

**CITY OF WASHINGTON
PLANNING AND ZONING COMMISSION MEETING
LIBRARY MEETING ROOM – FIVE POINTS WASHINGTON
WEDNESDAY, NOVEMBER 2, 2016
6:30 P.M.**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES – October 5, 2016 regular meeting

4. NEW BUSINESS

- A. Public Hearing: Case No. 110216-V-1, Waiver of Setback Requirements Variance Request, Washington Area Community Center, 360 N. Wilmor Road
- B. Public Hearing: Case No. 110216-V-2, Rear Yard Variance Request, Washington Village Estates, LP c/o Christian Homes, Inc., 1150 Newcastle Road
- C. Public Hearing: Zoning Code Text Amendments – Sections 154.004 “Definitions,” and Sections 154.186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, and 199. All regarding “Special Flood Hazard Area Regulations”

5. COMMISSIONER’S COMMENTS

6. STAFF COMMENTS

7. ADJOURNMENT

**CITY OF WASHINGTON, ILLINOIS
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, OCTOBER 5, 2016
WASHINGTON DISTRICT LIBRARY
380 N. WILMOR ROAD – 6:30 P.M.**

Chairman Mike Burdette called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:30 p.m. in the meeting room at Washington District Library.

Call to Order

Present and answering roll call were Commissioners, Mike Burdette, Louis Milot, Tom Reeder, Steve Scott, and Doug Weston. Commissioners Rich Benson and Brian Fischer entered the meeting a few minutes after roll call.

Roll Call

Also present was P & D Director Jon Oliphant, B & Z Supervisor Becky Holmes and City Clerk Pat Brown.

Commissioner Weston moved and Commissioner Milot seconded to approve the minutes of the September 7, 2016 Planning and Zoning Commission meeting as presented.

Appv min 9/7/16 PZC meeting as presented

Motion carried unanimously by voice vote.

Case No. 100516-V-1 – A public hearing was opened for comment at 6:31 p.m. on the request of Jim & Carol Rutz for a distance between structures variance at 209 S. Lawndale Avenue. Publication was made of the public hearing notice, and there were three “interested parties” registered.

Public Hearing:
distance between
structures variance
request, Jim & Carol
Rutz

B & Z Supervisor Holmes gave a brief overview of the variance request noting the following: the petitioner is requesting a 3’ and 5’ distance between structures variance in order to allow for the construction of an above ground pool; the proposed pool would be 7’ from their detached garage and 5’ from the neighboring detached garage; and the distance between structure requirement is 10’.

Petitioner comments: None.

Public comments: None.

At 6:33 p.m. the public hearing was closed.

Close Public Hearing

Commissioner Scott moved and Commissioner Reeder seconded to approve the variance request as presented.

Approve Case No.
100516-V-1, variance
request

Commissioner comments: Commissioner Weston asked if the neighboring garage was on the lot line and B & Z Supervisor Holmes shared that it appears they may have one to two feet and after talking with the owner they thought they might be three feet from the property line. Commissioner Milot asked if they were planning to attach a platform for access to the pool and the Mrs. Rutz shared that they are planning only a ladder for now but may do decking in the future that would be towards the rear of the pool where setbacks won’t be a problem.

There was no additional discussion and on roll call the vote was:

Ayes: 7 Weston, Milot, Fischer, Burdette, Benson, Reeder, Scott

Nays: 0

Motion carried.

Findings of Fact – application was made by owners of property; fees were paid; property is zoned R-1; 3’ and 5’ distance between structures variance request to allow an above ground pool to encroach into the distance between structures setback. A public hearing was held on Wednesday, October 5, 2016, all present were given the opportunity to be heard; there were no “interested parties”; there were no objections to the granting of the variance; property cannot yield a reasonable return because narrowness of the lot prohibits the size of accessory structures; plight of the owner is due to unique circumstances as the property is narrow; and character of the neighborhood would not be changed as most properties in the block have accessory structures that encroach into the distance between structures setback.

Finding of Facts

Case No. 100516-V-2 – A public hearing was opened for comment at 6:35 p.m. on the request of Nathan & Carol Rutz for a distance between structures and side yard variance at 112 S. High Street. Publication was made of the public hearing notice, and there were three “interested parties” registered.

Public Hearing:
distance between
structures & side yard
variance request,
Nathan & Karen
Schlindwein

B & Z Supervisor Holmes gave a brief overview of the variance request noting the following: the petitioner is requesting a 2’2” side yard and 3’ distance between structures variance in order to allow for the construction of a detached garage; the proposed garage would be 2’2” from their side lot line and 7’ from their house; and the side yard setback requirement is 5’ and the distance between structure requirement is 10’.

Petitioner comments: Mr. Rutz shared that they have located the garage in a way as to have a clear sight into the rear yard and with the narrowness of the lot it places it closer to the side lot line than the requirement.

Public comments: None.

At 6:37 p.m. the public hearing was closed.

Close Public Hearing

Approve Case No.
100516-V-2, variance
request

Commissioner Fischer moved and Commissioner Benson seconded to approve the variance request as presented.

Commissioner comments: Commissioner Scott asked the location of the driveway and Mr. Schlindwien shared they will use the existing drive to the right of the house and swing back to the proposed side load garage. Commissioner Milot asked if they considered moving the garage back further on the lot and Mr. Schlindwien shared that they wanted it close to the house for easier access and the yard grade does begin to drop off about three feet further back than what they are proposing.

There was no additional discussion and on roll call the vote was:

Ayes: 7 Reeder, Scott, Milot, Burdette, Weston, Benson, Fischer

Nays: 0

Motion carried.

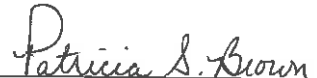
Finding of Facts

Findings of Fact – application was made by owners of property; fees were paid; property is zoned R-1; 2'2" side yard and 3' distance between structures variance in order to allow for the construction of a detached garage. A public hearing was held on Wednesday, October 5, 2016, all present were given the opportunity to be heard; there were no 'interested parties'; there were no objections to the granting of the variance; property cannot yield a reasonable return because garage needed replaced due to deterioration; plight of the owner is due to unique circumstances as the property is narrow; and character of the neighborhood would not be changed as there are properties in the block have accessory structures that encroach into side yard setbacks and the distance between structure setback.

Commissioner Comments None.

Staff Comments P & D Director Oliphant shared that there will be a meeting next month on a couple of variances and text amendments.

Adjournment At 6:43 p.m. Commissioner Milot moved and Commissioner Benson seconded to adjourn.
Motion carried unanimously by voice vote.



Patricia S. Brown, City Clerk

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>

lolipant@ci.washington.il.us

MEMORANDUM

TO: Chairman Burdette and Planning & Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Five Points Library Front, Side, and Rear Yard Variance Request
DATE: October 25, 2016

The Washington Area Community Center, Inc. has applied for a variation of the front, side, and rear yard setback requirements. The property is zoned R-1 (Single- and Two-Family Residential). The standard front yard setback is 25 feet, the side yard setback is five feet (with a total of 12 feet for the two sides), and the rear yard setback is 20 feet or 20% of the lot depth, whichever is greater.

The Washington District Library operates its main library facility at Five Points. An intergovernmental agreement entered into between the Library and the Washington Area Community Center required that the real estate underlying the Library to be conveyed to the Library in fee simple no less than ten years after the agreement was signed. Now that the Library has satisfied, or is prepared to satisfy, its obligations within the agreement, the Community Center is required to convey the real estate underlying the Library facility.

This request would basically allow for the Library facility to be split into a separate parcel with a party wall separating the Library from the remaining Community Center on the west and part of the south sides. The variance requests would be as follows:

- Front Yard: The Library has proposed a 5,000-square foot addition, though no timeframe is set for its construction. This would eventually be constructed within ten feet of the proposed front property line. As a result, this request is for a 15-foot variance.
- Side Yard: The southwest corner of the Library would have a party wall with no setback. As a result, this request is for a 5-foot variance for the south side yard.
- Rear Yard: The west side of the Library would have a party wall with no setback. The depth of the proposed lot is 189 feet, which would ordinarily require a rear yard setback of 38 feet. As a result, this request is for a 38-foot variance.

