

URBANA CITY COUNCIL MEETING

URBANA CITY COUNCIL CHAMBERS

Monday, March 5, 2001

7:30 P.M.

A G E N D A

A. MINUTES OF PREVIOUS MEETING

B. ADDITIONS TO THE AGENDA

C. PETITIONS AND COMMUNICATIONS

D. OLD BUSINESS

E. REPORTS OF STANDING COMMITTEES

1. Committee Of The Whole

- a. Resolution No. 2001-02-007R: A Resolution Authorizing a Single-Family Home Construction Incentive Program
- b. Ordinance No. 2001-02-014: An Ordinance Revising the Annual Budget Ordinance (Urbana Home Show Marketing)
- c. Ordinance No. 2001-02-015: An Ordinance Annexing Certain Territory to the City of Urbana (Choquette Residence / 407 Beringer Circle)
- d. Ordinance No. 2001-02-016: An Ordinance Annexing Certain Territory to the City of Urbana (Snyder Commercial Site / 2210 N. Willow Road)
- e. Ordinance No. 2001-02-017: An Ordinance Amending Chapters Ten and Eleven of the Code of Ordinances, City of Urbana, Illinois Regulating Nuisances and Health and Sanitation
- f. Resolution No. 2001-02-008R: A Resolution Approving and Authorizing the Execution of an Agreement with the Illinois Department of Transportation (Lincoln Avenue and Illinois Street)
- g. Resolution No. 2001-02-009R: A Resolution Providing for the Installation of Traffic Signals at Lincoln Avenue (F.A.U. Route 7177) and Illinois Street
- h. Resolution No. 2001-02-010R: Resolution for Improvement by Municipality Under the Illinois Highway Code (Lincoln Avenue and Illinois Street)

F. REPORTS OF SPECIAL COMMITTEES

G. REPORTS OF OFFICERS

H. NEW BUSINESS

1. Ordinance No. 2001-03-018: An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (With respect to front yard setback requirements in the R-2, R-3, R-4, R-5, R-7 and MOR Districts – Plan Case No. 1772-T-01)

I. ADJOURNMENT

CITY COUNCIL MINUTES
Monday, February 19, 2001

The City Council of the City of Urbana, Illinois met in regular session at 7:30 p.m., Monday, February 19, 2001 in the Urbana City Council Chambers at 400 South Vine Street.

There being a quorum, Mayor Satterthwaite called the meeting to order at 7:32 p.m.

Present at the meeting were Members of the Council: Hayes, Huth, Kearns, Patt, and Wyman – 5; absent: Taylor and Whelan (excused) – 2.

Also present were staff members: Police Chief Eddie Adair, Community Development Director April Getchius, Public Works Director Bill Gray, Building Safety Division Manager Craig Grant, Senior Planner Rob Kowalski, Fire Chief Rex Mundt, Assistant City Planner Libby Tyler, City Attorney Jack Waaler, and Chief Administrative Officer Bruce Walden.

MINUTES OF PREVIOUS MEETING

Alderman Hayes moved to approve the minutes of the December 18, 2000 regular meeting and the January 29, 2001 special meeting. The motion was seconded by Alderwoman Wyman. Alderwoman Patt stipulated that the December 18, 2000 minutes were the ones placed on the desk this evening rather than the December 18, 2000 minutes that were distributed with the packet. The minutes were approved by a voice vote.

ADDITIONS TO THE AGENDA

There were none.

PETITIONS AND COMMUNICATIONS

Mayor Satterthwaite stated that the Illinois Commerce Commission would hold a hearing regarding the Illinois Power Tariff at 7:30 p.m., March 12, 2001 in the Champaign City Council Chambers.

OLD BUSINESS

There was none.

REPORTS OF STANDING COMMITTEES

Committee of the Whole

Alderman Hayes moved to approve Ordinance No. 2001-02-009: An Ordinance Revising the Annual Budget Ordinance (Airport Road/Cunningham Avenue Study). The motion was seconded by Alderwoman Patt and carried 6-0 by roll call vote. Voting aye were Members of the Council: Hayes, Huth, Kearns, Patt, Wyman and Mayor Satterthwaite – 6; voting nay: none.

Alderman Hayes moved to adopt Resolution No. 2001-02-003R: A Resolution Providing for the Modernization of Traffic Signals at University Avenue (U.S. Route 45) and Race Street. The motion was seconded by Alderwoman Wyman and carried 5-0 by roll call vote. Voting aye were Members of the Council: Hayes, Huth, Kearns, Patt, and Wyman –5; voting nay: none.

Alderman Hayes moved to adopt Resolution No. 2001-02-004R: A Resolution Approving and Authorizing the Execution of an Agreement with the Illinois Department of Transportation (University Avenue and Race Street). The motion was seconded by Alderwoman Kearns and carried 5-0 by roll call vote. Voting aye were Members of the Council: Hayes, Huth, Kearns, Patt, and Wyman – 5; voting nay: none.

Alderman Hayes moved to adopt Resolution No. 2001-02-005R: Resolution for Improvement by Municipality Under the Illinois Highway Code (University Avenue and Race Street). The motion was seconded by Alderwoman Wyman and carried 5-0 by roll call vote. Voting aye were Members of the Council: Hayes, Huth, Kearns, Patt, and Wyman – 5; voting nay: none.

Alderman Hayes moved to adopt **Resolution No. 2001-02-006R: A Resolution Authorizing the Mayor to Enter an Agreement to Amend the Cable Franchise (Emergency Alert Signal Overrides)**. The motion was seconded by Alderwoman Kearns and carried by a voice vote.

Alderman Hayes moved to approve **Ordinance No. 2001-02-011: An Ordinance Relating to Civil Service (Police Corp Cadet)**. The motion was seconded by Alderwoman Wyman and carried 5-0 by roll call vote. Voting aye were Members of the Council: Hayes, Huth, Kearns, Patt, and Wyman – 5; voting nay: none.

The next meeting of the Committee of the Whole will be at 7:30 p.m., Monday, February 26, 2001 in the Urbana City Council Chambers at 400 South Vine Street.

REPORTS OF SPECIAL COMMITTEES

There were none.

REPORTS OF OFFICERS

Mayor Satterthwaite introduced the **Presentation of 2001 Financial Plan**. Mayor Satterthwaite stated that by following this financial plan he envisions dropping the property tax rate to a rate of \$1.31, which will match Champaign's property tax rate for the first time in years. This drop in the property tax has been a trend over the past several years. This is just one indicator of the strength of financial planning.

Chief Administrative Officer Bruce Walden and Comptroller Ronald Eldridge presented the 2001 Financial Plan to Council.

General operating funds, revenues and expenditures – for the last year revenues exceed expenditures by \$2.1 million. Last year's plan projected that by 2003, the amount the expenditures and revenues would be equal. Projections now show that point to be 2005.

Property Tax – city administrators recommend a rate of \$1.31 per \$100 of assessed value to match Champaign's rate. This rate is expected to be maintained over the next 4 or 5 years. It is expected that reducing the property tax would be an effective step in stimulating home construction.

City staff will recommend an additional \$150,000 reduction in the amount transferred from the general operations fund for the City's self-insurance program. This program has resulted in a \$3.5 million savings in what the City would have spent on regular insurance premiums.

Debate followed regarding the property tax rate, excess revenues and other items of concern in the financial plan.

NEW BUSINESS

Assistant City Planner Libby Tyler presented **Ordinance No. 2001-02-012: An Ordinance Approving an Annexation Agreement With Jack O. Snyder (2210 North Willow Road)**. This annexation agreement is for one acre located at 2210 North Willow Road with a zoning designation of B-3, General Business. The current Champaign County zoning designation for the site is AG-2, Agriculture. The proposed designation would be entirely consistent with the amended Comprehensive Plan land use designation for the site. The Urbana Plan Commission recommends Council approval and staff concurs.

Alderman Hayes moved to approve **Ordinance No. 2001-02-012: An Ordinance Approving an Annexation Agreement With Jack O. Snyder (2210 North Willow Road)**. The motion was seconded by Alderwoman Kearns and carried 5-0 by roll call vote. Voting aye were Members of the Council: Hayes, Huth, Kearns, Patt, and Wyman – 5; voting nay: none.

Senior Planner Rob Kowalski presented staff report on **Ordinance No. 2001-02-013: An Ordinance Approving a Major Variance (Reduction of the Required Frontyard Setback in the City's R-5, Medium High Density Multiple Family Residential Zoning District, From 23.5 Feet to 15 Feet/201 S. Grove Street – Case No. ZBA-01-MAJ-1)**. Chet Frederick is in the process of constructing a 5-unit

apartment building at the southwest corner of Grove Street and Elm Street. The framing of the building is completed and the contractors are currently working on the interior of the structure.

Due to an error on the part of city staff during the review of the development plan, the petitioner was informed that the setback along Elm Street could be 15-feet. It was later discovered that the setback was required to be 23.5 feet.

The Zoning Board of Appeals has forwarded the variance request to the City Council with a recommendation for approval and staff concurs.

Alderwoman Kearns moved to approve **Ordinance No. 2001-02-013: An Ordinance Approving a Major Variance (Reduction of the Required Frontyard Setback in the City's R-5, Medium High Density Multiple Family Residential Zoning District, From 23.5 Feet to 15 Feet/201 S. Grove Street – Case No. ZBA-01-MAJ-1).**

Alderwoman Huth stated that this property is in her ward and she has talked with a number of the residents and they are concerned with the changing face of that neighborhood. Alderwoman Huth requested that Council consider the idea of buffering the wall along Elm Street where the problem has occurred with a row of bushes to help lessen the impact on the neighbors. The developer is supportive of this request.

Mayor Satterthwaite suggested that the ordinance be passed and then discuss a contribution from the City to landscape that particular face of the building so that we can mitigate any negative impact that this error incurred.

Following debate regarding whether the ordinance should be postponed to add language, Don Aldine, attorney for the petitioner, stated that the petitioner has no problem with landscaping but a further delay is a problem due to problems such as construction money he is paying interest on and he has already been shut down for close to a month. Anything that could be done to facilitate this would be appreciated.

Staff suggested that the following condition be added "That a landscape screen be planted along the north side of the building to reduce impact on adjoining neighbors."

Alderwoman Huth moved the approve **Ordinance No. 2001-02-013: An Ordinance Approving a Major Variance (Reduction of the Required Frontyard Setback in the City's R-5, Medium High Density Multiple Family Residential Zoning District, From 23.5 Feet to 15 Feet/201 S. Grove Street – Case No. ZBA-01-MAJ-1)** with the condition that a landscape screen be planted along the north side of the building to reduce impact on adjoining neighbors. The motion was seconded by Alderwoman Wyman and carried 5-0 by roll call vote. Voting aye were Members of the Council: Hayes Huth, Kearns, Patt, and Wyman – 5; voting nay: none.

Alderwoman Huth moved that the City look into funding a screening buffer for the north side of 201 South Grove. The motion was seconded by Alderwoman Patt and carried by a voice vote.

Ms. Tyler presented the staff report on the **Tax Increment Financing Feasibility Study: North Urbana (TIF No. 4) Study Area**. The consulting firm of Peckham Guyton Albers & Viets, Inc. (PGAV) has been working for the past several months on an Eligibility and Financial Feasibility Study for a Potential Tax Increment Finance (TIF) District to be located in north Urbana along the North Lincoln Avenue and North Cunningham Avenue corridors.

This study was initially requested in response to a need to correct major infrastructures deficiencies and obstacles to development in North Urbana. Following the postponement of the Olympian Drive project, Council re-evaluated the need for the TIF study in May 2000 and found that a TIF District in this area would be worth investigating.

On September 5, 2000, the City Council passed Resolution No. 2000-08-021R, which provided for completion of the feasibility study and declared its intent to reimburse certain redevelopment project costs. Discussion of that study is attached.

Mayor Satterthwaite recommended the appointment of Clyde Walker to the Housing Authority Board of Champaign County. Mr. Walker works an Encoding Assistant Supervisor for Metritech, Inc. and has lived in the Urbana-Champaign area for the past 37 years.

Alderwoman Patt moved the appointment of Clyde Walker to the Housing Authority Board of Champaign County. The motion was seconded by Alderwoman Wyman and carried by a voice vote.

Mayor Satterthwaite stated that he had appointed Ron Gerriets, a retired principal from Urbana High School, to the Civil Service Commission.

ADJOURNMENT

There being no further business to come before the Council, Mayor Satterthwaite declared the meeting adjourned at 9:00 p.m.

Tod Satterthwaite
Mayor

Phyllis D. Clark, City Clerk

*This meeting was taped.

**This meeting was broadcast on cable television.

Minutes approved:



DEPT. OF COMMUNITY DEVELOPMENT SERVICES
PLANNING AND ECONOMIC DEVELOPMENT DIVISION

m e m o r a n d u m

TO: Bruce K. Walden, CAO

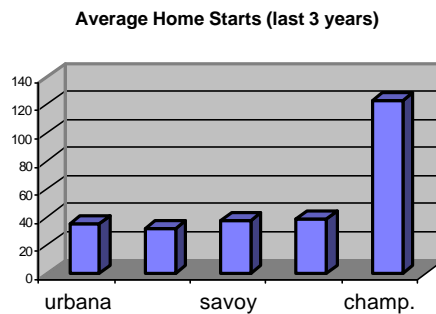
FROM: April D. Getchius, AICP, Director

DATE: February 20, 2001

SUBJECT: A Resolution Approving a Single Family Home Construction Incentive

Introduction. The purpose of this memo is to introduce a resolution that will authorize a new incentive program for single-family home construction in Urbana.

Background. With the availability of approximately 800 platted or upcoming residential lots, the City's home starts over the last three years have averaged only 33 homes. As the chart below indicates, we have not captured our "share" of new home starts.



In repeated discussions with homebuilders and realtors, the largest stumbling block for new home construction or lot sales is Urbana's tax rate, which is higher than the City of Champaign. Although the City of Urbana's 2001 Financial Plan recommends lowering the City of Urbana

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Corporate Tax rate to \$1.31, which is equivalent to the City of Champaign's corporate tax rate, the overall tax bill for an Urbana property owner is higher than one for a comparable home in Champaign. In order to combat that obstacle, City administration is recommending the following program.

Tax Rebate Program

- For newly constructed, non government subsidized single family detached homes for which a City of Urbana building permit is issued between March 1, 2001 and December 1, 2002, the City will reimburse the property owner the difference in an amount equal to the real estate taxes paid each year on behalf of such property to the extent such taxes are greater than what they would be if the subject property had been located in the City of Champaign for a period of five (5) years.
- The rebate would be for a period of five years from the issuance of the first tax bill for the property.
- The rebate is applicable to any new single family detached home constructed on-site within the Urbana City limits. (Beringer Commons homes are specifically excluded as a result of a previous agreement).
- The owner would have to sign an agreement in order to qualify.
- The rebate is transferable to subsequent owners within the five-year time frame of the program.

Fiscal Impacts. If we assume that 40 new homes are constructed the first year and 60 new homes the second year and that the market value of the homes average \$150,000 or a \$50,000 EAV, the following table summarizes the cost for the life of the program and expected revenues.

<i>Total Estimated Revenues</i>	<i>Total Estimated Rebates</i>	<i>Net Taxing Districts' Estimated Revenues</i>
\$1,699,483	\$242,812	\$1,456,671

Staff anticipates revenues beyond the property tax revenues. The 2001 Multi-Year Financial Plan and Policies demonstrates that although there is leakage of sales tax dollars to other communities, Urbana residents do spend their grocery and gasoline dollars here. As a result, with an increase in homes, the Council can expect an increase in the sales tax revenue generated by new homeowners on these items.

As the economic development arm for other taxing districts such as Unit 116 Schools and the Urbana Park District, staff believes that this investment is an important tool to stimulate home starts in our fine Urbana subdivisions such as South Ridge, Stonecreek, Eagle Ridge and Fairway Estates. The Park and School districts boards and staff fully support the City's

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proposal. The City is discussing a variety of other matters with these districts that will likely result in a series of intergovernmental agreements at a later date. These issues include the City's provision of services, the University of Illinois' expansion and TIF 4. The City, Park District and School District are closely coordinated on these matters. Ultimately, we will reach agreements with these districts, which are unrelated to this program but will equitably balance the financial obligations.

Options. The City Council has the following options in this case:

- a) The City Council may approve the attached resolution and the associated program as presented.
- b) The City Council may approve the attached resolution and the associated program with changes.
- c) The City Council may deny approval of the attached resolution and the associated program.

Recommendation. Staff recommends that the City Council approve this program. It provides an opportunity to encourage new home construction in the City of Urbana and expand the tax base. This program will make us competitive with other communities and will help to attract new homeowners to the City.

c: Carl Hill, Hillshire Realty
G Drive

March 2, 2001

RESOLUTION NO. 2001-02-007R

A Resolution Authorizing a Single-Family Home Construction Incentive Program

WHEREAS, the City of Urbana is interested in promoting new single family home construction in the City; and

WHEREAS, the City Council has determined that an appropriate means by which to encourage the construction of new homes is for the City to pay the difference between property taxes incurred by new homes in the City of Urbana and the taxes those homes would incur in the City of Champaign for a period of time, on behalf of property owners who build new homes within the City; and

WHEREAS, the City has reduced its property tax rate consistently over the past six years; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City of Urbana will provide a tax rebate for newly constructed single family detached homes, built on site, for which a building permit is issued between March 1, 2001 and December 1, 2002 in an amount equal to the real estate taxes paid each year on behalf of such property to the extent such taxes are greater than what they would be if the subject property had been located in the City of Champaign for a period of five (5) years. The program applies to non publicly subsidized, newly constructed single family detached, on-site housing anywhere within the Urbana city limits, except homes in Beringer Commons Subdivision which are governed by a previously agreed to binding legal settlement.

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Section 2. That said tax rebate will commence upon the issuance of the first tax bill for the new home, regardless of whether said tax bill is a partial or full assessment.

Section 3. That said property owners will be required to sign an agreement outlining the program parameters in order to qualify for said rebate.

Section 4. That the Director of Community Development Services and the Comptroller are responsible for managing this program and issuing eligible payments hereunder.

— PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor



DEPT. OF COMMUNITY DEVELOPMENT SERVICES
PLANNING AND ECONOMIC DEVELOPMENT DIVISION

m e m o r a n d u m

TO: Bruce K. Walden, CAO
FROM: April D. Getchius, AICP, Director
DATE: February 22, 2001
SUBJECT: An Ordinance Revising The Annual Budget Ordinance
(Urbana Home Show Marketing)

Introduction. The purpose of the proposed budget amendment is to provide \$5,000 for the marketing of a model home show in Urbana. This proposal, coupled with the single-family home incentive program, is anticipated to help provide a boost to home starts in Urbana.

Issues and Discussion. The attached ordinance provides \$5,000 from the Economic Development Fund to participate in a home show to display model homes in Urbana subdivisions in 2001. The 2001-2002 Budget will include another \$5,000 for a second home show in 2002. The Mayor and City staff have been working with the Urbana Home Builders Association to develop a marketing plan for new homes in Urbana. The Mayor will execute a letter of understanding with the Association that requires that they match the \$5,000 with their funds and have a minimum of five homes available for display. The specific date for the home show is not yet established.

Fiscal Implications. There are sufficient funds in the Economic Development Fund to accommodate this expenditure. It is important that a marketing effort accompany our single-family home incentive program. With approximately 800 lots available for construction, an incentive program alone will not be sufficient unless we are able to “get the word out.”

Options. The City Council has the following options in this case:

- a. The City Council may approve the attached budget amendment.
- b. The City Council may deny approval of the attached budget amendment.

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Recommendation. Staff recommends that the City Council approve the attached budget amendment so that staff may proceed to work with the homebuilders on marketing efforts.

If you have any questions, please feel free to call me at 384-2439 or email me at adgetchius@city.urbana.il.us.

c: Carl Hill
G Drive

March 2, 2001

ORDINANCE NO. 2001-02-014

AN ORDINANCE
REVISING THE ANNUAL BUDGET ORDINANCE
(Urbana Home Show Marketing)

WHEREAS, the Annual Budget Ordinance of and for the City of Urbana, Champaign County, Illinois, for the fiscal year beginning July 1, 2000, and ending June 30, 2001, (the "Annual Budget Ordinance") has been duly adopted according to sections 8-2-9.1 et seq. of the Illinois Municipal Code (the "Municipal Code") and Division 2, entitled "Budget", of Article VI, entitled "Finances and Purchases", of Chapter 2, entitled "Administration", of the Code of Ordinances, City of Urbana, Illinois (the "City Code"); and

WHEREAS, the City Council of the said City of Urbana finds it necessary to revise said Annual Budget Ordinance by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves; and

WHEREAS, funds are available to effectuate the purpose of such revision; and

WHEREAS, such revision is not one that may be made by the Budget Director under the authority so delegated to the Budget Director pursuant to section 8-2-9.6 of the Municipal Code and section 2-133 of the City Code.

March 2, 2001

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the Annual Budget Ordinance be and the same is hereby revised to provide as follows:

FUND:	Economic Development
AMOUNT:	\$5,000
ADD EXPENSE:	Urbana Home Show Marketing
REDUCE:	Fund Balance

Section 2. This Ordinance shall be effective immediately upon passage and approval and shall not be published.

Section 3. This Ordinance is hereby passed by the affirmative vote of two-thirds of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: April D. Getchius, AICP, Director of Community Development Services

DATE: February 22, 2001

SUBJECT: **Annexation of 407 N. Beringer Circle / Choquette Residence
Beringer Commons Subdivision Number 2b**

Introduction

Staff is requesting the City Council to consider the annexation of one unincorporated lot located in Beringer Commons Subdivision Number 2b at the regular meeting of the Urbana City Council scheduled for 7:30 pm Monday, March 5, 2001. A map is attached to help illustrate the location of the area proposed to be annexed.

Background

An annexation agreement between the City of Urbana and the developer of Beringer Commons Subdivision was approved and authorized by City Council on August 5, 1991 (Council Ordinance No. 9192-20). The agreement required that this property to be annexed into the City in 1999. A petition for annexation was submitted by Kent and Lori Choquette after their purchase of 407 N. Beringer Circle last year and subsequent discovery that they had to pay more for Library and Park District services.

Issues and discussion

The property is surrounded by the City limits as a result of annexations that occurred in 1999 and then again in 2000 as a result of the Big Grove annexation strategy. It should be noted that this and other properties within Beringer Commons that are surrounded by the City and required to annex by the annexation agreement are proposed to be annexed involuntarily within the next few months once proper notice is provided to the affected property owners and residents.

Recommendation

Staff recommends that Committee of the Whole forward the attached "Ordinance Annexing Certain Territory to the City of Urbana" to the regular City Council meeting scheduled for 7:30 pm Monday, March 5, 2001.

Prepared by: _____
Reed Berger, Economic Development Coordinator

c: Mayor Satterthwaite and City Council Members
City Department Heads
Petitioner

Petition for Annexation
to
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS

The Petitioners, **Kent and Lori Choquette**, respectfully state under oath:

1. Petitioners are the sole owners of record of the following legally described land (hereinafter sometimes referred to as the Tract), except any public right-of-way property to wit:

Lot 211 of Beringer Commons Subdivision No. 2b, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC at page 63 , in the Office of the Recorder, Champaign County, Illinois. Situated in Champaign County, Illinois and containing 0.31 Acre, more or less.

Commonly known as **407 N. Beringer Circle** and also identified as Parcel Index Number **30-21-10-402-026**.

2. Said Tract is not situated within the corporate limits of any municipality, but together with other tracts, shall be contiguous to the City of Urbana, Illinois at the time said tract is annexed to the City of Urbana.

3. At least fifty-one percent (51%) of all electors residing in said Tract have signed this petition.

PETITIONER RESPECTFULLY REQUESTS:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).

2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the Urbana City Council on August 5, 1991 as Ordinance No. 9192-20 and approved by the Mayor of the City of Urbana.

Dated this _____ day of _____, 2000.

PETITIONERS:

Kent Choquette

Lori Choquette

Subscribed and sworn to before me this

_____ day of _____, 2000, A.D.

Notary Public

My Commission Expires: _____

ORDINANCE NO. 2001-02-015

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(Snyder Commercial Site / 2210 N. Willow Road)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Carroll Fire Protection District, and includes certain territory within the Urbana Township, and Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on February 9, 2001, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, March 5, 2001, and the Affidavit of mailing such Notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the _____ day of _____, 2001; and

WHEREAS, there are no electors residing within such territory; and

WHEREAS, the City Council passed Ordinance No. _____ on _____, 2001 approving and authorizing the execution of an annexation agreement; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's AG-2, Agriculture zoning district and upon annexation will be classified B-3 General Business upon annexation in accordance with the above-referenced annexation agreement; and

WHEREAS, it has been determined that said petition complies with all requirements of the law therefore; and

WHEREAS, the majority of the Members of the Council are of the opinion

that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

Section 1. That the following described real estate, viz:

Lot 211 of Beringer Commons Subdivision No. 2b, Urbana Township, Champaign County, Illinois, per plat recorded in Plat Book CC at page 63, in the Office of the Recorder, Champaign County, Illinois. Situated in Champaign County, Illinois and containing 0.31 Acre, more or less.

commonly known for reference as 407 N. Beringer Circle, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcel, prior to annexation, has the parcel index number 30-21-10-402-026 and following annexation the said parcel should bear the parcel index number 91-21-10-402-026.

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Recorder's Office of Champaign County, Illinois.

Section 3. That the City Clerk be authorized and directed to file, for record, a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Office of the County Clerk and County Election Authority of Champaign County, Illinois.

Section 4. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real property herein annexed as R-2 Single Family Residential upon annexation and in accordance with an annexation agreement approved and authorized on August 5, 1991 by Council Ordinance No. 9192-20.

Section 5. The territory annexed herein is assigned to City of Urbana Ward 5.

Section 6. This Ordinance shall take effect at 12:00 p.m. CDT, April

11, 2001.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the ____ day of _____, 2001, A.D.

PASSED by the City Council this ____ day of _____, 2001.

AYES:

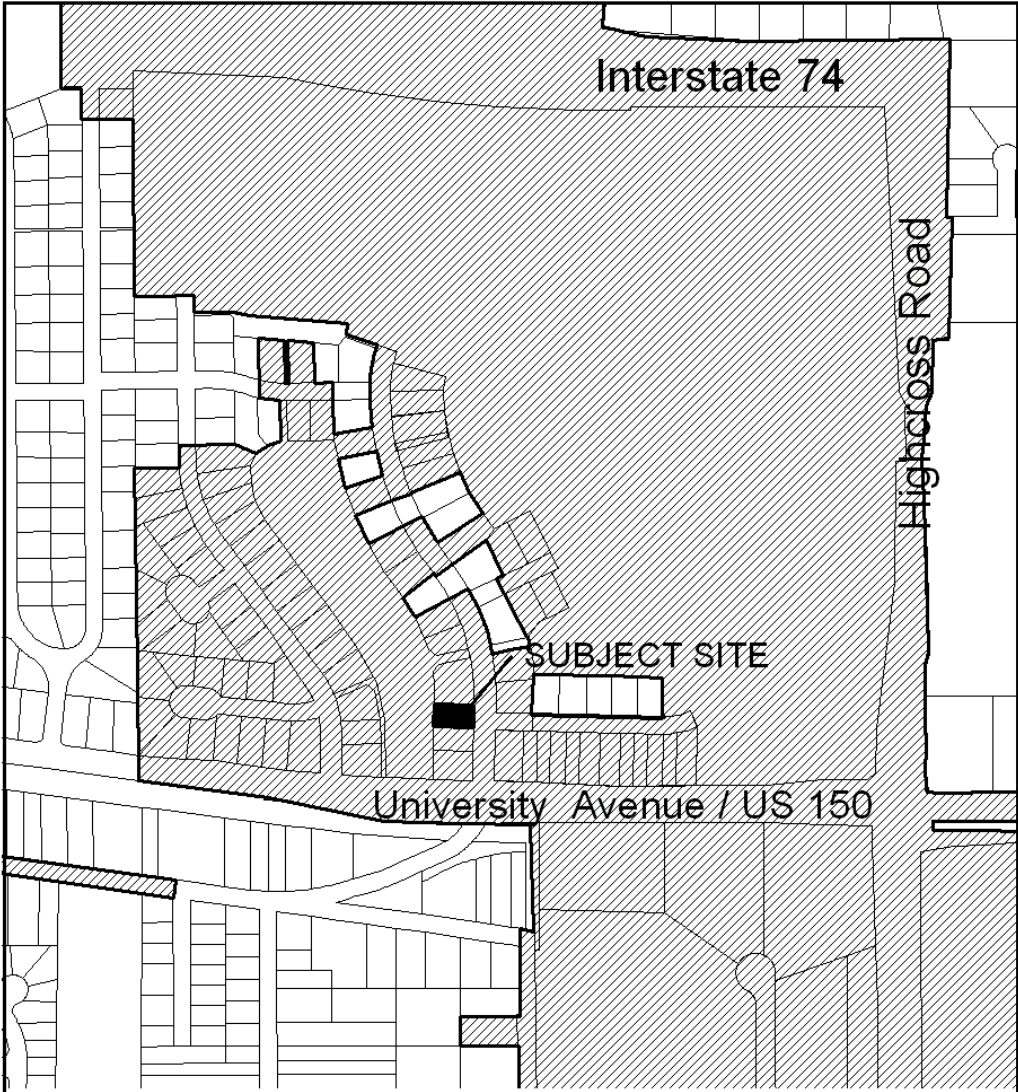
NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor



Proposed Annexation to City of Urbana
407 N. Beringer Circle / Choquette Residence





DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce Walden, Chief Administrative Officer

FROM: April D. Getchius, AICP, Director of Community Development Services

DATE: February 22, 2001

SUBJECT: **Annexation of 2210 N. Willow Road / Snyder Commercial Site**
(referred from Plan Case No. 1769-A-00)

Introduction

Jack O. Snyder submitted a petition to annex 2210 North Willow Road, a commercial site containing approximately one acre in area. This annexation is governed by the terms of an annexation agreement recently approved by this City Council. The agreement binds both the City and property owner to execute the annexation in a timely manner.

