

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Public Hearing – Zoning Code Text Amendment
DATE: September 29, 2020

Summary: Attached is a draft zoning code text amendment that would insert language that requires compliance with any applicable local, state, and federal law, rules, and regulations in all City zoning districts. Staff recommends approval of this text amendment.

Background: Like all municipalities, the City of Washington has a variety of local regulations that it enforces. Some are more specific to the particular zoning classification that a property is in while others are broader throughout the city. This enforcement is only applicable to those local regulations; the City does not enforce the rules set by other jurisdictions. However, certain land uses contain other rules set by state and/or federal organizations. Those rules may impact whether they should be operating locally.

At the recommendation of our City Attorney, each section of the zoning code that refers to the allowable permitted and special uses would have generic language inserted that would help ensure they are also compliant with any other local, state, and federal law, rules, and regulations, where applicable. The City would not be responsible for enforcing those regulations outside of its purview; rather, this would put the burden on the business operator to ensure compliance with any other rules but would allow the City to invoke financial penalties and/or the ceasing of operations should it become aware of additional non-compliance. The City's building permit application will be revised to include a box indicating compliance with any other regulations.

This is scheduled for a public hearing at the October 7 Planning and Zoning Commission meeting. It would be scheduled for a first reading ordinance at the October 19 City Council meeting followed by a second reading ordinance and vote on November 2.

Attachment

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would insert language that any permitted and special uses must be operated in compliance with applicable local, state and federal law, rules, and regulations in all City zoning districts).

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING VARIOUS PARTS OF CHAPTER 154 OF
THE ZONING CODE**

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

Section 1. That § 154.036 of Chapter 154 of the Washington Municipal Code of Ordinances titled "Permitted Uses; AG-1 Districts" is hereby amended by inserting language as follows:

"The following uses are permitted in the Agricultural District subject to the following conditions *and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.*"

Section 2. That § 154.037 of Chapter 154 of the Washington Municipal Code of Ordinances titled "Special Uses" is hereby amended by inserting language as follows:

"The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission *and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.*"

Section 3. That § 154.056 of Chapter 154 of the Washington Municipal Code of Ordinances titled "Permitted Uses" is hereby amended by inserting language as follows:

"The following uses are permitted in all residential zones subject to the following conditions *and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.*"

Section 4. That § 154.072 of Chapter 154 of the Washington Municipal Code of Ordinances titled "Permitted Uses" is hereby amended by inserting language as follows:

"The following uses are permitted in the Country Estates District subject to the following conditions *and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.*"

Section 5. That § 154.091(A) of Chapter 154 of the Washington Municipal Code of Ordinances titled "C-1 Districts" is hereby amended by inserting language as follows:

"Uses permitted *provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.*"

Section 6. That § 154.091(B) of Chapter 154 of the Washington Municipal Code of Ordinances titled "C-1 Districts" is hereby amended by inserting language as follows:

"Special Uses. The following uses *are* is permitted as a special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission *and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.*"

Section 7. That § 154.092(A) of Chapter 154 of the Washington Municipal Code of Ordinances titled “C-2 Districts” is hereby amended by inserting language as follows:

“Uses permitted provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 8. That § 154.092(B) of Chapter 154 of the Washington Municipal Code of Ordinances titled “C-2 Districts” is hereby amended by inserting language as follows:

“Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 9. That § 154.093(A) of Chapter 154 of the Washington Municipal Code of Ordinances titled “C-3 Districts” is hereby amended by inserting language as follows:

“Uses permitted provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 10. That § 154.093(B) of Chapter 154 of the Washington Municipal Code of Ordinances titled “C-3 Districts” is hereby amended by inserting language as follows:

“Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 11. That § 154.107(A) of Chapter 154 of the Washington Municipal Code of Ordinances titled “I-1 Districts” is hereby amended by inserting language as follows:

“Uses permitted provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 12. That § 154.107(B) of Chapter 154 of the Washington Municipal Code of Ordinances titled “I-1 Districts” is hereby amended by inserting language as follows:

“The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 13. That § 154.107A(A) of Chapter 154 of the Washington Municipal Code of Ordinances titled “I-1A Districts” is hereby amended by inserting language as follows:

“Uses permitted. The following uses shall be permitted in I-1A districts; provided, however, that no outside storage of any kind or nature shall be permitted or allowed in such I-1A district in connection with any of the permitted uses and such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 14. That § 154.108(A) of Chapter 154 of the Washington Municipal Code of Ordinances titled “I-2 Districts” is hereby amended by inserting language as follows:

“Permitted uses provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations.”

Section 15. That § 154.108(B) of Chapter 154 of the Washington Municipal Code of Ordinances titled "I-2 Districts" is hereby amended by inserting language as follows:

"Special Uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission and provided that such uses are operated in compliance with applicable local, state and federal law, rules, and regulations:"

Section 16. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Section 17. That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

PASSED AND APPROVED this _____ day of _____, 2020.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk