

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 12- 06

AN ORDINANCE AMENDING THE ZONING AND SUBDIVISION CHAPTERS OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM TO ALLOW FOR ZERO LOT LINE DUPLEX LOTS AND TO ALLOW DUPLEXES AND ZERO LOT LINE DUPLEXES IN THE R-2 AND R-3 ZONES, ALLOWING SELF STORAGE MINI-WAREHOUSES IN THE INDUSTRIAL ZONES, AND CORRECTING CERTAIN MINOR ERRORS IN THE ZONING CHAPTER

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 28 DAY OF FEB, 2012

Published in pamphlet form by the authority of the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, this 28 day of FEB, 2012

AN ORDINANCE AMENDING THE ZONING AND SUBDIVISION CHAPTERS OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM TO ALLOW FOR ZERO LOT LINE DUPLEX LOTS AND TO ALLOW DUPLEXES AND ZERO LOT LINE DUPLEXES IN THE R-2 AND R-3 ZONES, ALLOWING SELF STORAGE MINI-WAREHOUSES IN THE INDUSTRIAL ZONES, AND CORRECTING CERTAIN MINOR ERRORS IN THE ZONING CHAPTER

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

SECTION 1: The definition of “Zero Lot Line Duplex” is added to Section 158.004 of the Code of Ordinances of the Village of Chatham, as follows (new language underlined):

ZERO LOT LINE DUPLEX. A duplex structure that is situated on more than one separately platted lot, where the following conditions have been met by the owner or owners thereof:

a. The duplex structure is bisected by the lot line, and each dwelling unit is located exclusively on one lot, except for a party wall which is bisected by the lot line;

b. A party wall agreement or other appropriate covenant, perpetual in duration and running with the land, has been recorded with the Recorder of Deeds of Sangamon County with respect to both lots, and which provides for the perpetual maintenance of the party wall and reconstruction of the duplex structure in event of fire or casualty, and a copy of such party wall agreement or other appropriate covenant has been provided to and approved by the Plat Officer.

c. If a larger lot has been divided to form the two lots, a tract survey has been prepared, approved and recorded in accordance with the subdivision regulations of the Village, with the recording information for the party wall agreement and other covenants noted on the tract survey; and

d. The duplex structure, and any subdivision of an existing lot into two lots, is not otherwise prohibited by law or ordinance or by any existing subdivision covenant.

SECTION 2: The definition of “Self storage mini-warehouse” is added to Section 158.004 of the Code of Ordinances of the Village of Chatham, as follows (new language underlined):

“Self storage mini-warehouse” shall means a facility that leases separate, indoor-only storage areas for individuals or businesses, in which the storage areas are designed to allow private access by tenants for storing and removing personal property. Accessory uses may include security and leasing offices. Use of the storage areas for sales, service, repair and manufacturing operations is not considered accessory to the self storage mini-warehouse use.

SECTION 3: Sections 158.033 (D) and (E) of the Village of Chatham Code of Ordinances, pertaining to uses within zoning classifications, are amended to state as follows (new language underlined):

(D) *Residential, single family and two-family, low density, R-2.*

(1) Permitted uses:

Same as R-1 District

Duplexes

Zero Lot Line Duplexes

(2) Special uses:

Same as R-1 District

Assisted Care Facility

(E) *Residence District, multiple family, medium density, R-3.*

(1) Permitted uses:

Duplexes

Zero Lot Line Duplexes

Day Care Homes

Multiple Family, Attached Dwelling Units

Congregate Housing

Assisted Care Facility

(2) Special uses:

Same as R-1 District

Nursing homes

Family Care Facility

Group Care Facility

Shelter Care Facility

SECTION 4: Section 158.033(K) of the Village of Chatham Code of Ordinances, pertaining to uses within zoning classifications, are amended to add “Self storage mini-warehouse” as a permitted use in the I-1 zone.

SECTOIN 5: Section 158.034 of the Code of Ordinances is amended to state as follows (deleted language ~~stricken~~; new language underlined):

Dimensions requirements by district shall be as follows:

District	Minimum Lot Area Building Height (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Yard Setbacks (Ft.)				Maximum Building Height (Ft.)
			Front	Rear	Interior	Corner	
P-1	43,560	180	30	30	25	30	35
R-1	12,000	80	30	30	10	30	35
R-1A	10,000	70	30	25	8	25	35
R-2	5,000 per dwelling unit	70 (35 for Zero Lot Line Duplex)	30	25	8 (0 for Zero Lot Line Duplex)	25	35
R-3	3,500 per dwelling unit	70 (35 for Zero Lot Line Duplex)	25	25	5 (0 for Zero Lot Line Duplex)	25	50b
R-3A	5000 per dwelling unit	100	30	25	10	25	35
R-M4	10,000	65	30	25	8	25	35
RO5 (obsolete)	1,500 per office	60	20	20	5	20	30
B-1	None	None	20 a	20	None c	None	35
B-2	None	None	20 a	20 f	None c	None	50 b
I-2	None	None	25	None	10 d	None	50 b
I-2	None	None	25	None	10d	None	50 b
PUD	None. See Note 3						

a. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures.

b. Buildings over 35 feet in height shall have an additional 5 feet of side yard for each ten feet of height over 30 feet.

c. The side yard of a lot within a B-1 District abutting a lot within an R district shall be equal to at least one-half the front

yard required in the abutting R district. The side yard of a lot within a B-2 district abutting a lot within an R district shall be at least 30 feet.

d. A lot within an I District abutting a lot within an R District shall maintain a side yard of 25 feet, and not permit parking of automobiles closer than five feet to the R District lot.

e. A lot within a PUD District abutting a lot within a R District shall maintain a setback from the boundary of the R District of one-half the lot width required in the abutting R District.

f. The rear yard of a lot within the B-2 district abutting a lot within an R district shall be at least 30 feet.