Background

The subject property is located at the northeast corner of the intersection of North Willow Road and Anthony Drive, just north of Interstate 74. It is currently vacant and has previously been used for by Amerigas and a former company for LP gas sales. The annexation agreement changed the zoning designation for the site from AG-2, Agriculture in the County to a zoning designation of B-3, General Business in the City.

Issues and discussion

The issues have already been considered in the recent discussions related to the annexation agreement.

Recommendation

Staff recommends that Committee of the Whole forward the attached "Ordinance Annexing Certain Territory to the City of Urbana" to the regular City Council meeting scheduled for 7:30 pm Monday, March 5, 2001.

Prepared by: _____
Reed Berger, Economic Development Coordinator

c: Mayor Satterthwaite and City Council Members
City Department Heads
Petitioner

**Petition for Annexation to
THE CITY COUNCIL OF THE CITY OF URBANA
CHAMPAIGN COUNTY, ILLINOIS**

The Petitioner, **Jack O. Snyder**, respectfully states under oath:

1. Petitioner is the sole owner of record of the following legally described land (hereinafter sometimes referred to as the Tract), except any public right-of-way property to wit:

Beginning at a point on the West line of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, which is 2,256.41 feet South of the Northwest corner thereof; thence East 208.00 feet; thence South 248.36 feet more or less to the intersection with the Northerly right of way line of FAI 74; thence Westerly along said right of way line along a curve to the right whose radius is 1,090 feet, 37.84 feet to the Point of Curvature of said curve; thence North 78° 05' West, 48.70 feet to the point of tangency of another curve to the right whose radius is 130.00 feet; thence along said curve to the right, 179.10 feet; thence West 17.15 feet to the West line of said Section 4; thence North along said West line 105.05 feet to the point of beginning, situated in Champaign County, Illinois.

Being the same tract described on a Deed recorded March 9, 1990 in Book 1677 at Page 627 in the Office of the Recorder of Deeds, Champaign County, Illinois.

Commonly known as **2210 N. Willow Road** and also identified as Parcel Index Number **30-21-04-100-004**.

2. Said territory is not situated within the corporate limits of any municipality, but is contiguous to the City of Urbana, Illinois.

3. There are no electors residing in said Tract.

PETITIONER RESPECTFULLY REQUESTS:

1. That said Tract described above herein be annexed to the City of Urbana, Illinois in accordance with all of the aforesaid conditions herein and pursuant to Section 5/7-1-8 of the Municipal Code of the State of Illinois, as amended (65 ILCS 5/7-1-8).
2. That said Tract be annexed in accordance with the terms of the annexation agreement passed by the Urbana City Council on _____, 2001 as Ordinance No. _____ and approved by the Mayor of the City of Urbana.

Dated this _____ day of _____, 2001.

PETITIONER:

Jack O. Snyder

Subscribed and sworn to before me this

____ day of _____, 2001

NOTARY PUBLIC

My commission expires: _____

ORDINANCE NO. 2001-02-016

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF URBANA

(Snyder Commercial Site / 2210 N. Willow Road)

WHEREAS, the hereinafter described territory is situated in unincorporated territory adjacent to and contiguous to the City of Urbana, Illinois, and is part of the Carroll Fire Protection District, and includes certain territory within the Urbana Township, and Notice was given to the Trustees of said Fire Protection District, the Board of Township Trustees, and the Township Commissioner of Highways, said notices being mailed on February 9, 2001, that this Ordinance would be voted upon at the regular meeting of this Council at 7:30 p.m., Monday, March 5, 2001, and the Affidavit of mailing such Notices was duly recorded with the Recorder of Deeds of Champaign County, Illinois, on the _____ day of _____, 2001; and

WHEREAS, there are no electors residing within such territory; and

WHEREAS, the City Council passed Ordinance No. _____ on _____, 2001 approving and authorizing the execution of an annexation agreement; and

WHEREAS, the territory to be annexed by this Ordinance is presently located within Champaign County's AG-2, Agriculture zoning district and upon annexation will be classified B-3 General Business upon annexation in accordance with the above-referenced annexation agreement; and

WHEREAS, it has been determined that said petition complies with all requirements of the law therefore; and

WHEREAS, the majority of the Members of the Council are of the opinion

that it would be for the best interests of the people of the City of Urbana, Illinois, that said territory be annexed to and made a part of the said City.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

Section 1. That the following described real estate, viz:

Beginning at a point on the West line of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, which is 2,256.41 feet South of the Northwest corner thereof; thence East 208.00 feet; thence South 248.36 feet more or less to the intersection with the Northerly right of way line of FAI 74; thence Westerly along said right of way line along a curve to the right whose radius is 1,090 feet, 37.84 feet to the Point of Curvature of said curve; thence North 78° 05' West, 48.70 feet to the point of tangency of another curve to the right whose radius is 130.00 feet; thence along said curve to the right, 179.10 feet; thence West 17.15 feet to the West line of said Section 4; thence North along said West line 105.05 feet to the point of beginning, situated in Champaign County, Illinois.

Being the same tract described on a Deed recorded March 9, 1990 in Book 1677 at Page 627 in the Office of the Recorder of Deeds, Champaign County, Illinois.

commonly known for reference as 2210 N. Willow Road, Urbana, Illinois, be and the same is hereby annexed to the City of Urbana, Illinois. The above-described parcel, prior to annexation, has the parcel index number 30-21-04-100-004 and following annexation the said parcel should bear the parcel index number 91-21-04-100-004 .

Section 2. That the City Clerk be authorized and directed to record a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Recorder's Office of Champaign County, Illinois.

Section 3. That the City Clerk be authorized and directed to file, for record, a certified copy of this Ordinance together with an accurate map of the territory hereinabove described in the Office of the County Clerk and County Election Authority of Champaign County, Illinois.

Section 4. The Zoning Ordinance of the City of Urbana, Illinois, and the Zoning Map of Urbana, Illinois, are hereby amended to classify the real

property herein annexed as B-3 General Business upon annexation and in accordance with an annexation agreement approved and authorized on _____, 2001 by Council Ordinance No. _____.

Section 5. The territory annexed herein is assigned to City of Urbana Ward 5.

Section 6. This Ordinance shall take effect at 12:00 p.m. CDT, March 16, 2001.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the ____ day of _____, 2001, A.D.

PASSED by the City Council this ____ day of _____, 2001.

AYES:

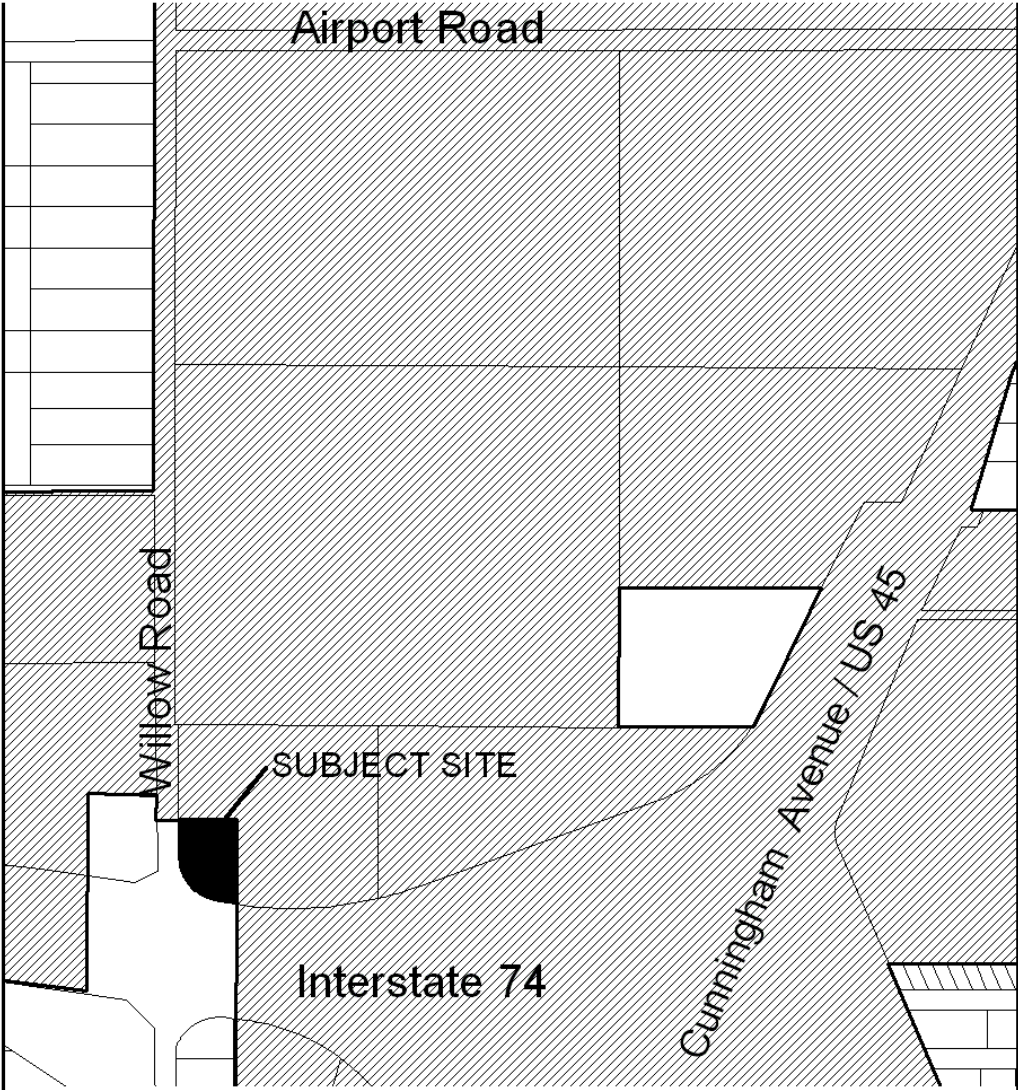
NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor



Proposed Annexation to City of Urbana
SNYDER COMMERCIAL SITE





ENVIRONMENTAL MANAGEMENT DIVISION

MEMORANDUM

TO: Bruce Walden, Chief Administrative Officer
FROM: Bill Gray, Public Works Director
Rod Fletcher, Environmental Manager
DATE: February 22, 2001
RE: Proposed Nuisance Ordinance

Action Requested

Review and consideration of the attached ordinance for approval.

Discussion

Pursuant to Council's request to address expressed concerns regarding nuisance violations and enforcement, staff has prepared the attached draft ordinance for consideration. The proposed ordinance is intended to amend current nuisance provisions and will, upon ultimate completion, be more comprehensive in content and uniform in enforcement measures.

As previously presented to Council, the proposed ordinance creates a new Article in Chapter 11 of the Municipal Code entitled "Health and Sanitation". Ultimately, this article will contain 5 Divisions as shown below:

- Article IV. Nuisances
- Division 1 Generally
- Division 2 Municipal Waste
- Division 3 Vegetation
- Division 4 Vehicles
- Division 5 Miscellaneous

However, at this time only Divisions 1 and 2 are being proposed for adoption. The remainder will follow in subsequent ordinance(s) as soon as possible. Staff will review the attached ordinance in detail. For ease of Council review, a deletions (strikeout) and additions (underlined) version of the prior draft language presented is attached. Also attached is version without deletions/additions.

Recommendation

Adoption of the proposed ordinance.

ORDINANCE NO. 2001-02-017

AN ORDINANCE AMENDING CHAPTERS TEN AND ELEVEN, OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING NUISANCES AND HEALTH AND SANITATION

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-60-2) states that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and welfare of the citizens of Urbana to amend the regulations concerning nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Chapter 10, "Solid Waste Management", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by repealing Article I, "In General", in it's entirety and by adding a new Article I, "In General", to read as follows:

ARTICLE I. IN GENERAL

Section 10-1. Definitions.

As used in Chapter 10 of this Code, the following terms shall have the meaning ascribed to each such term as set forth below:

Approving authority means the director of public works or designee.

City means the City of Urbana, Illinois.

Commercial/industrial hauler means any person who collects and transports municipal waste, landscape waste or recyclable materials solely from multifamily dwellings of seven (7) or more dwelling units, commercial business enterprises, or industrial enterprises.

Construction and demolition debris means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair and demolition of utilities, structures and roads including, but not limited to the following: bricks, concrete, and other masonry materials, soil, rock, wood, including non-hazardous painted, treated, and coated wood and wood products, wall coverings, plaster, drywall, plumbing fixtures, electrical fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphalt and similar materials.

County means Champaign County, Illinois.

Curbside means that portion of the right-of-way adjacent to and within five (5) feet of paved or traveled roadways, including alleys.

Debris means the scattered remains of something broken or destroyed, apparently abandoned to the elements.

Dwelling means any building, but not a travel trailer, which is exclusively designed for or used for one (1) or more dwelling units.

Dwelling units means one (1) room or suite of two (2) or more rooms in a building, designed for and used by one (1) family for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of the structure or from a common interior hallway.

Front yard means a yard extending across the full width of a lot, and measured between a lot line abutting a street and the nearest line of a structure located on a lot.

Garbage means wastes resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

Generator means any person whose act or process produces or accumulates municipal waste, landscape waste, or recyclable materials.

Hauler means any person who collects and transports municipal waste, landscape waste, or recyclable materials.

Hazardous waste means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580), as amended, or pursuant to Illinois Pollution Control Board regulations.

Junk means items of no practical or functional utility.

Landscape waste means all accumulations of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees (415 ILCS 5/3.20). "Live" Christmas trees and greenery from wreaths or garlands, which are free of ornamentation and metal wire, shall also be considered landscape waste.

Landscape company means a company that provides, for property other than its own, maintenance or removal of lawns, shrubbery, trees, or any ornamental plant, and transports only landscape waste produced directly as a result of landscape care activities of its own employees, and no other landscape or municipal waste.

Litter means any discarded used or unconsumed substance or waste.

Multifamily dwellings means a building or structure of seven (7) or more dwelling units, dormitories, college residence halls, fraternal chapters and cooperatives.

Municipal waste means any garbage, refuse, rubbish, debris, or litter but does not include special waste, landscape waste, or construction and demolition debris.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

Recyclable materials means nonhazardous, nonputrescible materials, that would otherwise be considered or become municipal waste if not for the existence of viable secondary markets for such materials, including but not limited to categories of metals, glass, papers, or plastics that are processed and returned to the economic mainstream in the form of raw material feedstock or products. Specific recyclable materials accepted and collected in the city's authorized recycling programs, shall be as designated by the city.

Refuse means all putrescible and nonputrescible wastes including garbage and rubbish.

Rubbish means nonputrescible wastes consisting of both combustible and noncombustible material and residuals, including but not limited to paper products, cardboard, glass, plastic or metal products, discarded or non-functional automotive parts and tires, discarded furniture or furniture not designed for or modified to withstand the elements and outdoor use, abandoned or non-functional appliances, junk, debris and similar materials.

Residential dwelling means any single or multifamily dwelling of six (6) or fewer units within the corporate limits of the city.

Residential hauler means any person who collects and transports municipal waste, landscape waste or recyclable materials from a residential dwelling.

Right-of-way or ROW means the entire dedicated tract or strip of land that is legally used by the public for circulation or service.

Special waste means any industrial process waste, pollution control waste, hazardous waste or potentially infectious medical waste.

Sections 10-3 – 10-19 Reserved.

Section 2. That Article II, "Hauler License", of Chapter 10, "Solid Waste Management", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended by adding new Section 10-39, to read as follows:

Section. 10-39. General penalty.

(A) Any person who violates any provision of article II or IV of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for a first offense and a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for any subsequent offense.

(B) Every act or omission constituting a violation of any of the provisions of article II or IV by any officer, director, manager, agent, or employee of any hauler shall be imputed to such hauler. The hauler may be punishable as if the act or omission had been done by the hauler personally.

(C) The suspension or revocation of a business license by the city shall not be considered a recovery or penalty so as to bar any court imposed fine from being enforced.

Section 3. That new Article IV, "Nuisances", Sections 11-40 through 11-60, is hereby added to Chapter 11, "Health and Sanitation", of the Code of Ordinances, City of Urbana, Illinois, to read as follows:

ARTICLE IV. NUISANCES

DIVISION 1. GENERALLY

Section 11-40. Definitions.

As used in this Article, the following terms shall have the meaning ascribed to each term as set forth below:

Abatement means the removal, stoppage, or action that mitigates that which causes or constitutes a public nuisance.

Approving authority means the director of public works or designee.

City means the City of Urbana, Illinois.

County means Champaign County, Illinois.

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Construction and demolition debris means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair and demolition of utilities, structures and roads including, but not limited to the following: bricks, concrete, and other masonry materials, soil, rock, wood, including non-hazardous painted, treated, and coated wood and wood products, wall coverings, plaster, drywall, plumbing fixtures, electrical fixtures, non-asbestos insulation, roofing shingles and other roof coverings, asphalt and similar materials.

Debris means the scattered remains of something broken or destroyed, apparently abandoned to the elements.

Dwelling means any building, but not a travel trailer, which is exclusively designed for or used for one (1) or more dwelling units.

Dwelling units means one (1) room or suite of two (2) or more rooms in a building, designed for and used by one (1) family for living and sleeping purposes, containing its own kitchen and bathroom facilities, and having its own independent entry/access from the exterior of the structure or from a common interior hallway.

Front yard means a yard extending across the full width of a lot, and measured between a lot line abutting a street and the nearest line of a structure located on a lot.

Garbage means putrescible animal and vegetable wastes resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

Generator means any person whose act or process produces or accumulates municipal waste, landscape waste, or recyclable materials.

Hauler means any person who is duly licensed by the city to collect and transport municipal waste, landscape waste, or recyclable materials.

Hazardous waste means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, (P.L. 94-580), as amended, or pursuant to Illinois Pollution Control Board regulations.

Imminent hazard means a situation or condition, located on private or public property or right-of-way, that is determined to pose a threat of harm to the health or safety of any person, property or thing for which abatement action shall be taken within twenty-four (24) hours.

Junk means items of no practical or functional utility.

Landscape waste means all accumulations of grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees (415 ILCS 5/3.20). "Live" Christmas trees and greenery from wreaths or garlands, which are free of ornamentation and metal wire, shall also be considered landscape waste.

Landscape company means a company that provides, for property other than its own, maintenance or removal of lawns, shrubbery, trees, or any ornamental plant, and transports only landscape waste produced directly as a result of landscape care activities of its own employees, and no other landscape or municipal waste.

Litter means any discarded used or unconsumed substance or waste.

Multifamily dwellings means a building or structure of seven (7) or more dwelling units, dormitories, college residence halls, fraternal chapters and cooperatives.

Municipal waste means any garbage, refuse, rubbish, debris, or litter but does not include special waste, landscape waste, or construction and demolition debris.

Nuisance means public nuisance as defined in this article and shall be construed to have the same meaning.

Property means a lot, plot or parcel of land.

Property owner means the owner of record or purchaser under contract or deed based upon official records of the county.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

Premise means property including adjoining street right-of-way or legal easement located between the property line of the lot, plot or parcel and the roadway surface or pavement of an adjoining street or road inclusive of all parkways, sidewalks and waterways found therein.

Recyclable material means nonhazardous, nonputrescible materials, that would otherwise be considered or become municipal waste if not for the existence of viable secondary markets for such materials, including but not limited to categories of metals, glass, papers, or plastics that are processed and returned to the economic mainstream in the form of raw material feedstock or products. Specific recyclable materials accepted and collected in the city's authorized recycling programs, shall be as designated by the city.

Residential dwelling means any single or multifamily dwelling of six (6) or fewer units within the corporate limits of the city.

Right-of-way or ROW means the entire dedicated tract or strip of land that is legally used by the public for circulation or service.

Refuse means all putrescible and nonputrescible wastes including garbage and rubbish.

Rubbish means nonputrescible wastes consisting of both combustible and noncombustible material and residuals, including but not limited to paper products, cardboard, glass, plastic or metal products, discarded or non-functional automotive parts and tires, discarded furniture or furniture not designed for or modified to withstand the elements and outdoor use, abandoned or non-functional appliances, construction materials that have been exposed to outdoor elements for such a period of time that such material has substantially deteriorated, junk, debris and similar materials.

Special waste means any industrial process waste, pollution control waste, hazardous waste or potentially infectious medical waste.

Summary abatement means abatement of the nuisance by the city, or a contractor employed by the city, by removal or other action, acts without prior notice to the property owner except as provided herein.

Vehicle owner means, except as defined in Division 4, a person who holds legal title as recorded in the official records of the state.

Section 11-41. Public nuisance: declared generally.

Public nuisance means any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, blight, substantial inconvenience or discomfort, damage or injury to any person, in any one or more of the following particulars:

- (A) By reason of being a menace, threat, and /or hazard to the general health and safety of the public;
- (B) By reason of lack of maintenance or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment, esthetic appearance and use of properties in the immediate vicinity or neighborhood, to such an extent, that is detrimental to the city at large;
- (C) All acts, conduct, omissions, conditions or things hereinafter specifically prohibited by the provisions of this article.

Section 11-42. Enumeration not exclusive.

The various public nuisances described and enumerated in this article shall not be deemed to be exclusive, but shall be in addition to all other public nuisances or nuisances described and prohibited by this Code.

Section 11-43. Violation.

It shall be unlawful for any person to cause, permit or maintain the existence of a public nuisance.

Section 11-44. Inspection.

All complaints received alleging the existence of a public nuisance shall be inspected by authorized city employees to determine existence of a nuisance and to determine whether a nuisance has been abated.

Section 11-45. Notice.

- (A) Upon determining that a public nuisance exists, the Public Works Director or Director's designee shall cause written notice of violation to be served to at least one of the property owner(s) upon which the public nuisance exists, except as provided for vehicles in Division 4 of this Article.
- (B) Such notice shall specifically describe the public nuisance and shall direct the property owner to abate such nuisance as specified herein. The notice shall state that unless the nuisance is so abated by the property owner the city will cause it to be abated and that such costs, including administrative costs and / or fines will be charged to the property owner, and a description of the appeal process.
- (C) Notice shall be deemed to be properly served by:
 - (1) depositing the notice in U.S. mail, prepaid first class postage regardless of whether the addressee accepts or refuses delivery; or
 - (2) personal service; or
 - (3) posting of notice upon property.

Section 11-46. Abatement.

- (A) *Responsibility to abate.*

In all cases, except as provided for in Division 4 of this Article, it shall be the ultimate responsibility of the property owner to abate the nuisance violation existing on premises.
- (B) *Normal abatement time.*

The property owner shall have seven (7) days from the date of service of the notice to abate the nuisance.
- (C) *Failure to abate.*

If a public nuisance is not abated pursuant to this article, the city may cause the abatement of such nuisance.

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(D) *Summary abatement.*

When the following conditions arise, the city may proceed with summary abatement:

(1) Whenever an imminent hazard is determined to exist, prior written notice to the property owner shall not be required in order to abate. When practicable, an attempt to contact the property owner by telephone may be made. Following summary abatement, a written notice shall be served upon the property owner describing the situation, actions taken, and penalty and costs incurred.

(2) Whenever a property has been issued three (3) previous written notices to abate a nuisance within in any twelve (12) month timeframe following the adoption of this article, and the property owner has failed to abate the same, the city may proceed with summary abatement.

Section 11-47. Penalty; fines for violations.

Fines shall be automatically assessed and levied against property owners as penalty for the existence of a public nuisance violation as indicated below. The penalty levied shall be commensurate with the consecutive number of violations that have occurred within any twelve (12) month period, beginning with the date of the first violation, regardless of whether any prior violations were abated by the property owner within the normal abatement time. However, any such fines as provided herein, will be waived if the property owner abates the nuisance within the normal abatement time.

Whenever in this code a public nuisance is not classified, a violation shall be considered to be a Class I penalty.

(A) *Class I Penalty Fine Schedule:*

First violation: Written warning

Second violation: Fifty (\$50) dollars

Third violation: One hundred (\$100) dollars

Fourth violation: Two hundred fifty (\$250) dollars

Fifth violation and subsequent violations: Five hundred (\$500) dollars

(B) *Class II Penalty Fine Schedule:*

First violation: Fifty (\$50) dollars

Second violation: One hundred (\$100) dollars

Third violation: Two Hundred Fifty (\$250) dollars

Fourth violation: Five Hundred (\$500) dollars

Fifth violation and subsequent violations: One thousand (\$1000) dollars

(C) Any such fines shall be paid to the city within thirty (30) days of the date of billing. Failure to pay such fines shall subject the property owner to be summoned to court.

(D) Nothing in this code or the ordinance adopting this code shall affect any violation or act accruing before the effective date of this ordinance.

Section 11-48. Appeal.

(A) The owner of the property who has been served with a notice pursuant to Section 11-45, may within three (3) calendar days after receipt of such notice, make a written request to the Chief Administrative Officer or designee for a hearing on the question of whether the alleged public nuisance in fact exists. Such request shall be delivered to the Public Works Department, 706 S. Glover Av., or if offices are closed, deposited into a drop box at the same location. The hearing shall be held within seven (7) calendar days following receipt of the written demand and at least two (2) days notice of the hearing shall be given to the individual who made the written demand for the hearing either by telephone or other means.

(B) The hearing shall be conducted by the Chief Administrative Officer or designee. The hearing officer may amend or modify the notice and/or order, or extend the time for compliance.

- (C) The owner, agent of the owner, occupant and lien holder if any of the subject property shall be given the opportunity to present evidence to the hearing officer.
- (D) In those instances where the nuisance has been abated by the city, the hearing officer shall have the discretion to waive the cost of abating the nuisance, in whole or in part, if in the course of hearing and reviewing the decision, the hearing officer finds that any of the following did not conform to the provisions of this article:
 - (1) The notice to abate the nuisance;
 - (2) The work performed in abating the nuisance; or
 - (3) The computation of charges.

Section 11-49. Cost of abatement and fines as a lien.

- (A) Whenever a bill for the costs and expenses incurred by the city for the abatement of a nuisance remains unpaid for thirty (30) days after it has been sent to the property owner, the city may file a notice of lien upon the property so affected. Such lien shall be superior to all other liens and encumbrances, except tax liens, provided that the notice of lien is filed with the county recorder within sixty (60) days after such cost and expense is incurred.
- (B) The notice shall consist of a sworn statement setting out the following:
 - (1) A description of the property sufficient for identification thereof;
 - (2) The amount of money representing the costs and expenses incurred or payable for the abatement; and
 - (3) The date or dates when such costs and expenses were incurred by the city.
- (C) Cost and expenses include, but are not limited to, the costs and expenses in time of city employees or city authorized contractors concerning the actual abatement of the nuisance, administrative fees, title searches or certifications, and reasonable attorney expenses.
- (D) Upon payment of the costs and expenses by the owner after notice of lien has been filed, the lien shall be released by the city or person whose name the lien has been filed and the release shall be filed of record as in the case of filing notice of lien.

Section 11-50. Reserved.

DIVISION 2. MUNICIPAL WASTE

Section 11-51. Municipal waste generation.

The occupancy of any dwelling or the operation of any business activity within the city shall be prima facie evidence that municipal waste is being generated and accumulated on such premises. The director of public works or designee may, after review, grant exemption to this section if the level of municipal waste generated or the alternative arrangements for disposal of municipal waste does not reasonably warrant once-a-week collection. The person requesting the exemption shall have the burden of establishing the grounds for the exemption to the satisfaction of the director of public works or designee.

Section 11-52. Collection required.

- (A) It shall be the duty of every owner or occupant of any dwelling unit or any business structure or premises located within the city to have all accumulations of municipal waste from such dwellings, structures or premises regularly collected and disposed of at least once every seven (7) days by a person possessing a valid city hauler license.
- (B) It shall be the duty of every owner, occupant or construction contractor to have accumulations of all construction and demolition debris generated from premises placed into an appropriately sized container or dumpster and when full, regularly collected and disposed of during demolition, construction or remodeling activities. Such dumpsters are not required to have lids, however, provisions must be made so as to prevent such materials from being scattered by natural elements onto any premise. All dumpsters

shall be promptly removed following completion of such activities. No person is exempt from Section 11-52(A) regardless of whether a dumpster may be located on a property as required under this subsection or other circumstance.

(C) All dwellings, buildings or premises, shall remove accumulations of recyclable materials periodically from such locations so as to not constitute a nuisance.

(D) A violation of this section is declared to be a public nuisance, class II penalty.

Section 11-53. Containers.

(A) *Required.*

Waste containers are required to be used during the occupancy of all dwellings and businesses and the property owner shall be ultimately responsible to provide containers in accordance with this article.

(B) *Specifications.*

Each waste container shall be constructed of rust resistant metal or durable plastic and have a solid water tight bottom, handles, together with covers or lids tightly affixed so as to adequately prevent water, insects, or animals from entry and to minimize odors. "Fifty-five (55) gallon drum" containers shall not be considered an acceptable container. All containers shall be maintained to be sound and kept in sanitary condition.

(C) *Capacity.*

(1) All waste containers shall be of sufficient size and number to adequately store and hold all accumulations of municipal wastes, except for the occasional disposal of bulky or oversized wastes such as furniture, mattresses, or appliances which cannot be placed into containers, generated between weekly collection periods from all dwellings or businesses.

(2) Single family dwellings are prohibited from using a container or dumpster having a capacity of larger than one (1) cubic yard for the storage of wastes accumulated between required weekly collection periods.

(D) *Location; allowance for curbside collection.*

No person shall permit a container(s) used for the collection of municipal waste or recyclable materials to be placed or remain upon city-owned or controlled right-of-way or a front yard, except for the forty (40) hour period commencing at 6:00 p.m. on the day preceding and ending at 10:00 a.m. on the day following the day of the week designated in this code allowing curbside collection for a given location.

(E) *Placement following collection.*

Containers used for curbside collection of municipal waste or recyclable materials shall returned and placed back by haulers in an orderly manner so as to not obstruct any street, sidewalk or driveway.

(F) A violation of this section is declared to be a public nuisance, class I penalty.

Section 11-54 . Curbside collection; schedule.

(A) Curbside collection will be allowed to occur within the city for:

(1) Municipal waste generated only from residential dwellings provided such waste is in compliance with section 11-53; and

(2) Recyclable materials generated only from residential dwellings provided such material is in containers pursuant to section 10-77; and

(3) Recyclable materials generated only from multifamily dwellings provided:

a. Such material is in containers pursuant to section 10-77; and

b. The containers used in such program shall be those customarily used for residential dwellings unless approval for other containers is granted by the director of public works in circumstances where the nature of the recyclables or the volume would make the use of another container more efficient or would provide a neater or more uniform appearance.

(B) Except for persons collecting recyclable materials pursuant to a contract with the city, the schedule allowing curbside collection to occur shall be in the following areas within the city only on the designated days as provided herein:

(1) Monday: The geographical area which is located south of and including both sides of Illinois Street and the extension thereof, and west of and including both sides of Anderson Street and the extension thereof; and

(2) Tuesday: The geographical area which is located south of and including both sides of Illinois Street and the extension thereof, and east of Anderson Street and the extension thereof; and

(3) Wednesday: The geographical area which is located north of Illinois Street and the extension thereof.

If a city-observed holiday should occur on one (1) of the designated days, haulers will be allowed to provide curbside collection on the day following the holiday for that geographical area. The occurrence of such holiday may impact subsequent designated curbside collection days; therefore, if such holiday should occur on Monday, that geographical area will be allowed to be collected on Tuesday; if Tuesday, that geographical area will be allowed to be collected on Wednesday; if Wednesday, that geographical area will be allowed to be collected on Thursday; for the remainder of such week.

(C) Curbside collection of recyclable materials by a person operating pursuant to a contract with the city may occur as provided in such contract.

(D) A violation of this section is declared to be a public nuisance, class I penalty.

Sections 11-55 – 11-56. Reserved.

Section 11-57. Nuisances, specifically defined.

Under this division, public nuisances shall include, but not be limited to, the following acts, conduct, omissions, conditions or things:

(A) *Class I Penalties:*

(1) No person, except the owner, occupant, or owner's agent shall interfere, disturb, or collect containers or their contents of municipal waste, recyclable materials, or landscape waste unless such person is employed by a hauler possessing a valid city license, or is a duly authorized city contractor, or is a city employee in the performance of duty.

(2) Property owners shall maintain premises free of municipal waste. If however, illegal dumping has occurred and the generator of such waste can be determined from inspection of the waste debris, then the generator and not the property owner shall be subject to the violation and penalty.

(3) No person shall intentionally rake and leave or deposit municipal waste, landscape waste or other debris into the streets, gutters or drainage ditches of the city.

(4) No person shall accumulate materials that are intended and appropriate for on-site use in residential fireplaces or wood burning stoves unless such materials are cut to appropriate dimensions and are stacked in a neat and organized manner that does not create a habitat for vermin, create visual blight, constitute any other nuisance, nor pose a fire hazard as may be determined by city officials.

(B) *Class II Penalties:*

(1) No person shall allow or cause the accumulation of municipal waste except as provided in section 11-53.

(2) No person shall deposit or dump, or cause to be deposited or dumped municipal waste, construction and demolition debris, landscape waste, or special waste on the property or into containers of another, or into any stream or body of water except, as allowed under by the Illinois Environmental Protection Act. Whenever this action occurs, any items found bearing the name of a person shall create the presumption that such waste was deposited by the person whose name appears on the item, but this presumption may be rebutted, or if the

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vehicle owner can be determined, the vehicle owner shall be presumed to be the violator without rebuttal.

(3) No person shall collect or transport municipal waste, construction and demolition debris, dirt, sand, gravel or other similar materials in such a manner so as to cause such to be scattered or blown onto any premise or street.

(4) No person shall burn municipal waste, construction and demolition debris, landscape waste, or special waste within the city limits, except in incinerators approved by the Illinois Environmental Protection Agency, provided, however, no medical waste, as defined in section 11-21 of this code, may be burned in an incinerator. This section shall not apply to logs or non-treated dimensional lumber that are cut or split into appropriate dimensions for use in residential fireplaces or wood burning stoves.

(5) No person shall throw or discard municipal waste from any vehicle. Whenever this action occurs, the presumption is created that the vehicle owner is the violator.

(6) All special wastes shall be disposed of in accordance with applicable federal and state laws.

Sections 11-58 – 11-60 Reserved.

PASSED by the City Council this ___ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ___ day of _____, _____.

Tod Satterthwaite, Mayor



MEMORANDUM

TO: Bruce Walden, Chief Administrative Officer
FROM: Joseph L. Smith, Senior Civil Engineer
William R. Gray, Public Works Director
DATE: February 26, 2001
RE: Lincoln Avenue and Illinois Street Traffic Signal Installation

INTRODUCTION

The Illinois Department of Transportation (IDOT), the University of Illinois and the City of Urbana have identified the intersection of Lincoln Avenue and Illinois Street as needing traffic signal installation. The proposed work shall primarily consist of installing new traffic signal posts, signal heads, mast arms, detector loops, controller, Emergency Vehicle Preemption system and streetlighting, widening of Lincoln Avenue, resurfacing of Lincoln Avenue and Illinois Street and other miscellaneous improvements. Approximately fifty percent of the funding for the project is being funded by IDOT. The remaining fifty percent is being funded by the City of Urbana and the University of Illinois. Attached is the necessary documentation to complete the project.

ISSUES AND DISCUSSION

This attached City-State Agreement requires three resolutions be passed by the City Council. They are as follows:

1. A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION.

This Resolution authorizes the Mayor and City Clerk to execute and deliver the agreement on behalf of the City of Urbana.

2. A RESOLUTION PROVIDING FOR THE INSTALLATION OF TRAFFIC SIGNALS AT LINCOLN AVENUE AND ILLINOIS STREET.

This Resolution sets the amount and how the funds are to be paid for the City's share of the project.

3. A RESOLUTION FOR IMPROVEMENT BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

This Resolution appropriates the use of MFT funds to pay for the City's share of the project.

FISCAL IMPACTS

This project is being totally designed and the contract administered by City of Urbana personnel. Therefore, there will be staff impacts for project monitoring and contract execution. There are sufficient personnel to accomplish this construction engineering.

As outlined in the agreement, IDOT's share is \$197,000 or 52.5% and the City's share of the estimated \$375,000 project cost is \$178,000 or 47.5%. The City of Urbana and the University of Illinois will split evenly this amount or approximately \$89,000 for each agency. The University has agreed to reimburse 50% of the City's engineering costs.

Staff has reviewed the cost breakdowns and find them satisfactory. Please note that these costs are estimates and may increase or decrease depending on actual bid prices and construction change orders. All City funds are to be Motor Fuel Tax Funds (E09). Sufficient funds (\$178,000) are being appropriated to allow for contingencies.

RECOMMENDATION

It is recommended that the City Council approve the resolutions as outlined herein at its regularly scheduled meeting of March 5, 2001.

Prepared by:

Joseph L. Smith, P.E.
Senior Civil Engineer

William R. Gray, P.E.
Public Works Director

RESOLUTION NO. 2001-02-008R

**A RESOLUTION
APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION**

(Lincoln Avenue and Illinois Street)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an agreement by and between the City of Urbana, Illinois, and the Illinois Department of Transportation, in the form of the copy of said Agreement attached hereto and hereby incorporated, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois be and the same is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, 2001.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor

RESOLUTION NO. 2001-02-009R

**A RESOLUTION PROVIDING FOR THE INSTALLATION OF TRAFFIC SIGNALS AT
LINCOLN (F.A.U. ROUTE 7177) AVENUE AND ILLINOIS STREET**

(Lincoln Avenue and Illinois Street)

WHEREAS, the City of Urbana has entered into an Agreement with the State of Illinois for the installation of the traffic signal at the intersection of Lincoln Avenue (FAU 7177) with Illinois Street; known as City Section 99-00350-00-TL; and

WHEREAS, in compliance with the aforementioned Agreement, it is necessary for the City to appropriate sufficient funds to pay its share of the cost of said improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That there is hereby appropriated the sum of one hundred seventy-eight thousand dollars (\$178,000), or so much thereof as may be necessary, from any money now or hereinafter allotted to the City to pay for its share of the cost of this improvement as described in the Agreement.

