



CITY OF WASHINGTON, ILLINOIS

Committee of the Whole Agenda Communication

Meeting Date: September 12, 2022

Prepared By: Jon Oliphant, AICP, Planning & Development Director
Dennis Carr, PE, City Engineer

Agenda Item: Chapters 152, 160, and 96 Draft Code Amendments

Explanation: Following dialogue and feedback at prior Committee of the Whole meetings, attached are three draft code amendments addressing Chapters 152, 160, and 96. The first would address any changes to a previously approved preliminary plat following approval of the draft ordinance.

The amendment would require the subdivider to record the plat with the County Recorder within 60 days of approval by the City Council. Failure to do so within that time period would void the approval of the plat. Any modification that increases or decreases the number of residential units by more than 15% or includes a change to the street layout, the Planning and Zoning Commission and Council would have discretion to approve or deny based on a variety of possible factors such as the population density of the current, developed subdivision, the composition of the current subdivision, and the potential increase in crime, noise, or other nuisances. The same discretion would also be given to both bodies for approval of a modified final plat.

Second, Chapter 160 of the City Code would be modified to add language requiring the payment of a \$2,000 reimbursable grading fee for each new construction building permit to ensure that the final grading is done in accordance with the previously approved grading plan. This fee is the same as for the temporary certificate of occupancy. Upon completion of the house and before occupancy, staff would inspect the final grading. The City would have the right to make any grade modifications in accordance with the grading plan if it is not done within 30 days of the completion of the final building inspection. Any cost that the City has to bear that is not covered by the grading fee, is the sole responsibility of the contractor or property owner.

Finally, Chapter 96 would be amended to require that all new downspouts and sump pump lines be setback at least ten feet from the front and rear property lines and at least five feet from side property lines. A nuisance would be established when any water draining from a downspout and/or sump falls upon a sidewalk. The City Administrator or her/her designee would be authorized to determine if preexisting downspouts and sump lines may negatively impact the public's health, safety, and/or welfare and qualifies as being a nuisance.

Fiscal Impact: Any revenue collected as part of the reimbursable grading fee would either be given back to the contractor or used towards the cost to restore the intended site grading.

Action Requested: Staff requests final feedback on these parts of the City Code. The Chapter 152 amendment requires a public hearing and recommendation from the Planning and Zoning Commission (PZC) before it would be scheduled for a first reading ordinance. The amendments to Chapters 160 and 96 can be scheduled for a first reading ordinance as soon as the September 19 City Council meeting.

ORDINANCE NO. _____

(Adoption of this ordinance would establish procedures for the consideration of modifying preliminary and final plats and the requirement to record preliminary plats.)

AN ORDINANCE AMENDING CHAPTER 152 OF THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS REGARDING PROCEDURES FOR MODIFYING PRELIMINARY AND FINAL PLATS AND RECORDING OF PRELIMINARY PLATS

WHEREAS, Chapter 152 of the City Code (the “Code”) of the City of Washington (the “City”) is known as the Subdivision Code;

WHEREAS, the Subdivision Code does not provide for a procedure for modifying approved preliminary and final plats or the recording of a preliminary plat; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the Subdivision Code to establish a procedure for modifying approved preliminary and final plats and a preliminary plat recording procedure.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That §152.010 of Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, shall be amended by adding subsection (G):

“§152.010 (G) Recording of Approved Preliminary Plat

For any preliminary plat approved by the City Council after December 31, 2022, the subdivider shall record the approved preliminary plat with the Tazewell County Recorder within sixty (60) calendar days of the date the City Council approved the preliminary plat. Failure to record the preliminary plat within this time period will render the approval of the preliminary plat void.”

Section 3: That §152.010 of Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, shall be amended by adding subsection (H):

“§152.010 (H) Procedure to Modify An Approved Residential Preliminary Plat.

