

VILLAGE OF CHAPIN

ORDINANCE NO. 003-1

**AN ORDINANCE REGULATING MINIMUM LOT SIZE
WITHIN THE CORPORATE
LIMITS OF THE VILLAGE OF CHAPIN**

FOR THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

ADOPTED BY THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

THIS 8 DAY OF January, 2002

ORDINANCE NO. 2003-1

**AN ORDINANCE REGULATING MINIMUM LOT SIZE
WITHIN THE CORPORATE
LIMITS OF THE VILLAGE OF CHAPIN**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS, as follows:

WHEREAS, the Corporate authorities of the Village of Chapin find it is in the best interest of the public health, safety and welfare to provide for uniformity in the size of residential and commercial lots within the Village; and

WHEREAS, 65 ILCS 5/11-15-1 provides that the Village may require that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to it for approval prior to such map, plat, or subdivision being recorded in Morgan County.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS as follows:

Section 1: No residence, commercial building, or other principal structure shall be placed and/or constructed on any lot on which there is another residence, commercial building or other principal structure. For purposes of this Ordinance, a lot shall be a lot as shown by a map, plat or subdivision plat, any other tract of common ownership, or any part thereof into which such a lot or tract may be legally subdivided. The minimum lot size for the location of a residence, commercial building, or other principal structure shall be ten thousand (10,000) square feet. All residences, commercial buildings, or principal structures shall be at least 15 feet from any lot line, 25 feet from any building on any adjacent lot, and its front at least 25 feet but no more than 40 feet from any public right-of-

way. All residences, commercial buildings, or structures must front a street having a minimum width of 60 feet. As used in this Ordinance, "other principal structure" means a building serving as the main building on a lot and used for the purposes for which the lot is primarily used, such as a home, store, church, etc.

Section 2: Variations - The Corporate Authorities may authorize variations where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. However, no variations shall be authorized unless the Corporate Authorities determine that the standards set forth below have been complied with.

Filing and Submission Requirements

An application for variation shall be filed at least 30 days prior to the meeting date in the office of the Village Clerk. The application shall contain the following information as well as such additional information as the Corporate Authorities may prescribe by rules from time to time:

1. The particular requirements of this Ordinance which prevent the proposed construction;
2. The unique characteristics of the subject property which prevent compliance with the requirements of this Ordinance;
3. The practical difficulty or particular hardship which would result if the particular requirements of this Ordinance were applied to the subject property; and
4. The reduction or modification of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction.

The burden of proof shall rest with the applicant to clearly establish that the review

considerations and criteria for granting a variation, as established below, are satisfied.

Review Considerations

In determining whether the evidence presented supports the findings required below, the Corporate Authorities shall consider the extent to which the evidence demonstrates that:

1. The particular physical surroundings, shape, or topographical condition of the property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee, or occupant, as distinguished from an inconvenience, if the provisions of this Ordinance were literally enforced;
2. The request for a variation is not based primarily upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property;
3. The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located; and
4. The proposed variation will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Standards for Granting Variations

The Corporate Authorities shall not grant a variation unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that support the following conclusions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by this Ordinance;
2. The plight of the owner is due to unique circumstances;
3. The variation, if granted, will not alter the essential character of the locality; and

4. The granting the variation desired will not violate the general spirit and intent of this Ordinance.

Non-Conforming Situation as a Basis for Variation

The existence of any nonconforming situation anywhere in the Village shall not itself be considered grounds for the issuance of a variation to the regulations applicable to other property.

Conditions and Restrictions

1. In granting a variation, the Corporate Authorities may impose such conditions and restrictions upon the property benefited by the variation as may be necessary to reduce or minimize any potentially injurious effect of such variation upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance; and
2. A variation may be issued for a specified duration as it applies to the existence of the structure for which the variation was granted.

Public Hearing and Decisions on Variation Applications

1. Public Hearing:

The Corporate Authorities shall hold a public hearing on the application. Notice of the time and place of the public hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers with a general circulation within the Village which is published within Morgan County. The notice shall also contain the particular location for which the variation is requested, the name of the applicant, as well as a brief statement of what the proposed variation consists.

2. Decision:

The Corporate Authorities shall render a written decision, including findings of fact on an application for a variation without unreasonable delay. The findings of fact shall specify the reason or reasons for making the variation.

3. Period of Validity:

No variation granted by the Corporate Authorities shall be valid for a period longer than six (6) months from the date on which it grants the variation,

unless within such period.

- a. A building permit is obtained and the construction, alteration, or moving of the structure is commenced.
- b. If a building permit is not required, the construction of the project for which the variation was required is commenced.

4. Extensions:

The Corporate Authorities may grant extensions not exceeding one hundred eighty (180) days each, upon written application, without notice or hearing.

5. Resubmittal of Variation Request:


In the event that a variation is denied, no request for the same variation shall be accepted by the Village for a period of one (1) year from the time the Corporate Authorities denied the original request.

Section 3: Pursuant to 65 ILCS 5/11-15-1, any map, plat or subdivision of any block, lot, sub-lot, or part thereof, or any piece or parcel of land within the Corporate limits of the Village of Chapin, shall, prior to being recorded in Morgan County, receive the approval of the Corporate authorities of the Village of Chapin.

Section 4: This Ordinance shall be in full force and effect immediately upon its passage and approval as provided by law.

Section 5: All Ordinances and resolutions in conflict herewith are hereby modified or repealed to the extent that some are in conflict with this Ordinance.

PASSED and Approved by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, this 8 day of January, 2002.



Jerry Beams, President, Village of
Chapin

(SEAL)

ATTEST:

Mikha J. Dunmore

Village Clerk

AYES: 5

NAYES: 0

ABSENT: 1

STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

CERTIFICATION

I, Mika Simone the duly appointed and acting Village Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that attached copy of Ordinance No. 203-1 is a true and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, at a regular meeting of said President and Board of Trustees held on the 8 day of January, 2002 all as the original of the same remains in the official records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chapin, Illinois, this 8 day of January A.D., 2002

Mika Simone
VILLAGE CLERK

(SEAL)

STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

PUBLICATION CERTIFICATE

I, Mike Dromme certify that I am the duly appointed and acting Village Clerk of the Village of Chapin, Morgan County, Illinois.

I further certify that on the 8 day of January, 2002, the President and Board of Trustees of the Village of Chapin, Illinois, passed and approved Ordinance No.

2003-1, entitled:

**AN ORDINANCE REGULATING MINIMUM LOT SIZE
WITHIN THE CORPORATE
LIMITS OF THE VILLAGE OF CHAPIN**

The pamphlet form of Ordinance No. 2003-1, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the Village Hall, commencing on the 8 day of January, 2002, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

Dated at Chapin, Illinois, this 8 day of January, 2002

Mike Dromme
VILLAGE CLERK

(SEAL)