Section 2. That upon receipt of the contractor's first and subsequent progressive bills for this improvement, the City will pay to the Department of Transportation of the State of Illinois an amount equal to the City's share of the construction cost divided by the estimated total cost, multiplied by the actual payment (appropriately adjusted for any non-participation costs of FAP Projects) made to the contractor until the entire obligation incurred under this agreement has been paid.

Section 3. That the City agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated herein proves to be insufficient to cover said cost.

PASSED by the City Council this _____ day of _____, 2001.

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2001.

Tod Satterthwaite, Mayor



Resolution for Improvement by Municipality Under the Illinois Highway Code

Lincoln Avenue and Illinois Street

BE IT RESOLVED, by the Council of the City of Urbana Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: Lincoln Avenue, FAH 7177, Illinois Street.

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of Installation of traffic signals, widening and resurfacing Lincoln Avenue

and shall be constructed wide and be designated as Section City Section 99-00350-00-TL

2. That there is hereby appropriated the (additional) sum of One hundred seventy-eight thousand dollars Dollars (\$ 178,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract Specify Contract or Day Labor : and.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

APPROVED Date Department of Transportation District Engineer

I, Phyllis D. Clark Clerk in and for the City of Urbana County of Champaign hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the City Council Council or President and Board of Trustees at a meeting on March 5, 2001 Date IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this day of A.D. (SEAL) City Clerk



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning and Economic Development Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: April D. Getchius, AICP, Director

DATE: March 1, 2001

SUBJECT: Plan Case No. 1772-T-01: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to the front yard setback requirements in the R-2, R-3, R-4, R-5, R-7, and MOR Districts.

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to set an averaged front yard setback limit of 25 feet in the R-2, R-3, R-4, R-5, R-7, and MOR Districts. Currently, these zones have minimum required front yard requirements of 15 feet, but are required to average the setback requirements against those existing structures along the block face to a maximum of 60 feet, and so that the buildable dimension of the lot is no less than 30 feet. The proposed amendment would set the averaged front yard limit to 25 feet, rather than 60 feet. This limit would not apply to the front yard setback requirement in the R-1 zone, which is proposed to remain with a minimum of 25 feet and an averaged limit of 60 feet.

Issues & Discussion

Under the current Zoning Ordinance regulations, the averaged front yard setback requirements in the R-2, R-3, R-4, R-5, R-7, and MOR Districts can often result in excessive front yard requirements of up to 60 feet that make redevelopment and improvement of properties prohibitive. This is particularly true in older parts of the City where lots are relatively small and where changes over time can result in great variations in the setbacks of existing buildings along the same block face. Corner lots that must maintain two front yard setbacks are particularly subject to loss of buildable lot area due to potentially excessive setback requirements along two frontages.

The current regulations also promote a situation where there may be a high incidence of legal nonconformities. For example, if one or more properties along a block face choose to rebuild at location deeper in their lot, this will change the average setback along the block face and can result in all other properties along the block being in noncompliance. These legal nonconformities become an

issue when other residents on the block desire to add on to their home and/or must rebuild after a fire. The case files of the Urbana Zoning Board of Appeals show that requests for variances from the averaged front yard setback requirements are regularly submitted for consideration.

Attached to this memorandum is an illustrated example drawn from the 300 block of West Oregon Street, where an older farm house is set back 60 feet, while all other homes on this block face are set back 20 feet. This one residence results in all other buildings along the block face being nonconforming to the average setback of 25.71 feet. The proposed amendment would not eliminate the nonconformity in this case, but it would reduce it.

Limitation of the averaged setback limit in the R-2, R-3, R-4, R-5, R-7, and MOR Districts to 25 feet would help to reduce nonconformities and variance requests and would still keep the setbacks within a reasonable maximum, as required (nonaveraged) setbacks do not exceed 25 feet in any of Urbana's zoning districts. The averaged front yard setback limit of 60 feet in the R-1 is not proposed to be amended at this time. This is due to the fact that several streets in the R-1 zone enjoy consistent, deep setbacks of 60 feet or more. Reducing the averaged setback limit in these areas could disrupt the uniform appearance found along streets, such as Michigan Avenue, Pennsylvania Avenue, and the north side of Florida Avenue.

At the Plan Commission meeting of February 22, 2001, Commissioner Knaap expressed concern that the proposed amendment does not go far enough and that the averaging requirement should be eliminated altogether. Commissioner's Knaap concept is that homes be allowed to build up to the furthest encroaching structure on the block, but in no case closer than the minimum front yard setback. This concept would eliminate most front yard nonconformities, but could have the incremental effect of a loss of landscaped front yard areas in the older portions of Urbana. Commissioner Stake mentioned a concern about loss of light and air for adjoining properties. If directed by Council at a future date, Staff can undertake a review of this possible future amendment in terms of its effects on different portions of the community and its potential benefits or drawbacks.

Proposed Amendment

The proposed amendment would be to Section VI-5. Yards. D. Front Yards, and to Footnote 1 of Table VI-1., Development Regulations by District. Proposed amended language is shown with underlining as follows:

Section VI-5. Yards.

D. Front yards.

1. In the R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts, where lots comprising more than forty percent (40%) of the frontage in a block are improved with buildings, not less than the average depth of the front yards of all lots in the block shall be maintained by all new buildings and by all alterations of existing buildings in the block, except that this provision shall not require a front yard of more than sixty feet (60') in the R-1 zone and 25 feet (25') in the R-2, R-3, R-4, R-5, R-7, and MOR Districts, nor less than the

minimum required in the district in which they are located, nor shall it reduce the buildable dimension of the lot to less than thirty feet (30'). For the purpose of computing such an average depth, vacant lots within such frontage shall be considered as having the minimum front yard required in that district.

Table VI-1. Development Regulations By District, Footnote 1.

1. In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or twenty-five feet (25'), whichever is greater, but no more than 60 feet (60'), as required in Sec. VI-5-D(1). In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or fifteen feet (15'), whichever is greater, but no more than 25 feet (25'), as required in Sec. VI-5-D(1). (Ord. No. 9596-58, 11-20-95) (Ord. No. 9697-154).

Summary of Findings

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment is consistent with goals and objectives of the Comprehensive Plan calling for maintenance and improvement of existing residential areas.
3. The proposed amendment would help to avoid situations where an excessive area of certain lots is not developable.
4. The proposed amendment would help to reduce the incidence and extent of averaged front yard nonconformities in Urbana.
5. The proposed amendment would continue to maintain reasonable maximum averaged front yard setback requirements of 25 feet in the affected zones.
6. The proposed amendment would help to encourage improvements to central Urbana locations.
7. The proposed amendment would reduce the number of front yard variance requests submitted to the City.

Options

The City Council has the following options for action in Plan Case 1772-T-01:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein.

- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. deny the proposed text amendment to the Zoning Ordinance.

Recommendation

The Plan Commission voted 5 to 1 to recommend **APPROVAL** of the proposed text amendment as presented herein based on the findings summarized above. Staff concurs with this recommendation.

Prepared by:

Elizabeth H. Tyler, AICP/ASLA
Assistant City Planner

Attachments: Illustrated example
 Proposed Ordinance to Approve Text Amendment
 Draft excerpt of minutes from February 22, 2001 Plan Commission meeting.

ORDINANCE NO. 2001-03-018

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA,
ILLINOIS**

(With Respect to Front Yard Setback Requirements in the R-2, R-3, R-4, R-5, R-7, and MOR Districts
- Plan Case No. 1772-T-01)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend Section VI-5.D.1 and footnote 1 of Table VI-1 of the Urbana Zoning Ordinance to set an averaged front yard setback limit of 25 feet in the R-2, R-3, R-4, R-5, R-7, and MOR Districts, rather than the existing limit of 60 feet; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1772-T-01; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the proposed amendment on February 22, 2001; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 1 nay to forward the proposed amendments set forth in Plan Case No. 1772-T-01 to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Section VI-5.D.1, Front Yards, is hereby amended to read as follows:

In the R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts, where lots comprising more than forty percent (40%) of the frontage in a block are improved with buildings, not less than the average depth of the front yards of all lots in the block shall be maintained by all new buildings and by all alterations of existing buildings in the block, except that this provision shall not require a front yard of more than sixty feet (60') in the R-1 zone and 25 feet (25') in the R-2, R-3, R-4, R-5, R-7, and MOR Districts, nor less than the minimum required in the district in which they are located, nor shall it reduce the buildable dimension of the lot to less than thirty feet (30'). For the purpose of computing such an average depth, vacant lots within such frontage shall be considered as having the minimum front yard required in that district.

Section 2. Footnote 1 of Table VI-1, Development Regulations by District, is hereby amended to read as follows:

In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or twenty-five feet (25'), whichever is greater, but no more than 60 feet (60'), as required in Sec. VI-5-D(1). In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or fifteen feet (15'), whichever is greater, but no more than 25 feet (25'), as required in Sec. VI-5-D(1). (Ord. No. 9596-58, 11-20-95) (Ord. No. 9697-154).

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (With Respect to Front Yard Setback Requirements in the R-2, R-3, R-4, R-5, R-7, and MOR Districts - Plan Case No. 1772-T-01)”

which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2001, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2001.

(SEAL)

Phyllis D. Clark, City Clerk

