichever is greater)	As long as prelimin. current
Final Plat	10	CPC Village Board	None	2 Years
Preliminary Plan Reaffirmation	13	CPC Village Board	None	3 Years - Renewable 1 Time
Minor Subdivision	12	CPC Village Board	\$100	2 Years
Large Scale Development	10	CPC Village Board	\$100 plus \$3/unit or 1,000 sq.ft. of non- residential use	1 Year

CPC -- Chatham Planning Commission

All plans shall be filed two (2) weeks before the scheduled monthly Chatham Planning Commission meeting with the Chatham Zoning Administrator.

EXCEPTION: Construction Plans -- See Sec. 19(B)

NOTE: Chatham Planning Commission review must be completed in two (2) consecutive, regularly scheduled meetings.