This is a very unique case due to its involvement of two separate and distinct governmental entities and the fact that a prior intergovernmental agreement established the eventual conveyance of the real estate upon which the Library was constructed. It is staff's opinion that this would not change the character of the neighborhood if the variance was granted. Additionally, there does not appear to be a self-imposed hardship due to the requirement of state law and the acceptance of a state grant to partially fund the Library's construction that the Library owns the real estate.

Due to these factors, staff supports the variance request for the waiver of the side and rear yard setbacks and the reduction of the front yard setback from 25 feet to 10 feet.

A public hearing on this request is scheduled for the November 2 Planning and Zoning Commission meeting.

Enclosure



WASHINGTON RD.

EAGLE AVE.

GILLMAN AVE.

MACKENZIE ST.

DALLAS RD.

KINGSBURY RD.

NEWCASTLE RD.

WILMOR RD.

BONDURANT ST.

JEFFERSON ST.

YORKSHIRE DR.

RECEIVED

SEP 14 2016

CITY OF WASHINGTON
WASHINGTON, IL

CITY OF WASHINGTON, ILLINOIS – APPLICATION FOR VARIATION

- (1) Full name(s) and address(es) of all legal owners:

Washington Area Community Center, Inc., 360 N. Wilmor Road, Washington, Illinois 61571

How would you like to receive correspondence? ☐ Mail ☒ Email

Email Address(s): bobbrown@blackblackbrown.com

- (2) Full and complete legal description for the property (also attach a copy of your deed and/or property tax bill):

See attached Legal Description

- (3) Address for the property: 360 N. Wilmor Road, Washington, Illinois 61571

- (4) Present zoning classification: _____ (i.e., AG, R-1, R-2, CE, C-1, C-2, C-3, I-1, I-2)

- (5) Present use of the property: Community Center and Library

- (6) Describe how your property cannot yield a reasonable return, if it is required to be used only under the general conditions of your zoning classification:

See attached Statement #1

- (7) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance became law? Yes ☐ No ☒

If "no", explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are NOT entitled to variations.)

See attached Statement #2

- (8) Describe how your situation is unique or different from other property:

See attached Statement #3

- (9) Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make:

There would not be any change or alteration in the basic character of the neighborhood if the variance were to be granted.

- (10) Describe the nature of the variation you are requesting (*attach dimensioned site plan*):

See attached Statement #4

I/we certify that all of the above statements and the statements contained in any papers or plans submitted with this Application are true and accurate to the best of my/our knowledge.

I/we hereby expressly consent to the entry in and upon the premises and property described in this Application by any authorized official of the City of Washington for the purpose of posting, maintaining, and removing such notices as may be required by law and for the purpose of verifying any statement or statements herein contained.

DATE: SEPTEMBER 13, 2016

James V. Zing
Applicant

Joan B. Repman
Applicant

NOTE: This application must be signed by the true legal owner or owners of the property.

CITY OF WASHINGTON
Application for Variation

Legal Description

A part of the West Half of the Southwest Quarter of Section 14, Township 26 North, Range 3 West of the Third Principal Meridian, Tazewell County, Illinois, more particularly described as follows:

Commencing at a 1 inch square iron bar marking the Southeast corner of the West One Half of the Southwest Quarter of said Section 14; thence North 00 degrees 01 minutes 05 seconds West, on an assumed bearing, along the East line of the West Half of the Southwest Quarter of said Section 14, a distance of 390.42 feet; thence South 89 degrees 52 minutes 22 seconds West a distance of 15.00 feet to a found ½ inch pipe on the West right-of-way line of Wilmor Road; thence North 00 degrees 01 minutes 05 seconds West parallel with and 15.00 feet West of the East line of the West Half of the Southwest Quarter of said Section 14 a distance of 502.61 feet; thence South 89 degrees 58 minutes 55 seconds West a distance of 170.99 to the place of beginning of the Tract to be described:

Thence South 89 degrees 54 minutes 49 seconds West parallel with and 10 feet south of the existing building face a distance of 85.76 feet; thence South 00 degrees 24 minutes 58 seconds East parallel with and 10 feet east of the existing building face a distance of 11.32 feet; thence South 50 degrees 35 minutes 33 seconds West parallel with and 10 feet from the existing building face a distance of 36.90 feet; thence South 89 degrees 58 minutes 25 seconds West parallel with and 10 feet south of the existing building face a distance of 43.52 feet; thence North 00 degrees 00 minutes 50 seconds West a distance of 41.58 feet; thence South 89 degrees 52 minutes 38 seconds West a distance of 7.39 feet; thence North 00 degrees 07 minutes 10 seconds West a distance of 1.97 feet; thence South 89 degrees 52 minutes 50 seconds West a distance of 24.36 feet; thence North 00 degrees 07 minutes 09 seconds West a distance of 131.11 feet; thence North 89 degrees 52 minutes 49 seconds East parallel with and 10 feet north of the existing north building face a distance of 189.46 feet; thence South 00 degrees 07 minutes 11 seconds East a distance of 140.09 feet to the place of beginning.

A copy of the plat of survey is attached.

CITY OF WASHINGTON

Application for Variation

Statement #1

The property is currently used by the Washington District Library as the main library facility for the District. Pursuant to the Intergovernmental Agreement entered into between the Library and the Washington Area Community Center, Inc. for the purpose of constructing the Library facility and the Community Center, the Library required that the real estate underlying the Library facility be conveyed to the Library in fee simple no earlier than 10 years after the Intergovernmental Agreement was signed. The Library has now satisfied, or is prepared to satisfy, all of its obligations under the Agreement, which requires that the Community Center convey the real estate underlying the Library facility.

In order to convey the real estate underlying the Library facility, and still retain ownership of the real estate underlying the Community Center facilities, it is necessary that the side yard and rear yard setbacks be varied with respect to the real estate proposed to be conveyed to the Library and the real estate that the Washington Area Community Center, Inc. will retain. In effect, there will be a party wall separating the Library facilities and the Community Center facilities on the South and West sides of the Library facilities.

Without the Variation with respect to the side yard and rear yard setbacks, the Washington Area Community Center cannot convey to the Library the estate required by the Intergovernmental Agreement between the parties.

Statement #2

The property is currently used by the Washington District Library as the main library facility for the District. Pursuant to the Intergovernmental Agreement entered into between the Library and the Washington Area Community Center, Inc. for the purpose of constructing the Library facility and the Community Center, the Library required that the real estate underlying the Library facility be conveyed to the Library in fee simple no earlier than 10 years after the Intergovernmental Agreement was signed. The Library has now satisfied, or is prepared to satisfy, all of its obligations under the Agreement, which requires that the Community Center convey the real estate underlying the Library facility.

In order to convey the real estate underlying the Library facility, and still retain ownership of the real estate underlying the Community Center facilities, it is necessary that the side yard and rear yard setbacks be varied with respect to the real estate proposed to be conveyed to the Library and the real estate that the Washington Area Community Center, Inc. will retain. In effect, there will be a party wall separating the Library facilities and the Community Center facilities on the South and West sides of the Library facilities.

CITY OF WASHINGTON

Application for Variation

Without the Variation with respect to the side yard and rear yard setbacks, the Washington Area Community Center cannot convey to the Library the estate required by the Intergovernmental Agreement between the parties.

The hardship should not be regarded as self-imposed in that state law and a state grant which partially funded construction of the Library facility requires that the Library own the real estate upon which it constructs a facility. The state requirement was not something that either the Library or the Community Center had any control over.

Statement #3

The situation with respect to the Library and the Community Center is unique in that it is the only structure in the area that is jointly used by two separate and distinct governmental entities, both of which contributed to the cost of construction of the facilities. Under the laws of the State of Illinois pertaining to Libraries and a state grant which partially funded the construction of the Library facilities, the Washington District Library is authorized to expend its funds for the construction of library facilities on real estate that it owns. In order for the Library to contribute to the construction of the Community Center, and the Library facilities in particular, it was the opinion of the Library's attorneys at the time the Intergovernmental Agreement was entered into that the Library must have the ability at some time in the future to own the real estate upon which the Library facilities were constructed.

In order to effectively comply with state law pertaining to the use of Library funds to construct library facilities, the proposed conveyance is necessary, and the variation of the setback requirements is required in that connection. This particular situation is specifically unique to this property and the use of this property.

Statement #4

The petitioner is requesting that the side yard and rear yard setback requirements that pertain to the property be varied to allow for no side yard and no rear yard setback as follows:

1. With respect to the real estate that is proposed to be conveyed to the Library, that the side yard setback on the South side of the real estate and the rear yard setback on the West side of the real estate be reduced to zero feet, or that the setback requirements in those locations be eliminated.
2. With respect to the real estate that is proposed to be retained by the Washington Area Community Center, Inc., that the side yard setback on the North side of the real estate to be retained and which abuts the Library parcel, and the side yard setback on the East side of the real

CITY OF WASHINGTON
Application for Variation

estate to be retained and which abuts the Library parcel, be reduced to zero feet, or that the setback requirements at those locations be eliminated.

PLAT OF SURVEY

WASHINGTON DISTRICT LIBRARY



S 00° 00' 00" W. ~830.41

FOUND IRON PIPE
0.37 FEET SOUTH
AND 0.69 FEET
EAST OF CORNER

FOUND IRON PIPE
0.87 FEET NORTH
AND 0.34 FEET
EAST OF CORNER

80
FEET

N 89° 52' 22" E. ~581.62

BOUNDARY OF PARENT PARCEL

WASHINGTON AREA COMMUNITY CENTER

POINT OF BEGINNING
WASHINGTON DISTRICT
LIBRARY

N 88° 20' 37" W. ~368.75

FOUND IRON
ROD ON LINE
AND 10.86 FEET
FROM CORNER

N 88° 29' 05" W.
~211.46

S 01° 06' 25" W.
~70.36

N 00° 01' 05" W. ~502.61

S 89° 52' 22" W.
~15.00

N 00° 01' 05" W. ~390.42

SE CORNER W 1/2
T. 26 N. R. 3 W.
366 P.M.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

STANLEY D. HOLZHAUER
ILLINOIS PROFESSIONAL LAND SURVEYOR #35-3300
LICENSE EXPIRES 11/30/2016

DESCRIPTION OF PARENT PARCEL PER DOCUMENT NUMBER 9726265

A Port of the West Half of the Southwest Quarter of Section
14, Township 26 North, Range 3 West of the Third Principal
Meridian, Tazewell County, Illinois, more particularly described
as follows:
Commencing at a 1/2 inch square iron bar marking the Southeast
corner of the West One Half of the Southwest Quarter of said
Section 14, Township 26 North, Range 3 West of the Third Principal
Meridian, and on an assumed bearing of 0 degrees 05 seconds West
the Southwest Quarter of said Section 14, a distance of 390.42
feet; thence South 89 degrees 52 minutes 22 seconds West a
distance of 15.00 feet to a round 1/2 inch pipe on the West
line of said section; thence a Round 1/2 inch pipe on the West
line of said section to the place of beginning.

Thence North 00 degrees 01 minutes 05 seconds West parallel
with and 15.00 feet West of the East line of the West Half of
the Southwest Quarter of said Section 14, a distance of 883.21
feet; thence South 89 degrees 52 minutes 22 seconds West
a distance of 15.00 feet to a round 1/2 inch pipe on the West
line of said section; thence South 01 degrees 06 minutes 25
seconds West a distance of 70.36 feet to a round 1/2 inch pipe
marking the Southeast corner of the West One Half of the
Southwest Quarter of said Section 14, a distance of 390.42
feet; thence South 89 degrees 52 minutes 22 seconds West a
distance of 15.00 feet to a round 1/2 inch pipe on the West
line of said section; thence a Round 1/2 inch pipe on the West
line of said section to the place of beginning.

PLAT OF SURVEY

PART OF SW. 1/4
SEC. 14 T. 26 N.
R. 3 W., 3RD P.M.




HOLZHAUER
SURVEYING
1850 BA-2-1720

JOB #	03549	DATE	08/21/16	SCALE	1"=100'
SURV.	SDH	DRAWN	SDH	DESIGN	
FILE #	TAZEWELL COUNTY				SHEET 1 OF 2



TAZEWELL COUNTY 14-26-3

PLAT OF SURVEY			
PART OF SW. 1/4 SEC. 14 T. 26 N. R. 3 W., 3RD P.M.			
			
HOLZHAUER SURVEYING (615) 842-1720			
JOB #	03549	DATE:	08/21/16
SURV:	SDH	DRAWN:	SDH
FILE #	TAZEWELL COUNTY		SHEET #
			2 OF 2

**CITY OF WASHINGTON
WASHINGTON, ILLINOIS**

TO: Chairman Burdette, and Planning & Zoning Commission Members
FROM: Becky Holmes, Building and Zoning Supervisor
DATE: October 21, 2016
SUBJECT: 26 foot Rear Yard Variance Request

PETITIONER: Washington Village Estates LP, c/o Christian Homes, Inc.

LOCATION: 1150 Newcastle Rd. (see attachment)
Building IV – 400, 402, 404, 406 Newcastle Place
Building V - 300, 302 Newcastle Place
Building VI – 200, 202, 204, 206 Newcastle Place

ZBA REQUEST: To allow (1) 2-unit and (2) 4-unit buildings to be 24 feet from the rear property line. The required rear yard setback is 50 feet. Rear yard is required to be twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is greater, but in no event shall exceed fifty (50) feet.

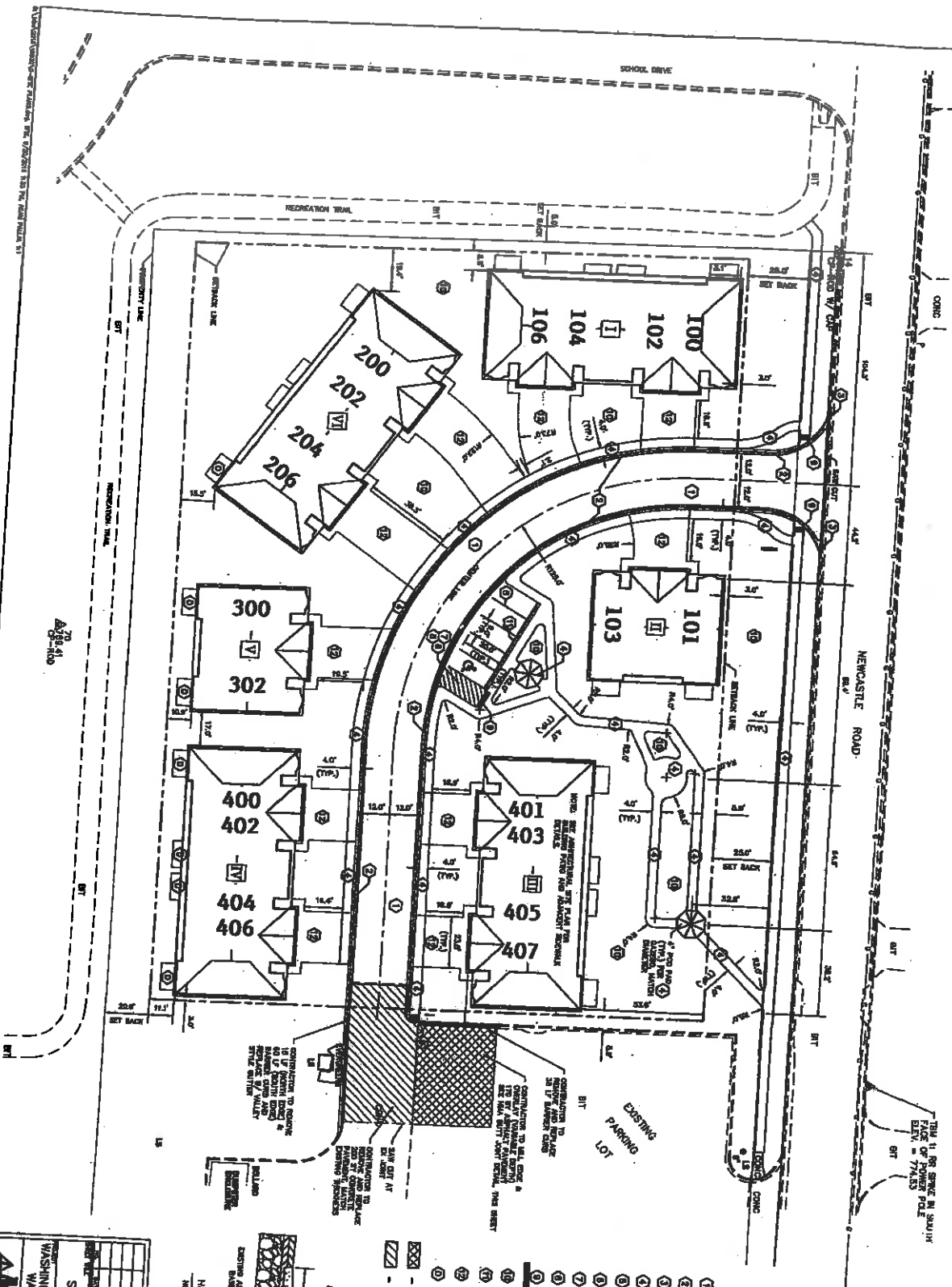
BACKGROUND: The property is zoned R-2 and approximately 5.1 acres in area. The petitioner is requesting to construct (2) 2-unit buildings and (4) 4-unit buildings on the site. Three of the proposed buildings on the south side of Newcastle Place encroach into the required rear yard setback. There is an existing 3 story assisted living facility on the east half of the lot. The property abuts Five Points on the south and Central Grade School on the south and west.

STAFF'S OBSERVATIONS:

- It appears that the petitioners would be able to receive reasonable return on their property without a rear yard variance. While the layout could be reconfigured to meet all zoning setbacks, layout of the buildings would be a challenge to accommodate 20 residential units. However, it is the petitioner's responsibility to prove hardship.
- There do appear to be unique circumstances because the lot is a large parcel with an existing 3 story assisted living facility on the east half of the lot. The proposed interior road, which is in line with an existing stub road from previous development, would allow for more density on the lot and layout flexibility of the buildings.
- It does not appear that the character of the neighborhood would be significantly altered as the adjacent properties are a community center and a school.

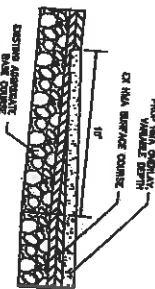
STAFF RECOMMENDATION: Staff recommends denial of the rear yard variance request.

NEWCASTLE PLACE



SITE DETAILS

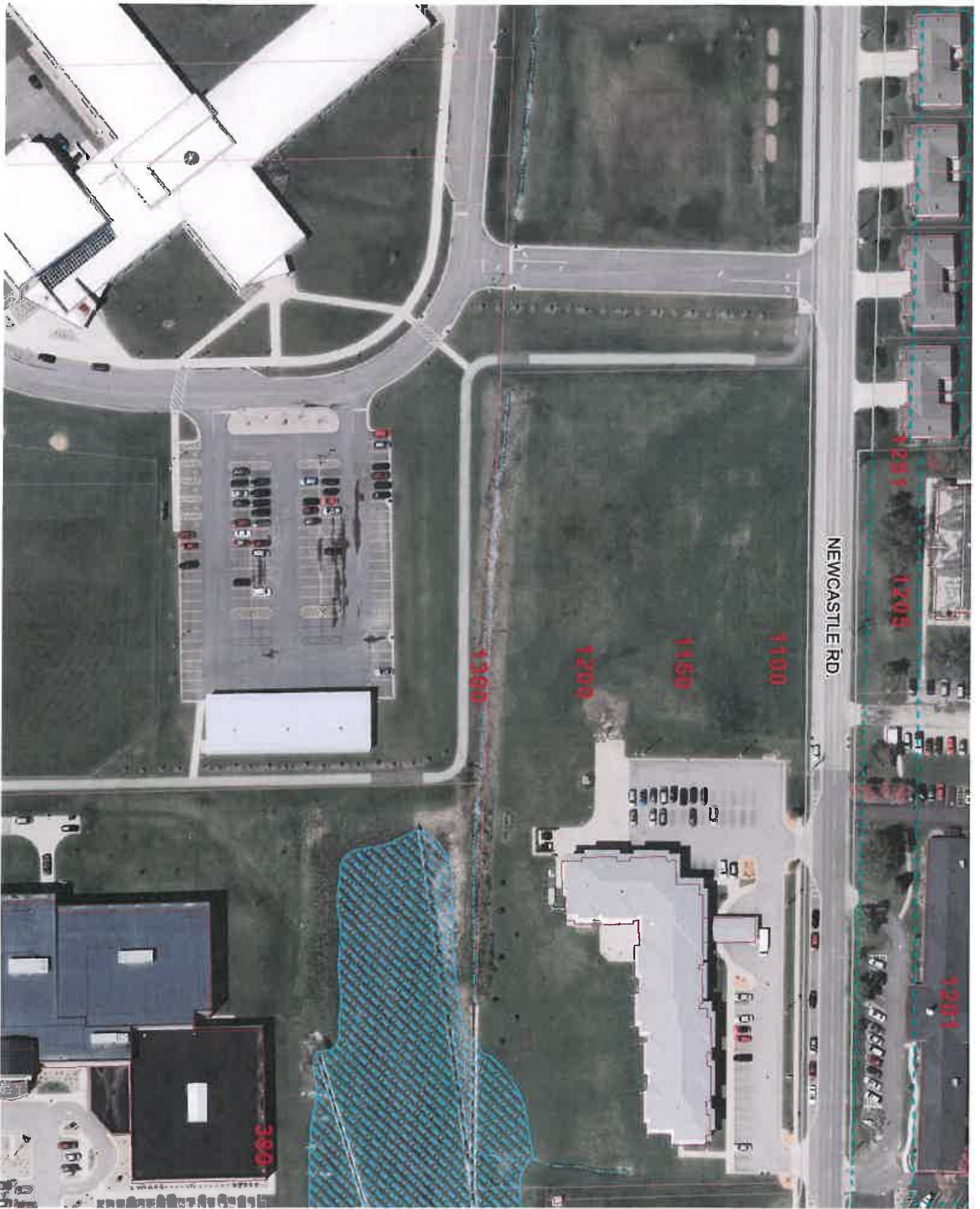
- 1 - TYPICAL BRUSHWOOD PAVING
- 2 - 2" VALLEY BUTTER
- 3 - 2" VALLEY BUTTER
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HILL BUTT JOINT DETAIL
NOT TO SCALE

AMPC
ARCHITECTURAL MATERIALS
PAPER COMPANY
1000 N. WASHINGTON STREET
CHICAGO, ILLINOIS 60610
TEL: (312) 467-1000
FAX: (312) 467-1001
WWW.AMPC.COM

SITE LAYOUT PLAN
WASHINGTON CHRISTIAN VILLAGE
WASHINGTON, ILLINOIS
C3



CITY OF WASHINGTON, ILLINOIS – APPLICATION FOR VARIATION

- (1) Full name(s) and address(es) of all legal owners:

- (2) Full and complete legal description for the property (also attach a copy of your deed and/or property tax bill):

- (3) Address for the property: _____
- (4) Present zoning classification: _____ (i.e., AG, R-1, R-2, CE, C-1, C-2, C-3, I-1, I-2)
- (5) Present use of the property _____
- (6) Describe how your property cannot yield a reasonable return, if it is required to be used only under the general conditions of your zoning classification:

- (7) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance became law? Yes _____ No _____
If "no", explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are NOT entitled to variations.)

- (8) Describe how your situation is unique or different from other property:

- (9) Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make:

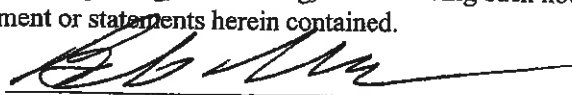
- (10) Describe the nature of the variation you are requesting (*attach dimensioned site plan*):

- (11) (*City Council variation request only*) Describe the "practical difficulties or particular hardship" that the current zoning laws of the City of Washington would have on your property if those laws were to be strictly enforced:

I/we certify that all of the above statements and the statements contained in any papers or plans submitted with this Application are true and accurate to the best of my/our knowledge.

I/we hereby expressly consent to the entry in and upon the premises and property described in this Application by any authorized official of the City of Washington for the purpose of posting, maintaining, and removing such notices as may be required by law and for the purpose of verifying any statement or statements herein contained.

DATE: October 5, 2016


Applicant

Applicant

NOTE:

THIS APPLICATION MUST BE SIGNED BY THE TRUE LEGAL OWNER OR OWNERS OF THE PROPERTY.

CITY OF WASHINGTON, ILLINOIS – APPLICATION FOR VARIATION

Attached is a signed copy of the official application. Below is a response to the questions from the form.

1) Full name(s) and address(es) of all legal owners:

Washington Village Estates, LP c/o Christian Homes, Inc.
200 N. Postville Road, Lincoln, IL. 62656

2) Full and complete legal description for the property (also attach a copy of your deed and/or property tax bill):

See Attached Parcel Information and Corporate Quit Claim Deed (County Record # 200600025540)

3) Address for the property:

1150 Newcastle Road, Washington, IL 62571

4) Present Zoning Classification:

R2

5) Present use of the property:

Undeveloped, multifamily, lot with an existing 3 story assisted living facility on the east end of the property.

6) Describe how your property cannot yield a reasonable return, if it is required to be used only under the general conditions of your zoning classification:

To make this style of development affordable to construct, the project must maximize the use of the property. This project will include 20 units in 6 buildings scattered around a common private driveway through the center of the site. The private drive is in line with a stub road from the previous development to the east. Changing the arrangement of the site would result in less units and would require changes to the existing parking lot and additional grading. These cost would result in a higher monthly lease payment to the end user and create a financial hardship if the price is not competitive with similar developments, or no longer affordable for seniors in the community. Realistically, if the zoning variance is not approved, the 3 buildings along the south side of the site could not be constructed. This would result in a loss of half of the proposed units and make the entire project not feasible to construct.

7) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interest in the land after the Zoning Ordinance became law:

Yes, the existing zoning was created before Christian Homes had interest in the property.

8) Describe how your situation is unique or different from other property:

The R2 zoning classification is intended for multifamily style developments and would allow a multiple story building similar to the three story assisted living facility on the east portion of the site. What is proposed is independent living housing for seniors in the Washington area. This style of development is characterized by single story buildings that are easy for seniors to access, surrounded with greenspace and a common area where residents can interact. The proposed use will have multiple units on one property that would still meet the intent of the R2 classification.

9) Describe the alteration or change, if any, in the basic character of the neighborhood the variation, if granted, would make:

Christian Homes has senior living facilities on the North side of Newcastle Road and adjacent to the site to the east. To the rear of the site is a parking lot and bus garage on the Central School District 51 campus. The site has the feel of a residential subdivision with a 20 foot setback off the rear line that is typical to other residential subdivisions in the area. The buildings were arranged with the back wall of the proposed units along the south side of the site in line with the rear of the homes in the 400 block of the Washington Estates Subdivision to the West. Furthermore, the single story structures will provide a transition between the multiple story assisted living building to the east and the Washington Estates Subdivision to the West.

10) Describe the nature of the variation you are requesting (attach dimensioned site plan):

The ordinance requires a rear yard setback of 20 foot or 20% of the depth of the lot to a maximum of 50 feet. We are requesting a variance to the 50 foot rear yard setback required by the ordinance to the minimum 20 foot that is consistent with a normal residential style development such as the Washington Estates Subdivision to the west of the site.

Attached:

Signed Zoning Variance Request Application

Corporate Quit Claim Deed #200600025540, recorded November 3, 2006

Information for Parcel 02-02-14-300-023 from Tazewell County GIS Website

Project Site Plan

200600025540
Filed for Record in
TAZEWELL COUNTY, IL
ROBERT LUTZ
11-03-2006 At 03:15 pm.
QC DEED 35.75
RHSP Surcharge 10.00

CHICAGO

CORPORATE QUIT CLAIM DEED

Grantor, Christian Homes, Inc., an Illinois not-for-profit corporation, having its principal place of business in the County of Logan and State of Illinois, for and in consideration of the sum of Two and More Dollars in hand paid, and pursuant to authority given by its Board of Directors, conveys and quit claims to Grantee, Washington Village Estates, LP, an Illinois limited partnership with its principal place of business in the County of Tazewell and State of Illinois, the real property described in Exhibit A attached hereto, to have and to hold said premises forever.

In Witness Whereof, said Grantor has caused its name to be signed by its President and attested by its Secretary this October 25, 2006.

CHRISTIAN HOMES, INC.
an Illinois not-for-profit corporation



Timothy F. Phillippe, President

ATTEST



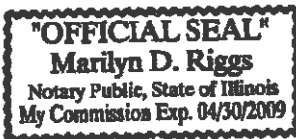
Jenelle Ishmael, Assistant Secretary



STATE OF ILLINOIS)
 Sangamon) SS.
COUNTY OF ~~LOGAN~~)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that Timothy F. Phillippe, President and Jenelle Ishmael, Assistant Secretary, personally known to me to be the President and Secretary of **Christian Homes, Inc.**, an Illinois not-for-profit corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as the free and voluntary act of the Board of Directors of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this October 25, 2006.



Marilyn D. Riggs
Notary Public

Exempt under provisions of Paragraph (b) of §31-45 of
the Real Estate Transfer Tax Law.

10-25-06
Date

[Signature]
Buyer, Seller or Representative

Tax bill to ~~and return to:~~

Washington Village Estates, LP
c/o Christian Homes, Inc.
200 North Postville Drive
Lincoln, Illinois 62656-1978

Return to:
Prepared on behalf of Grantor by:

Mike Southworth
Hart, Southworth & Witsman
1 North Old State Capitol Plaza
Suite 501
Springfield, Illinois 62701

EXHIBIT A

Legal Description

Tract T2

A part of the Southwest Quarter of Section 14, Township 26 North, Range 3 West of the Third Principal Meridian, more particularly described as follows: Commencing at the southwest corner of the Southwest Quarter of said Section 14, thence North 00 degrees 06 minutes 00 seconds East (bearing assumed for the purpose of description only), along the west line of the Southwest Quarter of said Section 14, 1576.14 feet to the southwest corner of Lot 35 in the Southwest Quarter of said Section 14 (said Lot 35 shown on Plat Book I, Page 169 in the Office of the Recorder of Deeds of Tazewell County); thence South 87 degrees 09 minutes East, along the south line of said Lot 35, 378.79 feet; thence South 01 degrees 13 minutes 58 seconds West, 24.41 feet to the Point of Beginning of the tract to be described; from the Point of Beginning, thence South 88 degrees 13 minutes 21 seconds East, 290.40 feet; thence South 01 degrees 13 minutes 58 seconds West, 300.00 feet; thence North 88 degrees 13 minutes 21 seconds West, 290.40 feet; thence North 01 degrees 13 minutes 58 seconds East 300.00 feet to the Point of Beginning, situated and being in the County of Tazewell, State of Illinois.

Tract T3

A part of the Southwest Quarter of Section 14, Township 26 North, Range 3 West of the Third Principal Meridian, more particularly described as follows: Commencing at the southwest corner of the Southwest Quarter of said Section 14, thence North 00 degrees 06 minutes 00 seconds East (bearing assumed for purpose of description only), along the west line of the Southwest Quarter of said Section 14, 1576.14 feet to the southwest corner of Lot 35 in the Southwest Quarter of said Section 14 (said Lot 35 shown on Plat Book I, Page 169 in the Office of the Recorder of Deeds of Tazewell County); thence South 87 degrees 09 minutes East, along the south line of said Lot 35, 378.79 feet; thence South 01 degrees 13 minutes 58 seconds West, 24.41 feet; thence South 88 degrees 13 minutes 21 seconds East, 290.40 feet to the Point of Beginning of the tract to be described: from the Point of Beginning, thence South 88 degrees 13 minutes 21 seconds East, 450.00 feet; thence South 01 degrees 13 minutes 58 seconds West, 300 feet; thence North 88 degrees 13 minutes 21 seconds West, 450 feet; thence North 01 degrees 13 minutes 58 seconds East 300 feet to the Point of Beginning, situated in Tazewell County, Illinois.