- (1) If a subdivider proposes any modification to an approved preliminary plat, the modified preliminary plat shall be reviewed in accordance with this Section 152.010.**
- (2) When a subdivider proposes to modify an approved preliminary plat in a residential district that is subject to Section 152.010(G) and such**

modification increases/decreases the number of residential units to be developed by more than fifteen percent (15%) or the street layout shown on an approved preliminary plat, the review process of the preliminary plat set forth in this Section 152.010 is modified by providing the Planning and Zoning Commission and the City Council discretion to approve or deny the modified preliminary plat in their sole and absolute discretion. When exercising that discretion concerning increases/decreases in the number of residential units, the Planning and Zoning Commission and the City Council shall consider the following factors:

- a. The population density of the current, developed subdivision;**
- b. The impact on adjacent property owners;**
- c. The composition of the current, developed subdivision (*i.e.* number of single family dwellings, attached two-family dwellings, etc.);**
- d. The increase/decrease in traffic congestion in the subdivision;**
- e. The potential increase/decrease in crime, noise, and other nuisances in the subdivision; and**
- f. The potential increase/decrease in the values of adjacent properties located in the subdivision as quantified and certified to in writing by a licensed real estate appraiser and/or licensed real estate broker.**

If the Planning and Zoning Commission and/or the City Council deny the revised preliminary plat based on the change in the number of residential units, the specific reasons for the denial must be stated on the public record.”

Section 4: That §152.011 of Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, shall be amended by revising subsection (A):

“(A) Within one (1) year of approval of the preliminary plat by the City Council, the subdivider may prepare and submit a final plat of the proposed subdivision, or a portion thereof, along with other supplementary information required. Except as otherwise provided in 152.011(M) herein, as applicable, the final plat shall be in substantial conformance with the approved preliminary plat and shall comply with the construction standards and subdivision code requirements in effect at the time the preliminary plat was approved. The subdivider shall have an additional four (4) year period in which to prepare and submit a final plat of the proposed subdivision or portion thereof, along with other supplementary information required, but any such final plat must comply to those construction standards and subdivision code requirements in effect at the time of final plat submission. Following this five (5) year period, the subdivider may request an extension of the period the

preliminary plat remains in effect by submission of an application for extension presented for City Council action.”

Section 5: That §152.011 of Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, shall be amended by adding subsection (M):

“§152.011 (M) Procedure to Modify An Approved Residential Final Plat.

- (3) If a subdivider proposes any modification to an approved final plat, the modified final plat shall be reviewed in accordance with Chapter 152.**
- (4) When a subdivider proposes to modify a final plat in a residential district approved pursuant to Section 152.011 and such modification increases/decreases the number of residential units to be developed by more than fifteen percent (15%) or the street layout shown on an approved final plat, the review process of the final plat set forth in this Section 152.011 is modified by providing the Planning and Zoning Commission and the City Council discretion to approve or deny the modified final plat in their sole and absolute discretion. When exercising that discretion concerning increases/decreases in the number of residential units, the Planning and Zoning Commission and the City Council shall consider the following factors:**
- a. The population density of the current, developed subdivision;**
 - b. The impact on adjacent property owners;**
 - c. The composition of the current, developed subdivision (*i.e.* number of single family dwellings, attached two-family dwellings, etc.);**
 - d. The increase/decrease in traffic congestion in the subdivision;**
 - e. The potential increase/decrease in crime, noise, and other nuisances in the subdivision; and**
 - f. The potential increase/decrease in the values of adjacent properties located in the subdivision as quantified and certified to in writing by a licensed real estate appraiser and/or licensed real estate broker.**

If the Planning and Zoning Commission and/or the City Council deny the revised final plat based on the change in the number of residential units, the specific reasons for the denial must be stated on the public record.”

Section 6: That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

Section 7: That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____ 2022.

AYES: _____

NAYS: _____

ATTEST:

MAYOR

CITY CLERK

ORDINANCE NO. _____

(Adoption of this ordinance would institute a refundable lot grading fee of \$2,000 prior to the issuance of a building permit for new construction projects.)

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING
CHAPTER 160 ENTITLED "BUILDING CODE"**

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

Section 1. That §160.009 of the Washington Municipal Code of Ordinances is hereby amended by adding subsections (D) through (F):

"§ 160.009 REFUNDABLE INSPECTION FEES

- (D) Prior to the issuance of a building permit, the owner or general contractor responsible for a new construction building project must deposit with the City, a refundable lot grading fee of two thousand dollars (\$2,000.00) (the "Lot Grading Fee"). The Lot Grading Fee shall be refunded to the owner and/or general contractor upon: (1) the final grading is satisfactorily completed within thirty (30) days following final inspection described in Section 160.009(A) and (2) the City Engineer (or his or her designee) certifies that the final lot grading complies with the approved site construction plans. If the City Engineer (or his or her designee) concludes that the lot grading is not in compliance with the approved construction plans, the owner and/or general contractor shall have twenty (20) days from receipt of the City Engineer's report, which illustrates the noncompliance, to bring the lot grading into compliance with the approved construction site plan. The Lot Grading Fee shall be forfeited upon the failure to notify the City of completion of the site grading within 30 days of the final inspection or upon the failure to conform the site grading with the approved site construction plan within twenty (20) days of receipt of the report by the City Engineer (or his or her designee).**
- (E) Upon the forfeiture of the Lot Grading Fee in accordance with Section 160.009(D), the City shall take reasonable actions to cause the lot grading to be in conformance with the construction site plan. If the costs incurred by the City exceed the Lot Grading Fee, the owner and the general contractor shall be jointly and severally liable for the expenses incurred by the City in excess of the Lot Grading Fee. Any additional amount due and payable by the owner and the general contractor hereunder shall be paid within thirty (30) days of the City's completion of the final grading.**
- (F) A Certificate of Occupancy shall not be issued by the City to the owner or general contractor until either the Lot Grading Fee is refunded in accordance with Section 160.009(D), or the additional cost described in Section 160.009(E) is paid in full."**

Section 2. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Section 3. That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

PASSED AND APPROVED this _____ day of _____, 2022.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

(Adoption of this ordinance would establish setbacks for all new downspouts and sump pump lines.)

AN ORDINANCE AMENDING CHAPTER 96 OF THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, TO ADDRESS DOWNSPOUTS AND SUMP PUMP LINE SETBACKS

WHEREAS, Chapter 96 of the City Code (the “Code”) of the City of Washington (the “City”) sets forth the provisions of the nuisance code of the City; and

WHEREAS, the City has historically required that downspouts and sump pump lines be set back at least five feet from front, rear, and side property lines; and

WHEREAS, the City has treated the failure to abide by the five-foot set back requirement or other improper placement as a nuisance; and

WHEREAS, the City Council desires to codify new set back requirements for downspouts and sump pump lines and has determined that it is in the best interests of the City to amend Chapter 96 of the Code to address such downspouts and sump pump line setbacks.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That §96.01 of Chapter 96 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is, amended as follows:

“§ 96.01 DEFINITION

For the purpose for this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE. Any condition or use of premises or building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on, or the scattering over the premises of any of the following:

- (1) Lumber, junk, trash, or debris;
- (2) Abandoned, discarded or unused objects or equipment such as automobiles or parts, furniture, stoves, refrigerators, freezers, cans, containers, or building materials such as lumber, windows, cement blocks, piping, or wiring;

- (3) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gases, or attract rodents, vermin, or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;
- (4) Unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents, or animals.
- (5) Weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of the like kind.
- (6) Weeds, grasses, or plants, other than trees, bushes, flowers, or other ornamental plants. It shall be unlawful for anyone to permit any weeds, grasses, plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the city; any such plants or weeds exceeding such height are declared to be a nuisance.
- (7) Abandoned or inoperative motor vehicles and equipment.
- (8) Things interfering with peace or comfort. Sound, animals, or things which interfere with the peace and comfort or disturb the quiet of any person in the city constitute a public nuisance.
- (9) Offensive, nauseous, or dangerous things. Anything which is made, permitted, used, kept, maintained or operated, or any building or any animal that is kept in the city or outside of the city but within one-half (½) mile of its limits, in a manner that is offensive, nauseous, dangerous to life, limb, or property or detrimental to the health of the persons residing in that area shall be a public nuisance.
- (10) Tanneries, soap factories, and the like. Whoever shall, within the limits of the city, establish or maintain any tallow chandlery, tannery, bone or soap factory, or shall steam, boil, or render any tainted lard, tallow, offal, or other unwholesome animal substance shall be deemed guilty of a nuisance; or whoever shall without the city limits and within one (1) mile thereof, establish or maintain any such chandlery, factory, tannery, or rendery, without first having obtained such permission and consent shall so conduct or carry on any such business as to taint the air and render it offensive or unwholesome, or so as to affect the health or comfort of persons residing in the neighborhood thereof shall be deemed guilty of a nuisance.

- (11) Discharge of offensive matter. Whoever shall, within the city, place or throw, or permit to be discharged, or to flow from or out of any house or premises, any filthy, foul, or offensive matter or liquid of any kind, into any street, alley, or public place, or upon any adjacent lot or ground, or shall allow or permit the same to be done by any person connected with the premises, under his control, shall be deemed guilty of a nuisance.
- (12) Or any other condition dangerous to health; offensive to community moral standards, unlawfully obstructing the public in the free use of public property; or behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.
- (13) Connection of footing tile or downspouts to the sanitary sewer system. Whoever shall maintain their premises so as to cause, allow, or permit storm water, surface water, ground water, runoff water, subsurface drainage water or the like to be discharged into the sanitary sewer system of the city, by way of downspouts, footing tile, or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby contributing to the backup, surcharge, overflow, or discharge of said sanitary sewer system into or onto the premises of another shall be deemed guilty of a nuisance; whoever shall maintain their premises so as to cause, allow, or permit storm water, surface water, ground water, roof run-off water, subsurface drainage water, or the like to be discharged into the sanitary sewer system of the city, by way of downspouts, footing tiles, or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby causing or tending to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, shall be deemed guilty of a nuisance.

(14) Maintenance of downspouts and/or sump pump lines in violation of Section 96.08 herein.

(15) (14) The various nuisances described and enumerated in this section shall not be deemed to be exclusive, but shall be in addition to all other nuisances prescribed or prohibited by this code and those offenses known to the common law or to the statutes of this state as nuisances.”

Section 3: That Chapter 96 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is, amended by adding §96.08 as follows:

“§96.08 Downspouts and Sump Pump Line Setbacks

(A) Placement.

(1) Front and Rear Yards. No person shall construct, install, improve, maintain, or permit to be operated on property he or she owns or occupies, any sump pump line or downspout the discharge point of which is located on or across, or less than ten feet (10') from a front yard or rear yard property line (i.e. the minimum set back requirement).

(2) Side Yards. No person shall construct, install, improve, maintain, or permit to be operated on property he or she owns or occupies, any sump pump line or downspout the discharge point of which is located on or across, or less than five feet (5') from a side yard property line.

(B) Drainage. It shall be a nuisance for any person to suffer or permit the water falling or draining from a downspout and/or sump pump line on his or her property to fall upon or spread over the sidewalk adjoining thereto.

(C) Applicability

(1) The setback requirements set forth herein shall apply only to new construction constructed on or after the enactment of this Section 96.08. A property owner, occupant, or lessee of real property may seek a waiver of the setback requirements from the City Administrator or his or her designee.

(2) Preexisting downspouts and sump pump lines shall not have to abide by the setback requirements herein unless and until the City Administrator or his or her designee determines that the setback negatively impacts the public's health, safety, and/or welfare.

(D) Violation. A violation of this Section 96.08 is hereby deemed a nuisance. Placement of a downspout and/or sump pump lines in violation of the City's requirements or the placement of which negatively impacts the public is confirmation of existing law in the City that an improper placement of downspouts and sump pump lines a nuisance.

(E) Procedure for Abatement. The procedure for abating the nuisance described herein shall be governed by Section 96.05.”

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

Section 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____ 2022.

AYES: _____

NAYS: _____

ATTEST:

MAYOR

CITY CLERK