

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 17- 12

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**AN ORDINANCE AMENDING SECTION 158.013 OF THE VILLAGE OF CHATHAM  
ZONING CODE**

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THOMAS S. GRAY, Village President  
PAT SCHAD, Village Clerk

MARK CLAYTON  
TERRY FOUNTAIN  
DAVID KIMSEY  
NINA LINDHORST  
MATT MAU  
JOE SCHATTEMAN  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Chatham  
on 3/14, 2017

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

ORDINANCE NO. 17- 12

**AN ORDINANCE AMENDING SECTION 158.013 OF THE VILLAGE OF CHATHAM ZONING CODE**

**WHEREAS**, the Village of Chatham, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

**WHEREAS**, 65 ILCS 5/11-13-14 provides that a municipality may amend its Zoning ordinances provided that a hearing be held before the Village Zoning Board of Appeals with notice being published not more than 30 nor less than 15 days before the hearing; and,

**WHEREAS**, Sections 158.013 and 158.016 of the Village of Chatham Code of Ordinances regulate accessory buildings, structures and uses throughout the Village; and,

**WHEREAS**, the Village wishes to allow accessory buildings to be constructed closer to principal buildings so long as the accessory buildings have fireproof walls adjacent to the principal buildings; and,

**WHEREAS**, a public hearing was noticed by publication in the Chatham Clarion on February 2, 2017, and was duly held by the Chatham Zoning Board of Appeals on February 22, 2017; and,

**WHEREAS**, the Zoning Board of Appeals met on February 22, 2017 and unanimously recommended the Village Board approve the amendment to the Zoning Code; and,

**WHEREAS**, the Village Board of Trustees and the President of the Village of Chatham believe it is in the best interests of the Village to amend the Village Zoning Code as follows.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Chatham, County of Sangamon, 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.** Amendment to Section 158.013. Chapter 158 Section 158.013 of the Village of Chatham Code of Ordinances is hereby amended as follows (added; ~~deleted~~):

**158.013 ACCESSORY BUILDINGS, STRUCTURES AND USES.**

(A) *Compatibility.* Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.

(B) *Location.* No accessory buildings or structure, unless it conforms with the requirements of accessory buildings for conditional uses, shall be erected or altered at, nor moved to, a location within ten feet of the nearest wall of the principal building, nor within the required area of a front or side yard. Notwithstanding the foregoing, an accessory building may be located within ten and three feet of the nearest wall of the principal building if the wall(s) within three and ten feet are one-hour fire rated walls. For purposes of this section, a wall shall presumed to be a one-hour fire rated wall if it is constructed with two layers of "Type X 5/8" drywall or gypsum board.

An accessory building, structure of use in a rear yard shall be not less than three feet from any property line, except that on a corner lot, a reversed corner lot, or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required herein for ~~a specific permitted or special use~~ the principal building. No accessory building shall be located on an underground utility easement or on a drainage easement or so as to interfere with the easement.

(C) *Encroachment.* No accessory building, structure, or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon that side of a reversed corner lot which is adjacent to the street, upon that part of a rear yard, or of a through lot, which is within 35 feet from the street line abutting the rear lot line, or upon a front yard, except as permitted herein for specific uses.

(D) *Height of accessory buildings.* No building or structure, accessory to dwelling uses, shall have more than one story nor exceed 17 feet in height unless otherwise permitted.

(E) A private residential pool is an accessory use. See § 158.073 of this chapter for further pool regulations.  
(Ord. 96-54, passed 3-26-96)

**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.

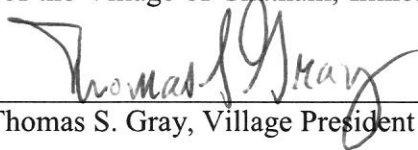
**Section 4. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date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

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

PASSED this 14 day of MARCH, 2017.

	YES	NO	ABSENT	PRESENT
MARK CLAYTON	✓			
TERRY FOUNTAIN	✓			
DAVID KIMSEY	✓			
NINA LINDHORST	✓			
MATT MAU			✓	
JOE SCHATTEMAN		✓		
THOMAS S. GRAY				
TOTAL	4	1	1	0

**APPROVED** by the President of the Village of Chatham, Illinois this 14 day of MARCH, 2017.

  
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 Thomas S. Gray, Village President

Attest:   
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 Pat Schad, Village Clerk