Together with all easements and appurtenances in favor of said real property.

Parcel ID Number: 02-02-14-300-023

Common Address: 1150 New Castle Road, Washington, Illinois

Tazewell County Illinois**Information for Parcel 02-02-14-300-023, Tax Year 2014 Payable 2015**

Property Information		
Tax Year 2014 ▾	Township WASHINGTON	Property Class 0060-Improved Commercial
Tax Status Taxable	Tax Code 02021	Land Use
Net Taxable Value 669,590	Tax Rate 8.166300	Total Tax \$54,680.74
Site Address 1100-1344 NEWCASTLE RD	Owner Name and Address WASHINGTON VILLAGE ESTATES LP 1150 NEWCASTLE RD WASHINGTON, IL 61571-0000	Mailing Name and Address WASHINGTON VILLAGE ESTATES LP %POLLARD MORTGAGE COMPANY - MORTGAGE DEPT. 65 E STATE ST 16TH FLOOR COLUMBUS, OH 43215-0000
Legal Description SEC 14 T26N R3W PT LOT 30 SW 1/4 S.10 AC		
Public Notes 12/6/07 INSTANT ASSESSMENT 2007 5/05/2011 Exempt app Denied per Docket #10-90-36 2011 - Reduced by BOR per Docket #02-0030 2012 - Final PTAB decision for 2010 per Docket #10-00453 / C of E issued for 2010 2013-PTAB final decision for 2011 per docket #11-00586.001-C-3 2014-partial tornado damage 2014-C of E for 2013-Tornado damage-prorate bldg 11/17/13 to 12/31/13		

I Want To...

Start a New Search
Go to Tazewell County website
View:
Assessment Information
Billing & Collection Information
Exemption Information
Farm Land Information
Forfeiture Information
Genealogy Information
Legal Information
Name Information
Redemption Information
Sales Information
Site Address Information
Taxing Body Information
Print this Parcel

Payments							
Installment	Tax Billed	Penalty Billed	Cost Billed	Drainage Billed	Total Billed	Amount Paid	Total Unpaid
First	\$27,340.37	\$0.00	\$0.00	\$0.00	\$27,340.37	\$27,340.37	\$0.00
Second	\$27,340.37	\$0.00	\$0.00	\$0.00	\$27,340.37	\$27,340.37	\$0.00
Total	\$54,680.74	\$0.00	\$0.00	\$0.00	\$54,680.74	\$54,680.74	\$0.00

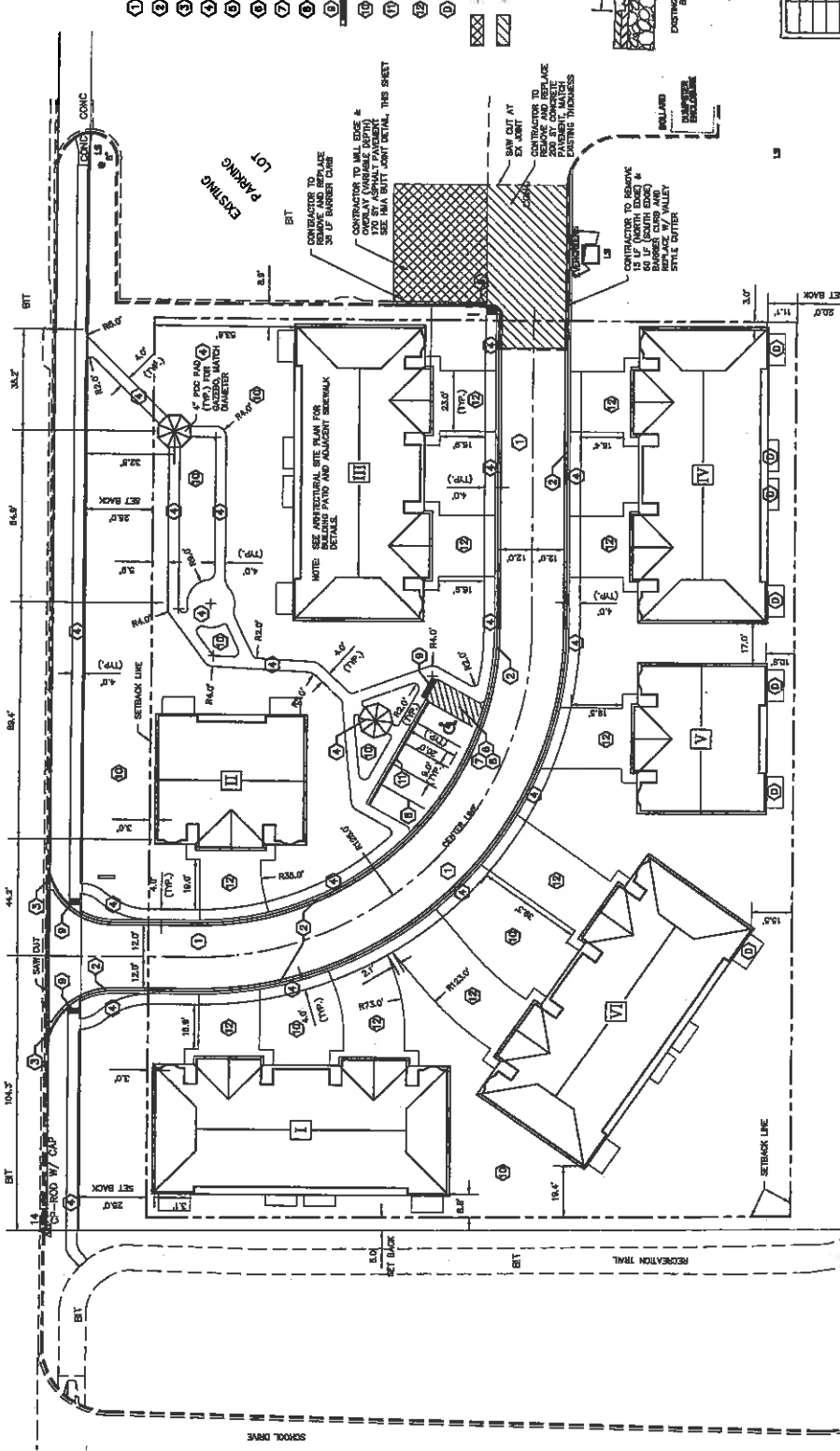
Payment Detail					
Installment	Batch Number	Receipt Number	Date Due	Date Paid	Paid By
First	2014000355		06/01/2015	05/18/2015	WASHINGTON VILLAGE ESTATES LP
Second	2014001694		09/01/2015	08/31/2015	WASHINGTON VILLAGE ESTATES LP

Disclaimers

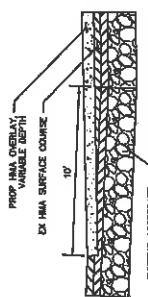
The Tazewell County Assessment Office makes every effort to produce and publish the most current and accurate information possible. The information maintained on this website should not be relied upon for any purposes except for those of the Tazewell County Supervisor of Assessments and his staff. The Tazewell County Assessment Office accepts no responsibility for the consequences of the inappropriate use or the interpretation of data. No warranties, expressed or implied, are provided for data herein. By proceeding with a property search you are stating that the notice has been read and that you understand and agree with its contents.



