

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

301 Walnut St. · Washington, IL 61571

Ph. 309-444-1135 · Fax 309-444-9779

<http://www.washington-illinois.org>

joliphant@ci.washington.il.us

MEMORANDUM

TO: Public Works Committee
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Consideration of Condo Conversions
DATE: November 3, 2017

The City's subdivision code was amended in 2010 to reduce the burden of the City to review and approve items related to the establishment of a condominium subdivision. While this information must be submitted by the developer, it is only for inspection purposes and to have on file. The 2010 condo ordinance is attached.

While the subdivision code allows for the establishment of new condominiums as part of two-family, multi-family, office, commercial, or industrial developments, it does not allow for the conversion of those uses into individual condo units. The owner of the 1750 Washington Road property and the church that is seeking a special use permit for part of that space has explored the possibility of creating a condominium as a way to divide the space if the code allowed for it. The alternative would be to do a traditional subdivision, where both the building and real estate are split.

Part of this is due to the fact that if a traditional subdivision were completed, a true fire wall separation would be needed to allow for the property to be recognized as two separate parcels, which carries a significant cost. The consideration of such an amendment would potentially allow for more flexibility for the future use of such spaces.

Staff seeks direction on how to proceed with this possible amendment. This is scheduled as an agenda item at the November 6 Public Works Committee meeting. If there was a desire to proceed with the drafting of an amendment, it would move to the Planning and Zoning Commission for a public hearing before coming to the City Council.

Attachment

ORDINANCE NO. 2914

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING § 152.007 ENTITLED
“CONDOMINIUM SUBDIVISIONS” AND REPEALING § 152.008**

WHEREAS, the City of Washington is a home-rule municipality under the Constitution of the State of Illinois and in the exercise of its home-rule powers desires to enact this ordinance pertaining to condominium subdivisions; and

WHEREAS, the City Council has determined it is in the best interest of the residents of the City to revise its ordinances pertaining to condominium subdivisions, by prohibiting condominium conversions.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WASHINGTON, TAZEWELL COUNTY, ILLINOIS**, as follows:

Section 1. That §152.007 of Chapter 152 of the Washington Municipal Code of Ordinances entitled “Condominium Subdivisions,” is hereby amended by deleting § 152.007 in its entirety and inserting the following as § 152.007 in lieu thereof:

“§ 152.007 CONDOMINIUM SUBDIVISIONS

- (A) In addition to all other requirements relating to new subdivisions, the requirements of this section shall apply to any subdivision or part of a subdivision intended to be developed by the construction of two-family, multi-family, office, commercial, or industrial buildings and the sale of the building by selling individual condominium units. Conversions of existing two-family, multi-family, office, commercial, or industrial buildings into individual condominium units shall not be permitted.
- (B) Except as specifically limited in subparagraph (A) above, and expanded by subparagraph (C) below, the provisions of the Illinois Condominium Property Act (765 ILCS 605/1, et seq.) (“C.P.A.”) shall apply to all condominium subdivisions.
- (C) In addition to the requirements of the C.P.A.:
 - (1) Each developer of a proposed condominium subdivision shall submit to the City for public inspection purposes only, the following information:
 - (a) Plans and specifications indicating where each condominium is to be and what public areas are to be owned by the association of condominium owners.
 - (b) Proposed articles of incorporation and by-laws for the association of condominium owners which will manage the common areas.

- (c) A detailed description of proposed financing to be available to purchasers of the condominium units.
 - (d) Information indicating financial responsibility and financial ability of the builders or developers to complete the project as proposed, including a projected operating budget for the condominium.
 - (e) A copy of all proposed covenants relating to the real estate.
 - (f) An agreement by the developer specifying the improvements to be completed by the developer, including recreational facilities, bicycle trails, and other common areas. The agreement shall also indicate the percentage of ownership interest in each of the common areas allocated to each unit or shall specifically state that it is an "add on condominium" that allows a reallocation of the percentage ownership interest in the existing and additional common elements pursuant to Section 605/25 of the C.P.A.
 - (g) If the construction is to be financed in whole or in part by escrow funds put up by purchasers, or if escrow funds of any kind are required from purchasers, then the following information will be provided:
 - (i) A description of the escrow arrangements.
 - (ii) A copy of all escrow documents.
 - (iii) Provision for the return of funds to purchasers if the matter is not completed by the date specified.
 - (iv) The name and address of the institution to hold the escrow.
 - (h) Title information insuring all liens, easements, and interests of record including all ownership concerning the real estate. All mortgages and mechanics' liens and other financial liens of any kind shall be listed.
 - (i) In connection with the common areas and recreational areas, a proposed management agreement and proposed rules will be furnished.
 - (j) The forms to be used for agreements, promissory notes, deeds, and other documents of title and documents related to the sale of the condominium units.
- (2) No person may be denied the right to purchase or lease a unit based on race, religion, sex, sexual preference, marital status, or national origin.

- (3) Unit owners may not be required to be members of or participate in recreational or similar facilities that are not owned in fee by the unit owners or by an association in which the unit owners are members.
- (4) Unit owners must be allowed to inspect financial books and records of the condominium association within seven (7) business days after written request for examination is received by the association."

Section 2. Section 152.008 entitled "Common Areas, Buildings and Facilities" is revoked and repealed in its entirety.

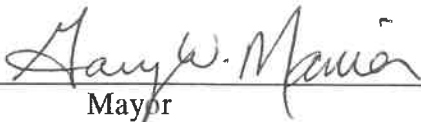
Section 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Section 4. That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

PASSED AND APPROVED this 20th day of December, 2010.

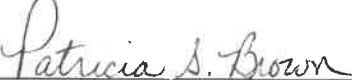
AYES: Newman, Moss, Howerter, Brucks, Clanin, Dingleline, Schneider, Gee

NAYS: -0-



Mayor

ATTEST:



City Clerk