SECTION 6: Section 154.005 of the Village of Chatham Code of Ordinances is amended to state as follows (new language underlined):

155.005 PLAT; WHEN REQUIRED

It shall be unlawful for a subdivider of land within the subdivision jurisdiction of the village to subdivide land into lots, blocks, streets, alleys, or public open space unless by plat in accordance with the laws of the state and the provisions of this chapter. It shall be unlawful to divide land without obtaining tract survey approval, when required.

(A) The provisions of this chapter shall not apply, except as noted with respect to tract surveys, and no plat is required in any of the following instances (Plats Act, 765 ILCS 205/0.01 et seq.)

(1) The division or subdivision of land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access;

(2) The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access, including but not limited to the division of a single lot to form a Zero Lot Line Duplex, as that term is defined in Section 158.004 of this Code, subject to the following additional requirements:

a. The tract survey shall show that duplex structure is or shall be bisected by the lot line, and each dwelling unit is or shall be located exclusively on one lot, except for a party wall which is bisected by the lot line;

b. A party wall agreement or other appropriate covenant, perpetual in duration and running with the land, has been recorded, with the Recorder of Deeds of Sangamon County with respect to both lots, or will be recorded contemporaneously with the tract survey, which provides for the perpetual maintenance of the party wall and reconstruction of the structure in event of fire or casualty, and a copy of such party wall agreement or other appropriate covenant has been provided to and approved by the Plat Officer of the village;

c. the tract survey includes on its face the recording information for the party wall agreement and other covenants;

d. a lot which has been subdivided into two lots pursuant to this subsection shall not be further subdivided.

(3) The sale or exchange of parcels of land between owners of adjoining and contiguous land except where the transfer results in the creation of another buildable lot;

(4) The conveyance of parcels of land or interests therein for the use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

(5) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

(6) The conveyance of land owned for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(7) Conveyances made to correct descriptions in prior conveyances;

(8) The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access. If a division is made prior to 10-1-73 for which an exemption is claimed pursuant to this subdivision, and the division results in one part being greater than five acres and the other part being less than five acres, then the subsequent division of the part greater than five acres shall qualify for the exemption set forth in subdivision (A)(9) of this section. If a division is made on or after 10-1-73 for which an exemption is claimed pursuant to this subdivision, and the division results in one part being greater than five acres and the other part being less than five acres then the subsequent division of the part greater than five acres shall not qualify for the exemption set forth subdivision (A)(9).

(9) The sale of a single lot less than five acres from a tract of five acres or larger when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided that this exemption does not invalidate any other local requirements applicable to the subdivision of the land.

(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.

(B) A tract survey shall be required for a division or subdivision of land for which no plat is required under division (A) of this section. All tract surveys shall be approved and recorded in accordance with §§ 155.150 through 155.153 of this chapter.

SECTION 7: This Ordinance is effective upon its passage and publication as required by law. The Clerk shall publish this Ordinance in pamphlet form and shall see to its inclusion in the next update of the Village Code of Ordinances.

PASSED this 28 day of FEB, 2012.



VILLAGE PRESIDENT

ATTEST:


Village Clerk

AYES: 5 HERRMAN ODOYLE HOLDEN SCHATTMAN

NAYS: 0

PASSED: 2-28-12

APPROVED: 2-28-12

ABSENT: 1 KAVANAGH

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 12- 06 adopted by the President and Board of Trustees of said Village on the 28 day of FEB, 2012, said Ordinance being entitled:

AN ORDINANCE AMENDING THE ZONING AND SUBDIVISION CHAPTERS OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM TO ALLOW FOR ZERO LOT LINE DUPLEX LOTS AND TO ALLOW DUPLEXES AND ZERO LOT LINE DUPLEXES IN THE R-2 AND R-3 ZONES, ALLOWING SELF STORAGE MINI-WAREHOUSES IN THE INDUSTRIAL ZONES, AND CORRECTING CERTAIN MINOR ERRORS IN THE ZONING CHAPTER

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 28 day of FEB, 2012.





Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on 2-28, 2012, the corporate authorities of such Village passed and approved Ordinance No. 12- 06 entitled:


AN ORDINANCE AMENDING THE ZONING AND SUBDIVISION CHAPTERS OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHATHAM TO ALLOW FOR ZERO LOT LINE DUPLEX LOTS AND TO ALLOW DUPLEXES AND ZERO LOT LINE DUPLEXES IN THE R-2 AND R-3 ZONES, ALLOWING SELF STORAGE MINI-WAREHOUSES IN THE INDUSTRIAL ZONES, AND CORRECTING CERTAIN MINOR ERRORS IN THE ZONING CHAPTER

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 12- 06 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on 2-28, 2012, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 28 day of FEB, 2012.

(SEAL)



Village Clerk