1. PER CRANE IN SOUTH
FACE OF POWER POLE
ELEV. = 774.53



- SITE DETAILS**
- 1 TYPICAL BITUMINOUS PAVEMENT
 - 2 24" VALLEY GUTTER
 - 3 BK12 BARRIER CURB
 - 4 P.C.C. SIDEWALK, 4" THICK
 - 5 90° PAVEMENT STRIPPING
 - 6 HC PAVEMENT STRIPPING
 - 7 HANDICAP SYMBOL
 - 8 HANDICAP SIGN DETAIL
 - 9 HANDICAPPED TRUNCATED DOME PER DOT STANDARD 424001-4
 - 10 LANDSCAPE AREA
 - 11 PRE-CAST BUMPER BLOCK
 - 12 P.C.C. DRIVEWAY, 8" THICK
 - 13 DECK, SEE ARCHITECTURAL PLANS
 - 14 MILL AND RESURFACE (VARIABLE DEPTH)
 - 15 FULL DEPTH CONCRETE REMOVAL



HMA BUTT JOINT DETAIL
NOT TO SCALE

SITE LAYOUT PLAN WASHINGTON CHRISTIAN VILLAGE WASHINGTON, ILLINOIS SHEET NO. 1 OF 1 DATE: 05/13/2015	
AMFC AMERICAN MATERIALS & CONSTRUCTION COMPANY 1000 N. WASHINGTON STREET, SUITE 100 WASHINGTON, ILLINOIS 60090-1000 TEL: (708) 441-1000 FAX: (708) 441-1001 WWW.AMFC.COM	

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>

joiliphant@ci.washington.il.us

MEMORANDUM

TO: Chairman Burdette and Planning & Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Front Yard Text Amendment
DATE: October 25, 2016

You may recall that a public hearing was held in June to recommend that language be adopted to provide better clarification for the definition of a corner lot. That text amendment was adopted by the City Council in July and established where the side and rear yards could be located. Staff discovered recently that while it created the corner lot definition, it inadvertently deleted the definition of "front yard." As a result, a text amendment is recommended with the same exact wording to insert this definition back into the zoning code.

A public hearing is scheduled for the November 2 Planning and Zoning Commission to offer a recommendation on this text amendment.

Enclosure

(Adoption of this ordinance would re-insert language to define a front yard in the Zoning Code after it was inadvertently deleted through a previous text amendment in July 2016. This would adopt the identical language for Yard, Front).

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING CHAPTER 154.004 ENTITLED
"DEFINITIONS"

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

Section 1. That § 154.004 of Chapter 154 of the Washington Municipal Code of Ordinances titled "Definitions" is hereby amended by adding the following definition for "Yard, Front:"

"§ 154.004 DEFINITIONS

YARD, FRONT. *An open space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the FRONT YARD shall be measured between the front line of the building and the front property line. If the front property line is located at the street centerline or section line, then the front yard shall be measured from the front line of the building to the edge of the nearest street use. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required FRONT YARD. For purposes of this Chapter, corner lots at two intersecting streets shall have a front yard adjacent to each street. Reverse frontage lots shall only have one front yard adjacent the street to which the building is numbered or addressed."*

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 _____, 2016.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk

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: Chairman Burdette and Planning & Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Floodplain Ordinance Amendment
DATE: October 24, 2016

FEMA has been in the process of modernizing the floodplain maps for Tazewell County since its initial scoping meeting in 2007. While there is very little new data associated with the new maps, they will be digitized and contain recent aerial photography, which will make it easier to help determine whether any structures are below the base flood elevation. The new maps are scheduled to become effective on February 17, 2017.

The City of Washington is part of the National Flood Insurance Program (NFIP). All NFIP communities are required to adopt floodplain management regulations that meet the standards of the NFIP. The City currently has a floodplain ordinance that used the state's model ordinance. This was first adopted in 1984 and last amended in 2005. The Illinois Department of Natural Resources has included the latest model ordinance and all communities are required to adopt the regulations by the map effective date.

Most of these amendments are very minor. The summary of the changes to each section are as follows:

- Section 154.186 (Definitions): Added definitions for Flood Insurance Study, Freeboard, Hazardous Materials, Historic Structure, Lowest Floor, New Construction, and Violation. The definitions for Floodplain and Special Flood Hazard Area (SFHA), Substantial Damage, and Substantial Improvement are all slightly revised.
- Section 154.187 (Base Flood Elevation): Substitutes the effective dates of the Flood Insurance Study.
- Section 154.188 (Duties of the Building Official): Revising the section references for C, E, and F.
- Section 154.189 (Development Permit): The third paragraph is new to reflect the need for the applicant to submit any other local, state, and federal permits.
- Section 154.190 (Preventing Increased Flood Heights and Resulting Damages): Adds (A)(1) pertaining to bridge and culvert crossings of streams in rural areas.
- Section 154.191 (Protecting Buildings): Sets the level at when a building must be protected from flood damage below the flood protection elevation when the improvements equal or exceed the market value by 50% in addition to the current equal or greater 20% of the floor area. Also:
 - Section 154.191(B)(2)(c): Designs must be done with a minimum of two openings if walls are used.
 - Section 154.191(B)(2)(e)(iii): Adds a sentence to allow for a licensed engineer or architect to certify the design methods for the foundation and supporting members.
- Section 154.191(F)(3): Allows for the garage or shed to be located in the floodway if the appropriate state and/or federal permits have been issued.

- Section 154.191(F)(7): Sets the market value or replacement cost at \$15,000 (instead of \$7,500) and the square footage at 576 square feet (instead of 500).
- Section 154.192(A)(3) (Subdivision Requirements): Adds a sentence to encourage public grounds, streets, and parks to preserve natural streams and channels and to include floodplains within parks or public grounds whenever possible.
- Section 154.193(A)(5) (Public Health and Other Standards): Requires that critical facilities be three feet above the 100-year floodplain in situations where a 500-year floodplain has not been determined and that access routes to critical facilities be at or above the base flood elevation.
- Section 154.194(C) (Variances): Establishes the conditions for which variances to the building protection requirements can be considered for historic structures.
- Section 154.196(B) (Penalty): Establishes the conditions for the issuance of a stop-work order if there is a willful act to increase flood damages and the hearing process through the Planning and Zoning Commission.
- Section 154.197 (Abrogation and Greater Restrictions): Substitutes the last prior date (3/21/05) of the floodplain ordinance amendment.
- Section 154.198 (Carrying Capacity and Notification): Adds a new section to require that any projects involving channel modification, fill, or stream maintenance to maintain the flood carrying capacity of the watercourse and that the City must notify adjacent communities of a permit for the alteration or relocation of the watercourse.
- Section 154.199 (Severability): Adds a new sentence that any particular provisions and sections are deemed separable and that the invalidity of any portion of the ordinance does not affect the validity of the remainder.

Staff has also drafted a text amendment in Section 154.193(A)(6) separate from the above changes to address the need to restrict any fencing within a floodplain. There is currently no language that addresses fencing in floodplains. Fences are restricted currently in surface drainage easements and staff would recommend adopting the same language prohibiting fences within floodplains.

A public hearing is scheduled for the November 2 Planning and Zoning Commission to offer a recommendation on this text amendment.

Enclosure

ORDINANCE NO. _____

(Synopsis: Approval of this ordinance would change the current adopted International Building Code, International Residential Code, and International Mechanical Code from the 2006 edition to the 2012 edition, while exempting the requirement for sprinklers for single- and two-family residential dwellings. The newly adopted codes would go into effect starting October 1, 2015.)

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING PART OF CHAPTER 154 ENTITLED
"SPECIAL FLOOD HAZARD AREA REGULATIONS"**

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

Section 1. That § 154.186 of the Washington Municipal Code of Ordinances entitled "Definitions" is hereby amended by adding the following definitions for "Flood Insurance Study," "Freeboard," "Hazardous Materials," "Historic Structure," "Lowest Floor," "New Construction," and "Violation" and deleting the definitions of Floodplain and Special Flood Hazard Area (SFHA)," "Substantial Damage," and "Substantial Improvement" and substituting the following in lieu thereof:

"§ 154.186 DEFINITIONS

FLOOD INSURANCE STUDY. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA). These two terms are synonymous. Those lands within the jurisdiction of the City of Washington, the extraterritorial jurisdiction of the City of Washington, or that may be annexed into the City of Washington, that are subject to inundation by the base flood. The floodplains of Washington are generally identified as such on panel numbers 55, 60, 65, and 70 of the countywide Flood Insurance Rate Map of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Tazewell County that are within the extraterritorial jurisdiction of the City of Washington or that may be annexed into the City of Washington are generally identified as such on the Flood Insurance Rate Map prepared for Tazewell County by the Federal Emergency Management Agency and dated February 17, 2017.

FREEBOARD. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HAZARDOUS MATERIALS. Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a present or potential hazard to human health and safety or to the environment whether in use, storage, or transit.

HISTORIC STRUCTURE. Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of §154.191 of this ordinance.

NEW CONSTRUCTION. Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss" (see definition).

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of improvements:

- equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
- increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided."

Section 2. That § 154.187(A) and § 154.187(D) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.187(A) and § 154.187(D) in its entirety and by substituting the following in lieu thereof:

"§ 154.187 BASE FLOOD ELEVATION

- (A) The base flood elevation for the floodplains of Tributary #1 and Farm Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017.

- (D) The base flood elevation for the floodplains of those parts of unincorporated Tazewell County that are within the extraterritorial jurisdiction of the City of Washington, or that may be annexed into the City of Washington shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017.”

Section 3. That § 154.188(C), § 154.188(E), and § 154.188(F) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.188(C), § 154.188(E), and § 154.188(F) in its entirety and by substituting the following in lieu thereof:

“§ 154.188 DUTIES OF THE BUILDING OFFICIAL

- (C) Ensure that the building protection requirements for all buildings subject to § 154.191 are met and maintain a record of the “as-built” elevation of the lowest flood (including basement) or floodproof certificate;”
- (E) Ensure that the water supply and waste disposal systems meet the Public Health standards of § 154.193;
- (F) If a variance is requested, ensure that the requirements of § 154.194 are met and maintain documentation of any variances granted;”

Section 4. That § 154.189(B) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.189(B) in its entirety and by substituting the following in lieu thereof:

“§ 154.189 DEVELOPMENT PERMIT

“Upon receipt of an application for a development permit, the Building Official shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be below the current base flood elevation is subject to the provisions of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site’s first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this ordinance.

The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site’s first Flood Insurance Rate Map identification.

The Building Official shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Building Official shall not issue a permit unless all other federal, state, and local permits have been obtained.”

Section 5. That § 154.190(A) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.190(A) in its entirety and by substituting the following in lieu thereof:

“§ 154.190 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in § 154.190(B), no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;
- (2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
- (3) Aerial utility crossing meeting the conditions of IDNR/OWR Statewide Permit Number 4.
- (4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5;
- (5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceed seventy (70) square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit No. 6;
- (6) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statement Permit No. 7;
- (7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (10) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
- (11) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and
- (12) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
- (13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.”

Section 5. That § 154.191 of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.191 in its entirety and by substituting the following in lieu thereof:

“§ 154.191 PROTECTING BUILDINGS

(A) In addition to the state permit and damage prevention requirements of §154.190, all buildings to be located in the floodplain shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building valued at more than one thousand dollars (\$1,000.00) or seventy (70) square feet;

- (2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceeds the market value by fifty percent (50%). This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this subchapter;
 - (3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken subsequent to the adoption of this subchapter;
 - (4) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);
 - (5) Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year; and
 - (6) Repetitive loss to an existing building as defined in § 154.186.
- (B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
- (1) The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including the basement) shall be at or above the FPE.
 - (b) The fill shall be placed in layers no greater than six (6) inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the FPE;
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
 - (e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or
 - (2) The building may be elevated in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls or other foundation provided that is permanently open to flood waters;
 - (b) All components located below the flood protection elevation shall be constructed of materials resistant to flood damage;
 - (c) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

- (d) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one (1) permanent openings on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation; and
- (e) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris.
 - (i) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - (ii) The area below the FPE shall be used solely for parking or building access and not later modified or occupied as habitable space; or
 - (iii) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- (3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 - (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
 - (c) The interior grade of the crawlspace below the FPE must not be more than two (2) feet below the lowest adjacent exterior grade.
 - (d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four (4) feet at any point.
 - (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - (f) Portions of the building below the FPE must be constructed with materials resistant to flood damage.
 - (g) Utility systems within the crawlspace must be elevated above the FPE.
- (C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- (1) Below the FPE the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 - (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 - (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 - (4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose this subchapter.
- (D) Manufactured homes or travel trailers to be permanently installed on site shall be:
- (1) Elevated to or above the FPE in accordance with § 154.191(B).
 - (2) Anchored to resist floatation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.
- (E) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of §154.191(B)(3) unless the following conditions are met:
- (1) The vehicle must be either self-propelled or towable by a light duty truck; and
 - (2) The hitch must remain on the vehicle at all times; and
 - (3) The vehicle must not be attached to external structures such as decks and porches; and
 - (4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and
 - (5) The vehicles largest horizontal projections must be no larger than four hundred (400) square feet; and
 - (6) The vehicle's wheels must remain on axles and inflated; and
 - (7) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and
 - (8) Propane tanks, electrical and sewage connections must be quick-disconnected and above the 100-year flood elevation; and
 - (9) The vehicle must be licensed and titled as a recreational vehicle or park model; and
 - (10) The vehicle must be either
 - (a) entirely supported by jacks rather than blocks or
 - (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

- (F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:
- (1) The garage or shed must be non-habitable; and
 - (2) The garage or shed must be used only for the storage of vehicles or tools and cannot be modified later into another use; and
 - (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits; and
 - (4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot; and
 - (5) Below the BFE, the garage or shed must be built of materials not susceptible to flood damage; and
 - (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the FPE; and
 - (7) The garage or shed must have at least one permanent opening on each wall no more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area; and
 - (8) The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy-six (576) square feet; and
 - (9) The structure shall be anchored to resist floatation and overturning; and
 - (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE; and
 - (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications."

Section 6. That § 154.192(A)(3) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.191(A)(3) in its entirety and by substituting the following in lieu thereof:

"§ 154.192 SUBDIVISION REQUIREMENTS

- (3) A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks, lots, parks, and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Whenever possible, the floodplains shall be included within parks or other public grounds."

Section 7. That § 154.193(A)(5) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.193(A)(5) in its entirety and by substituting the following in lieu thereof and that § 154.193(A)(6) is created in its entirety:

"154.193 PUBLIC HEALTH AND OTHER STANDARDS

- (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permitted within the floodplain only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall be elevated or structurally dry floodproofed to the 500-year flood frequency elevation. In situations where a 500-year flood elevation has not been determined the flood protection elevation shall be three (3) feet above the 100-year flood frequency elevation. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- (6) No fences shall be located within the floodplain.”

Section 8. That § 154.194(C) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.193(C) in its entirety and by substituting the following in lieu thereof:

“154.194 VARIANCES

(C) Historic Structures

- (1) Variances to the building protection requirements of § 154.190 and § 154.191 of this ordinance subject to the conditions that:
 - (a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - (b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.”

Section 9. That § 154.196(B) of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.196(B) in its entirety and by substituting the following in lieu thereof:

“154.196 PENALTY

- (B) The Building Official shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Building Official is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No building permit shall be permanently suspended or revoked until a hearing is held by the Planning and Zoning Commission. Written notice of such hearing shall be served on the permittee and shall state:

- (1) The grounds for the complaint, reasons for suspension or revocation, and
- (2) The time and place of the hearing.

At such hearing, the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Planning and Zoning Commission shall determine whether the permit shall be suspended or revoked.

Nothing herein shall prevent the City of Washington from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible."

Section 10. That § 154.197 of the Washington Municipal Code of Ordinances is hereby amended by deleting § 154.197 in its entirety and by substituting the following in lieu thereof:

"154.197 ABROGATION AND GREATER RESTRICTIONS

This ordinance repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program, including Ordinance 2598 passed March 21, 2005. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this subchapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the most stringent restrictions shall prevail."

Section 11. That § 154.198 of the Washington Municipal Code of Ordinances is hereby created in its entirety:

"154.198 CARRYING CAPACITY AND NOTIFICATION

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the City of Washington shall notify adjacent communities in writing thirty (30) days prior the issuance of a permit for the alteration or relocation of the watercourse."

Section 12. That § 154.199 of the Washington Municipal Code of Ordinances is hereby created in its entirety:

"154.199 SEVERABILITY

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder."

Section 13. That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

PASSED AND APPROVED this _____ day of _____, 2016.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk