

URBANA CITY COUNCIL MEETING

URBANA CITY COUNCIL CHAMBERS

Monday, May 21, 2001

7:30 P.M.

A G E N D A

A. MINUTES OF PREVIOUS MEETINGS

B. ADDITIONS TO THE AGENDA

C. PETITIONS AND COMMUNICATIONS

D. OLD BUSINESS

1. Ordinance No. 2000-12-150: An Ordinance Vacating a Portion of Bennett Street and a Portion of Elm Street, and Also a Portion of Grape Alley and Fish Alley [Tabled from Dec. 18, 2000 Council]
2. Ordinance No. 2001-05-044: An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (Additions to Section IX-3.C, Measurement of Outdoor Advertising Sign Structure Surface Display Area; and Amendments to Table IX-5, Standards for Future Outdoor Advertising Sign Structures) [Deferred from May 7, 2001 Council]

E. REPORTS OF STANDING COMMITTEE

1. Committee Of The Whole
 - a. Ordinance No. 2001-04-036: An Ordinance Amending Chapter Fourteen of the Code of Ordinances, City of Urbana, Illinois, Regarding the Schedule of Fees (July 1, 2001 Through June 30, 2002) [Tabled from April 9, 2001 Committee]
 - b. Resolution No. 2001-05-014R: A Resolution Authorizing the Execution of an Amendment to the Memorandum of Understanding With the Housing Authority of Champaign County for the Administration of the Tenant-Based Rent Assistance Program
 - c. Budget Discussion

F. REPORTS OF SPECIAL COMMITTEES

G. REPORTS OF OFFICERS

H. NEW BUSINESS

1. Ordinance No. 2001-05-046: An Ordinance Authorizing the Mayor to Execute a Deed to a Certain Tract (Lot 101, Wabash Railroad Subdivision No. 2)
2. Ordinance No. 2001-05-047: An Ordinance Approving an Annexation Agreement With The Calvary Baptist Church (To Annex 5.0± Acres at 2106 East Windsor Road – Plan Case No. 1780-A-01)
3. Ordinance No. 2001-05-048: An Ordinance Approving a Preliminary Plat (South Ridge V, VI and VII Subdivision – Plan Case No. 1782-S-01)
4. Resolution No. 2001-05-015R: A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (Four-part Omnibus Text Amendment Regarding Site Plan Requirements for Special Use Permits, Reclamation Bonds for Certain Structures, Signature Requirements for Special Use Permit Applications, and Clarification of Special Use Permit Authorization Consistent With Petitioner Testimony and Evidence – Plan Case No. CCZBA 273-AT-00)
5. Social Service Recommendations

I. ADJOURNMENT



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

JACK WAALER
City Attorney

STEPHEN HOLZ
Assistant City Attorney

Memorandum

DATE: May 18, 2001
TO: Bruce Walden
FROM: Jack Waaler
RE: The Ordinance Vacating the Bennett Street Right of Way

Background: Section 2-160 of the Urbana City Code requires that if a street right-of-way is to be vacated, the City Council must consider the ordinance to vacate within 365 days of the date of the required public hearing. The public hearing on the proposed vacation of Bennett Street was held on December 20, 1999. However, as of December 18, 2000, the agreement between the City and the County regarding the Courthouse expansion project was still not completed, so the Council commenced their consideration of the ordinance to vacate Bennett Street on December 18, 2000, but tabled further consideration until after the agreement on the Courthouse expansion project was approved. The agreement concerning the Courthouse expansion project was approved by the County and then by the City on April 2, 2001. The Courthouse expansion agreement itself provides that the City shall vacate the Bennett Street right-of-way.

You will note that the ordinance details how the various parts came together to create the Bennett Street right-of-way. The attached ordinance is tailored to memorialize that history and not only vacate the Bennett Street right-of-way, but to insure good title, convey any interest that the City may still have left over to the County.

ORDINANCE NO. 2000-12-150

AN ORDINANCE VACATING A PORTION OF BENNETT STREET
AND A PORTION OF ELM STREET AND ALSO PORTIONS OF
GRAPE ALLEY AND FISH ALLEY

WHEREAS, in an agreement with the County of Champaign, Illinois, relating to the remodeling and expansion of the County Courthouse, which agreement was approved by the Urbana City Council in Ordinance No. 2000-11-129, the City of Urbana agreed that the vacation of those portions of Bennett Street and Elm Street and those portions of Grape Alley and Fish Alley as described in this Ordinance was in the best interests of the public by facilitating the expansion and remodeling of the County Courthouse; and

WHEREAS, although the said agreement was subsequently amended as approved in Ordinance No. 2001-03-031, such amendment had no effect on the provisions respecting vacation of Bennett Street; and

WHEREAS, that the paved portion of Bennett Street, including sidewalks, have been in open use by the public for in excess of twenty (20) years and therefore, a prescriptive right-of-way has been created for the area depicted on the Exhibit A between the east right-of-way line of "Grape Alley" and the west right-of-way line of the north/south portion of what is labeled as Parcel 4 in Exhibit A; and

WHEREAS, in addition to the prescriptive right-of-way, and miscellaneous dedications of portions of Bennett Street, the City has acquired various legal rights to various parcels which now comprise the Bennett Street right-of-way, all as more fully described in Exhibit A which is a copy of a Boundary Survey Plat recorded as Document No. 2001R06202; and

WHEREAS, the County of Champaign owns all of the real property which abuts on both sides of that portion of Bennett Street herein vacated and the County owns the land abutting on the north of that portion of Elm Street herein vacated; and

WHEREAS, that portion of Elm Street herein vacated is minor and does not eliminate the Elm Street right-of-way and has no effect on the property abutting Elm Street to the south of such area and thus no public hearing is required by Section 2-160 of the Urbana City Code; and

WHEREAS, the vacation of the portion of Bennett Street and the portion of Elm Street herein vacated will not impair access to any property other than the property owned by the County of Champaign; and

WHEREAS, the Urbana City Council finds that there is no further need for the right-of-way herein vacated; and

WHEREAS, in accordance with the requirements of Section 2-160 of the Urbana City Code, a public hearing respecting Bennett Street was held on the 20th day of December, 1999, which said date was more than fifteen (15) days, but less than thirty (30) days following the publication of the Notice of Hearing in a newspaper of general circulation in the City of Urbana, to-wit, said publication having occurred on the 20th day of November, 1999, and the Zoning Administrator also caused to be mailed, a copy of the said Notice so published, to each of the last known taxpayers of record of all properties adjacent to or within 250 feet in each direction of the portion of the street proposed to be vacated, said mailing having been accomplished on the 1st day of December, 1999; and

WHEREAS, the Urbana City Council did begin its consideration of this ordinance on the 18th day of December, 2000, in accordance with Section 2-160 of the Urbana City Code; and

WHEREAS, the purpose of this Ordinance is to vacate Bennett Street as public right-of-way and to insure that all legal rights thereto accrue to the County, and to authorize all the right, title and interest of the City be conveyed to the County of Champaign and additionally, the purpose of this Ordinance is to vacate that portion of Elm Street herein described and insure all legal rights thereto accrued to the County and to authorize all of the right, title and interest of the City of Urbana be conveyed to the County of Champaign.

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

Section 1. The following-described portions of Bennett Street, Elm Street, Grape Alley and Fish Alley are hereby vacated, such being determined to be no longer required by the City of Urbana for street or alley right-of-way purposes and, the City being relieved of the further burden of maintaining such rights-of-way, the public interest shall be subserved by vacating the same: Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, all as shown on the recorded Boundary Survey (2001R06202) a copy of which is attached hereto as Exhibit A.

Section 2. That the various elements of consideration set forth in the agreement between the City and the County is adequate compensation for the benefits accruing to the County by virtue of the vacation of streets and alleys herein.

Section 3. That title to the vacated rights-of-way shall vest in the County of Champaign as abutting owner subject to the following easements in favor of the City, or public utilities, their successors or assigns, to operate, maintain, renew and reconstruct their facilities as now existing on, over or under that part of the rights-of-way herein vacated, unless and until the County of Champaign, Illinois shall cause the rearrangement and removal or relocation of said facilities and shall pay and be responsible for all the reasonable costs and expenses as shall be incurred in association therewith:

- A. An easement for the existing Federal Courthouse natural gas service line and the Elite Diner natural gas service line at Fish Alley across Parcel 3.
- B. An easement for the existing Elite Diner natural gas service line across Parcel 1.
- C. An easement for the existing underground electric main and transformer across Parcel 1, Parcel 3, Parcel 7, Parcel 6 and that portion of Parcel 9 south of Parcel 6 to the new north right-of-way line of Elm Street.

Section 4. Furthermore, to insure against any defects in transferring to the County of Champaign any and all incidents of legal ownership in the Bennett Street right-of-way herein vacated, the Mayor of the City of Urbana is authorized to execute and deliver to the County of Champaign, Illinois, a Quit Claim Deed conveying to the County of Champaign, Illinois all of the right, title and interest of the City of Urbana in the following parcels as shown on the recorded Boundary Survey Plat: Parcels 1, 2, 3, 4, 8 and 9.

Section 5. The City Clerk is directed to record a certified copy of this Ordinance with the Recorder of Champaign County.

This Ordinance is approved by a three-fourth's (3/4th's) vote of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the Urbana City Council this _____ day of _____, 20__.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 20__.

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: Elizabeth Tyler, AICP, Planning Manager

DATE: May 17, 2001

SUBJECT: Plan Case No. 1777-T-01: Request by the Zoning Administrator to amend Section IX-3.C. and Table IX-5 of the Zoning Ordinance with respect to Outdoor Advertising Sign Structures (OASS's)

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to include design guidelines for Outdoor Advertising Sign Structures (OASS), commonly known as "billboards". Following Plan Commission recommendation for approval, on May 7, 2001, the City Council held discussion on the proposed amendment and voted to defer the case pending further review. Since the Council meeting, some changes have been made to the proposed text amendment and are presented below.

Update

Upon continued review of the proposed text amendment, a minor addition to the Definition of an OASS was recommended by the City Attorney, in order to clarify the Zoning Administrator's interpretation of the term "approximately" as it relates to the standardized dimensions of an OASS. This suggested language is also proposed to be included in Table IX-5, Standards for Future Outdoor Advertising Sign Structures.

At the City Council meeting on May 7, Council members discussed the proposed Footnote 4 to Table IX-5, which relates to a color and landscaping requirement. The proposed language has been amended to reflect a suggestion made as a result of this discussion.

Additional language has been proposed to Section IX-1., Legislative Intent and Findings, to clarify the intent of the amendments presented herein.

These issues are discussed in the Proposed Text Amendment portion below and the discussion that follows.

Proposed Text Amendment

The changes to the proposed amendment include amending various portions of Article IX., Comprehensive Sign Regulations, as they relate to future Outdoor Advertising Sign Structures. Proposed amended language is shown below with strikeouts and underlining; relevant discussion follows each portion. These proposed changes are discussed further in the April 5, 2001 staff memorandum to the Plan Commission.

Amendments to Table IX-5. Standards for Future Outdoor Advertising Sign Structures

4. Color Requirement

Footnote 8. All visible structural elements (excluding the changeable portion of the display) shall be ~~white, gray, tan or other light shaded tone.~~ OASS's may be also be approved if they are compatible with the surrounding area in terms of architectural design and/or color, as determined by the Zoning Administrator based on the intent of the Comprehensive Sign Regulations.

The intent of the color requirement is to encourage billboards to be painted colors consistent with their surroundings. Staff previously recommended the requirement that visible structures of an OASS be painted light-shaded tones, which should blend adequately in most surroundings. During the Plan Commission meeting it was pointed out that some billboards are surrounded by a natural landscape that is predominantly dark in color due to the types of trees in the area. In these and other cases where darker colors may be more compatible, the applicant could request that the Zoning Administrator approve an alternative color and/or architectural design.

At the May 7, 2001 City Council meeting, some Council members pointed out that within the proposed language, a billboard could be approved that contained, for instance, pink visible structural elements, as pink could be considered a light-shaded tone. A suggestion was made to eliminate the provision that all visible structural elements (excluding the changeable portion of the display) shall be white, gray, tan or other light-shaded tone. The suggested language would then require that OASS's be compatible with the surrounding area in terms of architectural design or color, as determined by the Zoning Administrator.

It should be noted that the City currently has no color requirement for OASS's, and that the intent of the proposed approved color list was to provide a limited base of color options for sign companies to select from rather than leaving the determination entirely up to the Zoning Administrator. Staff has spoken with the City's Legal Division and they have indicated that while the original language provides more clarity, the suggested changes would not be objectionable. There is precedent for this type of regulation in the City's current ordinances. Regulation of structural color is found elsewhere in development ordinances, and is also found in Section V-11. G., Telecommunications Facilities, Towers and Antennas, Aesthetics.

Definition of an OASS

11. Clarify use of "approximately" in definition of an OASS

Upon the suggestion of a Plan Commission member, staff proposes the addition of portions of the definition of an OASS which limit dimensions as an additional footnote in Table IX-5. The intent of the definition of an OASS is to ensure that only certain standardized structures be approved within these regulations. The definition prohibits, for instance, a structure six feet by fifty feet being approved under this Section of the Zoning Ordinance. The term "approximately" was included in the definition so as not to prohibit OASS whose dimensions vary by some small degree from the standardized dimensions. The proposed language has been added to clarify this aspect of the definition while allowing limited flexibility in the configuration of an OASS.

Outdoor advertising sign structure (OASS): A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two (2) standardized structures.

- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;*
- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.*

- c. For the purpose of defining an OASS, the term “approximately” shall refer to a dimension deviating from the standardized dimension by no more than 20%.

The addition of footnote c. to in the Definition of an OASS shall also be reflected in Table IX-5., Footnote 13.c.

Footnote 13. *OASS are limited to two (2) standardized structures, as indicated in the definition*

a. *The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;*

b. *The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.*

- c. For the purpose of defining an OASS, the term “approximately” shall refer to a dimension deviating from the standardized dimension by no more than 20%.

Addition to Section IX-1. Legislative Intent and Findings

To further clarify the intent of the sign regulations as they relate to Outdoor Advertising Sign Structures (OASS's), the following underlined paragraph is proposed to be added to this Section of the Zoning Ordinance. The proposed language describes the desired goal of architectural harmony within the commercial corridors where OASS are permitted. This intent is currently described in Section IX-10, Interim Development Ordinance - Moratorium on Outdoor Advertising Sign Structures. However, this Section of the Zoning Ordinance expires on June 18, 2001, and the proposed amendment therefore intends to permanently declare the intent of these additional regulations.

The purpose of this Article is to establish regulations and controls which promote the goals, objectives and policies of the City of Urbana Comprehensive Plan and to permit and regulate signs in such a manner as to support and complement the land use policies set forth in Article I, Section I-1. To these ends, this Article regulates the size, number and spacing of signs which is intended to: aid in traffic safety by avoiding uncontrolled proliferation of signs which distract and endanger safety and traffic flow; reduce congestion of land, air and space; preserve and protect property values; establish reasonable standards for the use of signs in order to maintain and encourage business activity and development; protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and regulate signs located near or visible from public property such as streets, highways, parks and schools where such signs could jeopardize the public's investment in these facilities.

The sign regulations expressly distinguish between "signs" and "outdoor advertising sign structures" based on the specific finding that outdoor advertising sign structures represent a separate and unique communication medium available to the general public for the periodic display of signs for announcements of both a commercial and noncommercial nature, utilizing nationally standardized signs or painted panels. At the same time, the regulations recognize that a limitation upon the size, number and spacing of such structures is consistent with and will further the goals expressed herein.

Recognizing that OASS's and other signage can be constructed to varying degrees of architectural compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS's. Further recognizing that the zoning districts in and routes along which OASS's may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural compatibility between OASS's and their surroundings with respect to structural color, landscaping, and architectural features, and are intended to result in OASS's that have an acceptable commercial, as opposed to industrial, appearance.

These sign regulations recognize the basic guaranteed right of freedom of speech and therefore are not intended to control the content of any message displayed on signs or outdoor advertising sign structures and do not discriminate between on-premise and off-premise signs.

Issues and Discussion

The proposed amendment seeks to accomplish the goals of the Interim Development Ordinance by establishing design criteria for future OASS's. Provisions are proposed to soften the impact around the base of the OASS, to minimize the incompatible visual impact of the upper portion in terms of the surrounding area, and to address issues regarding the placement of billboards. The amendment does not aim to require the perfect billboard; rather, it aims to restrict several of the least compatible aspects of OASS's that are currently permitted. The proposed changes reflect the intent of the Zoning Ordinance to protect and enhance the physical appearance of the community and the scenic value of the surrounding area.

Summary of Findings

1. The proposed amendments are pursuant to the objectives of the Interim Development Ordinance (IDO), as set forth in the discussion in the memorandum.
2. The proposed amendment reflect the findings and recommendations of a Task Force which was formed in order to develop guidelines for OASS's and is composed of representatives of the City as well as the outdoor advertising industry.
3. The proposed amendment would increase design compatibility requirements for OASS's to protect and enhance the physical appearance of the community and the scenic value of the surrounding area, consistent with the intent of the Comprehensive Sign Regulations in the Zoning Ordinance, as further amended herein.
4. The proposed amendment would soften the visual impact of billboards on the ground level by requiring landscaping or other structural component below the display area.
5. The proposed amendment would improve the design compatibility of OASS's by increasing the standards for the structural elements of OASS's.
6. The proposed amendment would clarify certain interpretations of the Zoning Administrator in order to assure that the intent of the sign regulations is met.
7. The proposed amendment would reduce the side yard setback for OASS on permitted B-3 properties adjacent to other B-3 properties.
8. The proposed amendment would increase the spacing requirement feet between OASS's from 250 feet to 300 feet for consistency with the spacing requirements of the Illinois Department of Transportation.

Options

The City Council has the following options for action in Plan Case No. 1777-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 approval of the proposed text amendment to the Zoning Ordinance.

Recommendation

At the meeting on April 19, 2001, the Plan Commission voted 8 to 0 to recommend **APPROVAL** of the proposed text amendment as presented herein based on the findings summarized above, with the additional recommendation to consider the related issues presented herein. Staff concurs with this recommendation.

Prepared by:

Tim Ross
Planner

Attachments: Proposed Ordinance to Approve Text Amendments
 Table IX-5, Standards for Future Outdoor Advertising Sign Structures, with
 proposed additions underlined

Cc: Kip Pope, President, C & U Poster Advertising Co.
 Jennifer Sloane, General Counsel, Bressler Outdoor Advertising

ORDINANCE NO. 2001-05-044

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(Amendments to Article IX, Comprehensive Sign Regulations, as it relates to Future Outdoor Advertising Sign Structures)

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, Article IX of the Urbana Zoning Ordinance, Comprehensive Sign Regulations, includes as an intent of regulating signs, to protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and

WHEREAS, a number of Outdoor Advertising Sign Structures (OASS) have been constructed recently in the Champaign-Urbana area that call into question their compliance with the above stated intent of the Zoning Ordinance; and

WHEREAS, on December 18, 2000, the Urbana City Council approved Ordinance No. 2000-11-136 to add Section IX-10, Interim Development Ordinance, Moratorium on Outdoor Advertising Structures, to the Urbana Zoning Ordinance which significantly limited the issuance of OASS permits for a period of 180 days; and

WHEREAS, the City of Urbana created an OASS Task Force composed of representatives of the City as well as the outdoor advertising industry to conduct a comprehensive review of the OASS regulations and to develop additional guidelines for OASS's while considering input from the outdoor advertising industry; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend Section IX-3.C., Measurement of Outdoor Advertising Sign Structure Surface Display Area, and Table IX-5, Standards for Future Outdoor Advertising Sign Structures, as presented herein; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1777-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 April 19, 2001; and

WHEREAS, the Urbana Plan Commission voted 8 ayes and 0 nays to forward the proposed amendment set forth in Plan Case No. 1777-T-01 to the Urbana City Council with a recommendation for approval with the condition to continue the review of certain aspects of the OASS regulations; 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 II-3, Definitions, of the Zoning Ordinance is hereby amended as follows:

Outdoor advertising sign structure (OASS): A standardized outdoor advertising display, including the permanent framework, structural members, support or supports, foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial or noncommercial displays and which is made generally available for display to the public by an outdoor advertising sign company on a short term basis. Such OASS's shall be limited to two (2) standardized structures.

- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;
- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.
- c. For the purpose of defining an OASS, the term "approximately" shall refer to a dimension deviating from the standardized dimension by no more than 20%.

Section 2. Section IX-1., Legislative Intent and Findings, is hereby amended as follows:

The purpose of this Article is to establish regulations and controls which promote the goals, objectives and policies of the City of Urbana Comprehensive Plan and to permit and regulate signs in such a manner as to support and complement the land use policies set forth in Article I, Section I-1. To these ends, this Article regulates the size, number and spacing of signs which is intended to: aid in traffic safety by avoiding uncontrolled proliferation of signs which distract and endanger safety and traffic flow; reduce congestion of land, air and space; preserve and protect property values; establish reasonable standards for the use of signs in order to maintain and encourage business activity and development; protect and enhance the physical appearance of the community and the scenic value of the surrounding area; and regulate signs located near or visible from public property such as streets, highways, parks and schools where such signs could jeopardize the public's investment in these facilities.

The sign regulations expressly distinguish between "signs" and "outdoor advertising sign structures" based on the specific finding that outdoor advertising sign structures represent a separate and unique communication medium available to the general public for the periodic display of signs for announcements of both a commercial and noncommercial nature, utilizing nationally standardized signs or painted panels. At the same time, the regulations recognize that a limitation upon the size, number and spacing of such structures is consistent with and will further the goals expressed herein.

Recognizing that OASS's and other signage can be constructed to varying degrees of architectural compatibility or incompatibility with their surroundings, these regulations require that certain design standards be implemented when constructing OASS's. Further recognizing that the zoning districts in and routes along which OASS's may be erected are mainly commercial, rather than industrial, these provisions are intended to result in a minimum baseline of architectural compatibility between OASS's and their surroundings with respect to structural color, landscaping, and architectural features, and are intended to result in OASS's that have an acceptable commercial, as opposed to industrial, appearance.

These sign regulations recognize the basic guaranteed right of freedom of speech and therefore are not intended to control the content of any message displayed on signs or outdoor advertising sign structures and do not discriminate between on-premise and off-premise signs.

Section 3. Section IX-3.C., Measurement of outdoor advertising sign structure surface display area, is hereby amended to read as follows:

The surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, advertising embellishment, or other figure of similar character or potential display area of an outdoor advertising sign structure, together with any material forming an integral part of the display, or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the

necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign, and shall exclude the apron, if any, which itself covers structural members, supports or uprights. The lowest projection of the display area shall not be more than 6 inches above the lowest portion of any horizontal structural element of the OASS.

Section 4. Table IX-5, Standards for Future Outdoor Advertising Sign Structures, is hereby amended to read as shown in the attachment.

Section 5. 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 _____, 2000, 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 (Additions to Section IX-3.C., Measurement of Outdoor Advertising Sign Structure Surface Display Area, and amendments to Table IX-5, Standards for Future Outdoor Advertising Sign Structures)” 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 _____, 2000, 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.

TABLE IX-5. STANDARDS FOR FUTURE OUTDOOR ADVERTISING SIGN STRUCTURES

Districts Permitted	Type	Maximum Number Permitted	Maximum Area of OASS	Maximum Height of OASS	Location of OASS and Separation	Design Criteria
Such new OASS's shall be allowed only along FAP or FAI routes, as designated by IDOT as of March 1, 1981, in areas zoned B-3 (General Business), B-4E (Central Business Expansion) and IN (Industrial) and within 660 feet of either side of such FAP/FAI routes; in B3, and IN districts along Lincoln Avenue north of Bradley Avenue; and in B-3, B-4, B-4E and IN districts along Vine Street between Main Street and University Avenue ^{2,4,5}	Wall	One per wall provided no other exterior wall signs are on display.	300 sq. ft.	Not to project above roofline or edges of wall upon which OASS is mounted.	OASS shall conform to the setback requirements for buildings in the IN, B-3 and B-4E zoning districts ¹² . No OASS shall be permitted within 50 feet of any Residential, CRE or AG Zoning District. Further, such OASS's shall not be located within 250 300 feet of any free-standing or wall mounted OASS. ³	See footnote 8, 9, 13
	Free-standing	2 per OASS	300 sq.ft. (back-to-back displays shall be deemed to be a single structure) ¹	IN - 40 feet ² B-3, B-4 - 35 feet, B-4E - 35 feet ¹¹	Same as wall OASS's.	See footnote 7, 8, 9, 10, 13

Notes: No outdoor advertising sign structures shall be erected on a roof or marquee. Further, these regulations must be interpreted consistent with the injunction issued in Champaign County Circuit Court 76-C-1060, C-U Poster versus Urbana.

- 1 "Back-to-back" shall mean faces erected at a parallel plane separated by no greater than three (3) feet, or faces erected at no greater than a forty-five (45) degree angle to each other.
- 2 If an OASS is: (1) directed primarily towards users of a highway in the National Interstate and Defense Highway System, (2) within two thousand (2,000) feet of the center line of such highway, and (3) more than five hundred (500) feet from any residential district, school, park, hospital, nursing home or other OASS, then the sign may be erected to such height as to be visible from a distance of one-half (1/2) mile on the highway or a maximum height of seventy-five (75) feet, whichever is less, and the sign may have an area not greater than three hundred (300) square feet. Said regulations apply only to OASS's facing Interstate Highway 74; they do not apply to OASS's facing Federal Aid-Primary Highways.
- 3 For purposes of determining separation measurements, the following shall apply:
 - a. Separation measurements between OASS's shall be measured along same side of a street.
 - b. Measurements from wall OASS's shall be made from the closest edge or projection of the OASS to the OASS which it is being separated.
 - c. Measurements from freestanding OASS's shall be made from the closest ground projection or support of the structure to the structure from which it is being separated.
- 4 Said FAI and FAP areas include Routes 45, 150 and 10 (University Avenue from Wright Street to I-74); all of Route 45 (Cunningham Avenue) north of University Avenue; and I-74. For purposes of future OASS erection, South Philo Road shall not be included as FAP, although it may be or may have been so designated by the Illinois Department of Transportation.
- 5 OASS's along Vine Street between Main Street and University Avenue shall be located within one hundred (100) feet of the center line of Vine Street.
- 6 This table sets standards for future outdoor advertising structures. Except for those outdoor advertising sign structures which are to be removed pursuant to the Settlement Agreement arising out of the litigation in 76-C-1070, existing outdoor advertising sign structures in the City of Urbana are expressly permitted and in compliance with this Article.
- 7 Structural members of an OASS attached to the ground shall be encompassed by landscaping for a minimum horizontal radius of five feet from the center of the structural element. Landscaping must be planted and maintained according to the standards of Section VI-5.G.2.h.i.j.k.l. and n. OASS's may also be approved which contain, as a component of the OASS, a geometric shape enclosure around the supporting pole(s) with a vertical dimension twice that of its horizontal dimensions and an architectural design consistent with the intent of the Comprehensive Sign Regulations, or another design feature consistent with these regulations, as defined in Section IX-1.. Legislative Intent and Findings. All supporting poles, such as I-beams, must be enclosed.
- 8 All visible structural elements (excluding the changeable portion of the display) shall be white, gray, tan or other light-shaded tone. OASS's may be also be approved if they are compatible with the surrounding area in terms of architectural design and/or color, as determined by the Zoning Administrator based on the intent of the Comprehensive Sign Regulations.
- 9 OASS shall not include ladders as an element thereof, except those ladders that are contained entirely in the area behind the display area(s).
- 10 OASS shall not be cantilevered, other than the "flag" design. That is, the structure shall not use an offset beam to support the display area(s).

- 11 No portion of a freestanding OASS shall encroach more than nine feet into the airspace created by the outline of a roofline projected upward. Any OASS encroaching into a roofline shall have a minimum clearance of three feet over the building above which it is located.
- 12 In the B-3 Zoning District, OASS may encroach five (5) feet into the ten (10) side yard setback if the property on which the OASS is proposed is adjacent to another property zoned B-3
- 13 OASS are limited to two (2) standardized structures, as indicated in the definition
- a. The "30 sheet poster panel" or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area;
- b. The "Junior panel" whose outside dimensions, including trim, if any, but excluding the base, apron, supports and other structural members is approximately six (6) feet by twelve (12) feet, containing approximately seventy-two (72) square feet of total display area.
- c. For the purpose of defining an OASS, the term "approximately" shall refer to a dimension deviating from the standardized dimension by no more than 20%.



**FINANCE DEPARTMENT
MUNICIPAL COLLECTOR'S DIVISION
M E M O R A N D U M**

TO: Bruce Walden, Chief Administrative Officer
FROM: Ronald Eldridge, Comptroller
DATE: April 2, 2001
RE: Annual Revision of the Fee Schedule

Brief Description of the item

Annual review and revision of the license and permit fees for fiscal year 2001/2002.

Identification of the Issues and any approvals required

License, permit and service fees are reviewed and adjusted on an annual basis to keep pace with the cost of providing the services. Urbana City Code requires that the proposed Schedule of Fees be reviewed by the City Council and filed with the City Clerk at least thirty (30) days prior to final action by the City Council. During that time the Schedule of Fees is available for public inspection in the City Clerk's Office.

Council approval of the Schedule of Fees is required.

Background / facts

Revenues from service charges, license and permit fees and sewer benefit tax generate approximately \$1.5 million annually. The City's financial policy is to increase these fees to maintain pace with the annually increasing costs of providing the related services. Larger fees such as liquor licenses and sewer benefit tax are adjusted annually. Smaller fees are adjusted every three to four years. The cost of providing the related services are mainly driven by the increase in salaries, since most of the service is provided in personnel time. This cost may be less than or more than the consumer price index. I estimate cost increases next year to be 4%.

Specific proposed adjustments to the 2001/2002 Schedule of Fees are:

1. A 4% increase in liquor license fees.
2. Increase the sewer tax rate by 4% from \$1.7335 to \$1.8028 per cubic foot. An average resident will pay \$47.95 a year, up from the current \$46.11. The increase will apply to the billing period beginning January 1, 2002.
3. Addition of a Low Hazard category to fire permits that is no cost.
4. The service charge for a returned check has been added to the Fee Schedule and increased from \$10.00 to \$15.00.

5. Increase the minimum amount of a Telecommunications Permit from \$110.00 to \$150.00. The increase brings this permit in line with the minimum for similar permits, such as a Special Use Permit, Rezoning or Minor Plat, all at \$150.00. The increased minimum also recognizes the actual amount of staff time spent in the issuance of a Telecommunications Permit.
6. The addition of service guarantees by the Building and Safety Division for certain building, electrical, plumbing and mechanical permits. If City staff does not meet the service guarantees, the permit is issued at no cost. The use of service guarantees is intended to attract more single-family home construction to Urbana.

All changes to the Schedule of Fees are shown by a strike out of the current fee and notation of the proposed fee. Additions to the schedule are shown in bold type.

Fiscal impact

Revision of the fee schedule allows the City to keep pace with the costs of providing the services related to the fees (inspection, administration and sewer.) If these fees are not periodically increased for inflation, the City will be forced to increase property taxes or other revenue sources.

Recommendation

Staff recommends approval of the attached ordinance adopting the 2001/2002 Schedule of Fees.

Attachments

Prepared by: _____
Delora N. Siebrecht, Office Manager
Finance Department

ORDINANCE NO. 2001-04-036

AN ORDINANCE AMENDING CHAPTER FOURTEEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGARDING THE SCHEDULE OF FEES
(July 1, 2001 through June 30, 2002)

WHEREAS, the Schedule of Fees herein adopted having been on file with the City Clerk for at least thirty (30) days prior to this date, and having been made available to the public and mailed to each Council member and having given notice of the availability of the proposed Schedule of Fees for inspection by publication of a notice of such in a newspaper of general circulation in the City at least fourteen (14) days prior to this date,

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

Section 1. That the attached "Schedule of Fees - Effective 7/1/01" is hereby approved and shall remain in effect until a new schedule is approved pursuant to the procedures adopted in Ordinance No. 1999-01-003.

Section 2. The Schedule of Fees approved herein shall be effective on July 1, 2001.

Section 3. All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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.

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

AYES:

NAYS:

PRESENT:

Phyllis D. Clark, City Clerk

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

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 _____, 20____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING CHAPTER FOURTEEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGARDING THE SCHEDULE OF FEES", 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 _____, 20____, 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 _____, 20____.

(SEAL)

CITY CLERK

SCHEDULE OF FEES - EFFECTIVE JULY 1, 2001

The following fees are applicable for the respective licenses, permits, fines, and other fees required under the Code of Ordinances, City of Urbana, Illinois, or as otherwise established by law.

(A) LIQUOR LICENSES

1. Alcoholic Liquor Licenses:

(a)	Class A (drink/package-consumption on or off Premises).....	\$3,458.00	\$3,325.00
(b)	Class AA (hotel/motel drink/package-consumption on or off premises)	\$3,458.00	\$3,325.00
(c)	Class AA-1 (hotel/motel add'l location).....	\$2,019.00	\$1,941.00
(d)	Class B (beer retail only – consumption on or off premises).....	\$1,860.00	\$1,788.00
(e)	Class BB (beer/wine retail only - consumption on or off premises)	\$1,860.00	\$1,788.00
(f)	Class BBB (beer/wine retail only - consumption off premises only).....	\$2,363.00	\$2,272.00
(g)	Class BW - (Sidewalk café-adjacent premises)		
	1. initial.....	\$ 33.00	\$32.00
	2. renewal	\$ 16.00	
(h)	Class C (package liquor – consumption off premises only)	\$3,373.00	\$3,243.00
(i)	Class D (club – members only).....	\$2,019.00	\$2,019.00
(j)	CLASS GC (Golf Course License).....	\$3,566.00	\$3,429.00
(k)	Class HL License (hotel/motel limited)	\$ 928.00	\$892.00
(l)	Class HB License (hotel/motel banquet - must have HL license)	\$ 620.00	\$596.00
(m)	Class T-1 (Temporary 8-hour special event - current license holder)	\$ 59.00	\$57.00
(n)	Class T-2 (Temporary not-for-profit organization)	\$ 59.00	\$57.00

Late fee - applies to renewal applications ... received after filing deadline of June 16

and Class T Licenses received after filing
deadline\$ 25.00

(B) GENERAL

1. Fire Prevention Permits:

- (a) Bonfires and outdoor rubbish fires..... N/C
- (b) Removing paint by torches N/C
- (c) Materials storage\$ 45.00
- (d) Airports, heliports, and helistops.....\$ 45.00
- (e) Application of flammable finishes\$ 45.00
- (f) Bowling establishments..... N/C
- (g) Dry cleaning plants: High and moderate hazard.....\$ 45.00
- (h) Dust explosion hazards.....\$ 45.00
- (i) Fruit ripening processes\$ 45.00
- (j) Fumigation and thermal insecticidal fogging N/C
- (k) Lumber yards and woodworking plants.....\$ 45.00
- (l) Oil and gas production.....\$ 45.00
- (m) Places of assembly..... \$ 45.00
- (n) Service stations and garages.....\$ 45.00
- (o) Vehicle tire rebuilding plants \$ 45.00
- (p) Vehicle wrecking yards, junk yards, and waste
material handling plants\$ 45.00
- (q) Welding or cutting, calcium carbide, and
acetylene generators\$ 45.00
- (r) Cylinder and container storage\$ 45.00
- (s) Calcium carbide storage.....\$ 45.00
- (t) Acetylene generators\$ 45.00
- (u) Cellulose nitrate motion picture film\$ 45.00

(v)	Cellulose nitrate (pyroxylin) plastics	\$ 45.00
(w)	Combustible fibres	\$ 45.00
(x)	Compressed gases	\$ 45.00
(y)	Cryogenic liquids.....	\$ 45.00
(z)	Explosives, ammunition and blasting agents.....	\$ 45.00
(aa)	Fireworks.....	\$ 45.00
(bb)	Flammable and combustible liquids.....	\$ 45.00
(cc)	Hazardous materials and chemicals.....	\$ 45.00
(dd)	Liquefied petroleum gases.....	\$ 45.00
(ee)	Magnesium.....	\$ 45.00
(ff)	Matches	\$ 45.00
(gg)	Organic coatings	\$ 45.00
(hh)	Semiconductor fabrication facilities using hazardous production materials	\$ 45.00
(ii)	Low Hazard	N/C

Any person required to obtain more than one permit as set forth above to engage, at any specifically defined-single location, in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities, shall only be required to pay forty five dollars (\$45.00) for one through four (4) permits required for that specific location and ninety dollars (\$90.00) for five (5) or more permits if required for that specific location. Specific provisions for obtaining a fire prevention permit required for the various uses and activities as set forth above are provided in the BOCA Basic Fire Prevention Code as adopted under Chapter 5.

A late fee of five dollars (\$5.00) shall be added for every thirty (30) days or portion thereof, that such permit fee remains unpaid.

2. (a) Excessive False Alarm Penalty: (see Section F-509.5 of BOCA 1990 National Fire Prevention Code, as amended)\$ 500.00
- (b) File Research Property Information Audit \$ 50.00
3. Food Handling Licenses:
 - (a) Food Handling Establishment\$ 55.00
 - (b) Food Handling Mobile Dispenser\$ 38.50
 - (c) Sidewalk Cafe, adjacent premises\$ 16.50
4. Miscellaneous:
 - (a) Solicitors. Transient merchants, itinerant merchants, itinerant vendors, peddlers, canvassers, and solicitors:
 1. License (per year)\$ 29.00
 2. Duplicate license (per year).....\$ 7.00
 - (b) Taxicabs:
 1. Drivers.....\$ 12.00
 2. Owners, per cab\$ 65.00
 - (c) Going-out-of-business sale permit\$ 30.00
 - (d) Amusement devices:
 1. For each amusement device \$ 66.00
 2. For gamerooms \$ 983.00
 - (e) Raffles
 1. Total retail value of all prizes or merchandise to be awarded exceeds five thousand dollars (\$5,000.00) \$ 100.00
 2. Total retail value of all prizes or merchandise to be awarded does not exceed five thousand (\$5,000.00) \$ 10.00
 - (f) Banners (per banner installed) \$ 10.00

- (g) Relocator Registration Fee\$ 25.00
- (h) Ambulance\$ 115.00
- (i) Returned check charge.....\$ 15.00**

5. Urbana Public Television Access Fees:

- (a) Individual membership\$ 20.00
- (b) Non-Profit organization membership\$ 20.00
- (c) Non-Urbana resident individual membership.....\$ 40.00
- (d) Tape-dubbing charge.....\$ 15.00
- (e) Camera Operator/Building Monitor:
 - 1. First Hour \$ 35.00
 - 2. Each Additional Hour.....\$ 20.00
- (f) Damage deposit (due at time of reservation)..... \$ 50.00

6. Mobile Home Park:

- (a) License: Per mobile home site.....\$ 18.00
- (b) Certificate of occupancy (mobile homes): per relocated mobile home\$ 75.00

7. Bicycle Permit and Transfer: N/C

8. Public Works -- Engineering Permits:

- (a) Excavations within the public right-of-way:
For each location.....\$ 35.00
- (b) Connection to stormwater drainage facilities..... \$ 35.00
- (c) Curb cuts, construction or reconstruction for drive-way entry between property line and pavement \$ 35.00
Additional cuts at same location\$ 5.00
- (d) Sidewalks\$ 35.00

- (e) Right-of-Way or alley vacation request N/C
- (f) Work without a permit - double the permit fee with a Minimum charge..... \$ 100.00

9. Moving Permits:

- (a) Permits for buildings or structures to be moved across public streets, alleys, or rights-of-way:
 - 1. Moving buildings (except accessory structures) for each 24-hour period or part thereof
 - (A) Through town or out of town..... \$ 175.00
 - (B) To a location inside corporate limits irrespective of its origin..... \$ 250.00
 - 2. Moving of accessory structures (garages, etc.) for each 24-hour period or part thereof..... \$ 18.00
- (b) In addition, the applicant shall pay for any costs accrued by the city ~~of~~ **for** police escort, blocking streets, tree trimming, removal of traffic devices, etc.
- (c) The fee for permits for buildings or structures to be moved only across private property and not public right-of-way is set forth in subsection (9) of Section (E) (Buildings and Structures) of this section.

10. Subdivision and Development Applications:

- (a) Preliminary plats
 - 1. Per lot \$ 10.00
 - 2. Minimum \$ 300.00
- (b) Final Plats \$ 150.00
- (c) Combination preliminary/final plat..... \$ 300.00
- (d) Minor plat \$ 150.00

- (e) Planned unit development (Champaign County & City)
 - 1. Preliminary plat \$ 300.00
 - 2. Final plat \$ 150.00
- (f) Appeals \$ 100.00
- (g) Certificate of Exemption \$ 100.00

(C) SEWER

- 1. Sewer Use Charge. The sewer use charge shall be determined by multiplying the billed water usage times one dollar and ~~eighty seventy-three~~ and ~~2835/1000th~~ cents (~~\$1.7335~~ **\$1.8028**) per cubic foot. (Rate applies to billing period beginning next January 1, bills mailed in the subsequent May or June month.)

(D) ZONING FEES AND BUILDING CONSTRUCTION APPEALS

NOTE: The following fees do not include the charge for legal publications which shall be paid by the applicant directly to the publisher.

- 1. The secretary shall collect the following fees to the plan commission:
 - (a) Application for a change of zoning property: one hundred fifty dollars (\$150.00), plus the cost of all legal publications;
 - (b) Application for an amendment to the text of the Zoning Ordinance: one hundred fifty dollars (\$150.00), plus the cost of all legal publications;
 - (c) Application for a special use permit: one hundred fifty dollars (\$150.00), plus the cost of all legal publications;
 - (d) Application for a creekway permit pursuant to section VII-8 of the Zoning Ordinance: one hundred dollars (\$100.00), plus the cost of all legal publications;
 - (e) Application for fee simple townhouse, rowhouse and duplex approval: one hundred dollars (\$100.00).
- 2. The secretary shall collect the following fees to the Board of Zoning Appeals:
 - (a) Application for a conditional use permit: one hundred dollars (\$100.00), plus the cost of legal publications;
 - (b) Application for a minor variance: one hundred dollars (\$100.00), plus the cost of legal publications;

- (c) Appeal to the Board of Zoning Appeals: one hundred dollars (\$100.00), plus the cost of legal publications.
- (d) Application for a major variance: one hundred twenty-five dollars (\$125.00), plus the cost of all legal publications;

3. The zoning administrator shall collect the following fees:

- (a) An application for a certificate of occupancy when not applied for and granted in conjunction with a permit: twenty-five dollars (\$25.00).
- (b) An application for a temporary certificate of occupancy for 1-35 days of occupancy: one hundred dollars (\$100.00).
- (c) An application for a temporary certificate of occupancy for 36-65 days of occupancy: two hundred dollars (\$200.00).
- (d) An application for a temporary certificate of occupancy for 66-90 days of occupancy: three hundred dollars (\$300.00).

The maximum length of time for which temporary certificates of occupancy may be issued is ninety (90) days, except for those issued only for the installation of required landscaping and/or the paving and striping of parking lots which may be issued for up to six (6) months from the date of occupancy due to weather conditions. The temporary certificate of occupancy issued under this exception shall have a fee of twenty-five dollars (\$25.00) without a renewal option.

- (e) A certificate for a home occupation: thirty-five dollars (\$35.00).
- (f) Application for a sign permit: five dollars (\$5.00) per one thousand dollars (\$1,000.00) or fraction thereof of estimated costs, with a minimum of twenty dollars (\$20.00):

- 1. Temporary Sign Permit.....\$ 15.00
- 2. Grand Opening Temporary Sign Permit..... N/C

- (g) Application for a Telecommunications Permit: five dollars (\$5.00) per one thousand dollars (\$1,000.00) or fraction thereof of estimated costs, with a minimum of one hundred ~~ten~~ **fifty** dollars (**\$150.00** ~~\$110.00~~).

4. The designated secretaries shall collect the following fees to the following appeals boards and commissions:

- (a) Building Safety Code Board of Appeals:

- 1. Appeal\$ 100.00

2. Variance \$ 100.00

(b) **Property Maintenance** Existing Structures Code Board of Appeals:

1. Appeal\$ 100.00

2. Variance \$ 100.00

(c) Historic Preservation Commission:

1. Historic District Nomination..... N/C

2. Historic Landmark Nomination N/C

3. Certificate of Appropriateness..... N/C

4. Certificate of Economic Hardship..... N/C

(E) BUILDINGS AND STRUCTURES

Service Guarantees:

****The Building and Safety Division of Community Development guarantees that reviews of single-family home permit applications will be completed by the end of the next working day or the permit is free.**

*****The Building and Safety Division of Community Development guarantees that inspection requests made before noon will be completed the same day, if so requested. Inspection requests received after noon will be completed before noon of the next working day. If inspectors fail to meet these guarantees, the next permit application for a new single-family residence applied for by the same person or company will be free. A voucher for a free inspection will be issued and must be included with the next inspection request.**

1. Building permits: The method of fee calculation for building permits issued for new construction projects and additions, except for one and two-family dwellings, shall be based upon the Type of Construction Method as published from time to time by the Building Officials and Code Administrators International, Incorporated, in its publication entitled "Building Officials and Code Administrators Magazine." Such fees are nonrefundable.
 - (a) New construction or additions, other than single-family or two-family detached dwellings. The permit fee shall be calculated by inputting the appropriate data into the **Permit Fee Schedule Formula** as outlined below.

$$\boxed{\text{Permit Fee}} = \boxed{\text{Building Gross Area}} \times \boxed{\text{Gross Area Modifier}} \times \boxed{\text{Type of Construction Factor}} \times \boxed{\text{Permit Fee Multiplier}}$$

Input into the formula is based upon the following: the building area is determined from the construction drawings; the current area modifier and the type of construction factor are based upon the information published from time to time by the Building Officials and Code Administrators, International, Incorporated in its publication entitled "Building Officials and Code Administrators Magazine"; and the permit fee multiplier as established by the City of Urbana is .00177. A current copy of the current area modifier and type of construction factor information is available from the Building Safety Division.

(b) * Additions to a single-family or two-family detached dwelling. The permit fee shall be calculated at the rate of five dollars (\$5.00) per one thousand dollars (\$1,000.00) of the estimated costs for the project.

(c) * Single-family detached dwellings: A permit for a single-family detached dwelling shall cost three hundred dollars (\$300.00) for a building up to two thousand five hundred (2,500) square feet and three hundred eighty-five dollars (\$385.00) for a building above two thousand five hundred (2,500) square feet.

(d) Two-family detached dwellings: A permit for a two-family detached dwelling shall cost three hundred thirty dollars (\$330.00) for a building up to two thousand five hundred (2,500) square feet and four hundred ten dollars (\$410.00) for a building above two thousand five hundred (2,500) square feet.

2. Tent permit: A permit for the erection of a tent having a gross area of four hundred (400) square feet or more shall cost twenty dollars (\$20.00).

3. Utility/miscellaneous occupancies: A permit for the erection of building or structure housing a utility/miscellaneous (U) occupancy other than a tent including garages shall cost a fee computed at the rate of five dollars (\$5.00) per one thousand dollars (\$1,000.00) of estimated cost, but not less than thirty-five dollars (\$35.00), except for sheds, decks and fences, for which a fee of twenty dollars (\$20.00) is required. No fee shall be required for sheds which are less than one hundred (100) square feet and which do not have permanent foundations or decks of less than one hundred (100) square feet.
4. Alteration/renovation: The fee for a permit for the alteration, renovation and/or remodeling of a building or structure shall be computed at the rate of five dollars (\$5.00) per one thousand (\$1,000.00) of the estimated cost not including electrical, plumbing, and heating ventilating and air-conditioning, but not less than thirty-five (\$35.00), except the fee for a permit to replace a roof, which such fee shall be computed at the rate of two dollars (\$2.00) per one thousand dollars (\$1,000.00) of the estimated cost, with a thirty-five dollar (\$35.00) minimum permit fee.
5. Demolition: The fee for a permit for the demolition of a building or structure other than an accessory building including detached garages shall be at the rate of seven dollars (\$7.00) per one thousand dollars (\$1,000.00) of the estimated cost of demolition, but not less than one hundred dollars (\$100.00). The permit fee for the demolition of an accessory or temporary structure under eight hundred (800) square feet shall be thirty-five dollars (\$35.00), except that the building official may waive the permit fee where there is no foundation or floor to be removed, where there is no significant grading to be done or where the work shall be insignificant.
6. Vacant structures registration (every six (6) months) . . \$ 140.00
7. Moving permit/building permit: A moving permit shall be issued by the building official in conjunction with the required building permit for all buildings or structures which are moved and do not cross or occupy any street, alley or public right-of-way. The fee for the moving permit/building permit shall be computed at the rate of five dollars (\$5.00) per one thousand dollars (\$1,000.00) of the estimated cost. The estimated cost shall include the cost of the moving along with the costs for excavation, footings and foundations, site work and all structural or nonstructural remodeling as described in item four (4) above. The minimum permit fee shall be thirty-five dollars (\$35.00).

8. Estimated cost: The term "estimated cost" as used in this subsection (E) includes the cost of all services, labor, materials, use of scaffolding and any other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy. This shall include all costs to the owner. Contractor profit is not excluded.

9. Work without a permit: For all work commenced without a permit for which a building permit is required, the permit fee will be doubled with a one hundred dollar (\$100.00) minimum. Such work must comply with all other requirements of the building code.

10. Plan review fee schedule: The plan review fee applies to all plans for new construction, including additions. Such plan reviews include a review of all applicable city regulations including but not limited to zoning, building, electrical, plumbing and HVAC regulations. The fee does not include special flood hazard area reviews. (See item #11 below.) Plan review fees shall be nonrefundable and shall be computed as follows:

Volume (cubic feet)	Plan Review Fee
0- 10,000	\$130.00
10,001- 20,000\$160.00
20,001- 40,000\$200.00
40,001- 60,000\$240.00
60,001- 80,000\$275.00
80,001- 100,000\$310.00
100,000-150,000\$350.00
150,001-200,000\$390.00
Over 200,000	\$390.00 + \$5.00 for each 10,000 cubic feet over 200,000

Plan review for assembly (A) and institutional (I) uses and mercantile covered malls over five thousand (5,000) square feet shall be one and one-half (1 1/2) times the fees as computed from the table above.

In addition to the plan review fees indicated above, the building official may charge an additional fee for outside professional plan review services. Such outside plan review services may be contracted where the building official determines it is in the best interest of the city to do so. Additional fee(s) for outside services shall be based upon the actual costs for such services.

Remodeling and/or renovation plan review fees shall be charged on remodeling or renovation projects exceeding twenty thousand dollars (\$20,000.00) at the rate of 0.005 times the cost of the project.

Plan review fees shall accompany the application and are nonrefundable. Single- and two-family detached dwellings and utility/miscellaneous (U) occupancies, including residential garages, shall be exempt from plan review fees. The building official may waive the plan review fee for structures under five thousand (5,000) cubic feet in cases involving minor structural repairs or the remodeling of existing buildings.

11. Special flood hazard area development plan review fee: The fee for a development plan review in the special flood hazard area shall be seventy-five dollars (\$75.00). This fee shall be in addition to other plan review fees.
12. Special permits for elevators, dumbwaiters and conveyance equipment:
 - (a) Installation permit: For each conveyance device, an installation permit shall be obtained, as required in the Building Code. The fee for such permit shall be eighty dollars (\$80.00) and shall include all necessary electrical, plumbing and HVAC work directly involved with the installation. The building official may reduce this fee by twenty (20) percent for multiple installations of the same nature and location. The installation permit fee includes the annual operating permit fee for the first year.
 - (b) Annual operating permit: For each conveyance device, as referenced in the Building Code, an annual operating permit shall be required for which the fee shall be thirty-five dollars (\$35.00) annually. Such fee shall become due on July 1 of each year.
13. Exterior storage of construction materials temporary permit\$ 75.00

(F) ELECTRICAL

1. (a) The minimum fee for any electrical permit shall be\$ 35.00
- ***(b) Temporary service \$ 35.00
- (c) Work without a permit: Double the permit fee or one hundred
- (d) Annual Permit fee.....\$ 80.00
- (e) Permits shall not be required for installations of up to three (3) additional outlets involving no new circuits from the panel, or minor repairs as identified in the City of Urbana Safety Codes Adopting Ordinance.
2. Fees for New Residential

***Fees for all new single family, two family, and multi-family dwelling units shall be calculated as follows: sixty dollars (\$60.00) for the first dwelling unit and forty dollars \$(40.00) for each additional dwelling unit or apartment regardless of service size. These fees shall include the permit for the electrical service and all associated wiring, and accessory structures for one and two family dwellings. Fees for fire alarm systems, accessory structures for multi-family apartment buildings, hotels, motels, residential board and care facilities, rooming houses, and dormitories shall be calculated as described under

section 3 below.

3. Fees for all other work:

Electrical work shall be assessed at the rate of one percent (.01 multiplier) of the estimated or contract cost of the job; all amounts exceeding fifty thousand dollars (\$50,000.00) shall be assessed at the rate of one half of one percent (.005 multiplier) of the estimated or contract cost of the job.

These fees shall be assessed for the following type of work:

- (a) New services
- (b) Changes in service
- (c) New buildings
- (d) Additions, alterations, rewiring, and repairs in existing buildings
- (e) Installation of equipment, machinery or motors, and signs
- (f) Changes in lighting
- (g) Fire alarms
- (h) Repair of code violations

4. Testing and Registration of electrical contractors.

- (a) The application fee for the electrical test shall be thirty dollars (\$30.00) and shall be required each time the test is taken.

- (b) Initial registration of electrical contractors: The initial registration fee for registration as an electrical contractor shall be one hundred dollars (\$100.00). Contractors who apply for registration during the last half of the fiscal year (January 1 through June 30), shall submit a fee of seventy-five dollars (\$75.00).
- (c) Renewal registration fees received or post marked after August 1 of the fiscal year shall be two hundred dollars (\$200.00).
- (d) Registration fee for transfer of reciprocal jurisdiction electrical license shall be one hundred dollars (\$100.00).

(G) PLUMBING

1. Fee schedule: The permit fees for all plumbing work shall be derived from the following table (P1).

***2. Plumbing permit fees shall be nonrefundable. The minimum fee for any plumbing permit shall be thirty-five dollars (\$35.00).

TABLE P1

(a) Water closet	\$ 10.00
(b) Urinal	\$ 10.00
(c) Lavatory	\$ 10.00
(d) Shower/bath tub	\$ 10.00
(e) Kitchen sink	\$ 10.00
(f) Utility/service sink	\$ 10.00
(g) Laundry sink	\$ 10.00
(h) Bar/beverage sink.....	\$ 10.00
(i) Floor sink/receptor	\$ 10.00
(j) Restaurant/culinary sink	\$ 10.00
(k) Clinical sink	\$ 10.00
(l) Dishwasher	\$ 10.00
(m) Garbage disposal	\$ 10.00
(n) Waste interceptor/separator.....	\$ 10.00

- (o) Floor drain \$ 10.00
- (p) Hub/stand-pipe drain.....\$ 10.00
- (q) Drinking fountain.....\$ 10.00
- (r) Clothes washer \$ 10.00
- (s) Sewage ejector \$ 10.00
- (t) Storm drain/sump pump\$ 10.00
- (u) Sanitary sewer/septic tank\$ 10.00
- (v) Water service \$ 10.00
- (w) Water heating equipment/vessel (as defined in plumbing ordinance) \$ 10.00
- (x) LTD area sprinkler (as defined in mechanical ordinance)
(Two (2) sprinklers or fraction thereof equal one fixture) \$ 10.00
- (y) Equipment supply/backflow preventer\$ 10.00
- (z) Special fixture/device/piping (other than listed above and as determined by plumbing official\$ 10.00

3. For all work commenced without a permit for which a plumbing permit is required, the permit fee will be doubled with a one hundred dollar (\$100.00) minimum and such work shall comply with all applicable codes.

A single permit shall not be issued for work which will occur at more than one address or structure. Each building/address shall require a separate permit to which minimum fees apply.

(H) MECHANICAL

***1. Fee schedule: The permit fees for all mechanical work shall be determined by the estimated cost of the mechanical installations and work being performed. ("Estimated cost" shall mean the cost of all services, labor, materials and equipment used to complete the work/installation.)

Mechanical permit fees shall be one percent (1%) of the "estimated cost" of the installation or work (see definition of estimated cost). The minimum mechanical permit fee shall be fifty dollars (\$50.00), except as provided in subsections (2) and (6).

Mechanical work and installations shall include: Heating, ventilation, air conditioning, refrigeration, fire suppression and related installations governed by

and defined within the scope of the mechanical codes adopted by reference in the mechanical ordinance.

- ***2. Fireplace, woodstove and other solid fuel burning equipment installations shall require a mechanical permit. The permit fee shall be thirty-five dollars (\$35.00) per unit.
3. All mechanical permit fees shall be nonrefundable.
4. A mechanical permit shall authorize work to be performed at only one address or structure. Each building/address where work is to be performed shall require a separate permit to which minimum fees apply.
5. Domestic fire suppression systems: Sprinklers supplied by the domestic water service, and installed only as spot protection in mechanical and storage rooms in commercial and multifamily occupancies, and all sprinklers installed in one- and two-family dwellings shall be considered as plumbing work and are subject to plumbing permit fee schedule.
6. Miscellaneous: Mechanical installations or work with a total cost of five hundred dollars (\$500.00) or less shall require a thirty-five dollar (\$35.00) minimum mechanical permit fee.
7. For all work commenced without a permit for which a mechanical permit is required, the permit fee will be doubled with a one hundred dollar (\$100.00) minimum, and the work shall comply with all applicable codes.

(I) SOLID WASTE

1. Regional Pollution Control Facility, annually\$2,300.00
2. Hauler Business\$ 235.00
3. Vehicle\$ 115.00
4. Residential Recycling Tax: The monthly Recycling Tax for a Dwelling Unit in a Residential Dwelling shall be Two dollars (\$2.00) per month.

5. Dormitory Recycling Tax: the monthly Recycling Tax for a Dormitory shall be One Dollar and Forty-Five Cents per month (\$1.45) times the residential capacity of the dormitory.
6. Multifamily Dwelling Recycling Tax: The monthly Recycling Tax for a multifamily dwelling shall be Two Dollars and Seventy-Five Cents (\$2.75) per dwelling unit in a multifamily dwelling.

(J) SPECIAL PARKING PERMIT SCHEDULE OF PURCHASE AND REFUND AMOUNTS

The term of a permit begins August 1st of the current year and terminates on August 14th of the following year.

1. Purchase Schedule:

(a) Annual Permit:

If purchased between August 1 and October 31.....\$ 135.00
 If purchased between November 1 and December 31 \$ 101.25

(b) Spring Permit:

If purchased between January 1 and May 14\$ 85.00

(c) Summer Permit:

If purchased between May 15 and July 31\$ 30.00

(d) Temporary permits valid for one (1) day.....\$ 2.00

(e) Temporary permits valid for three (3) consecutive days\$ 5.00

2. Refund Schedule: Only annual permits purchased between August 1st and December 31st of the current permit year are eligible for a refund.

(a) If returned between August 1 and October 31\$ 101.25

(b) If returned between November 1 and January 31.....\$ 67.50

(c) If returned between February 1 and April 30.....\$ 33.75

(d) If returned between May 1 and July 31 \$ 0.00

Permits returned within seven (7) days of the date of purchase will be refunded the purchase amount less two dollars (\$2.00) for each day the permit was held.

(K) PARKING METER RATES AND RENTAL SPACE RATES

1. Parking Meter Rates: The hourly rates for parking meters shall be as follows:

- (a) All parking meters owned by the City of Urbana and located on the right-of-way parkway which are located to the west of Lincoln Avenue, to the western city limits of the City of Urbana which lie south of University Avenue and north of Florida Avenue shall carry an hourly rate of fifty cents (\$0.50) per hour, except those parking meters located on the right-of-way parkway on Clark Street, Main Street, and Stoughton Street between Goodwin Avenue and Harvey Street which said meters shall have an hourly rate of twenty cents (\$0.20) per hour. Any parking lot owned or operated by the City which is to the west of Lincoln Avenue shall carry an hourly rate of fifty cents (\$0.50).
- (b) All other meters located on the parkway of city-owned right-of-way shall carry an hourly charge of twenty-five cents (\$0.25) per hour.
- (c) All meters in all parking lots owned by the City shall carry an hourly charge of twenty-five cents (\$0.25) per hour.

2. Parking Rental Spaces:

- (a) The parking rates for rental spaces rented on a monthly basis at all City parking lots, excluding the City parking facility, located in block bounded by Elm Street, Race Street, Main Street, and Broadway Avenue, shall be as follows:
 - 1. Forty dollars (\$40.00) per month for spaces rented twenty-four (24) hours per day, seven (7) days a week; and
 - 2. Twenty dollars (\$20.00) per month for spaces rented between the hours of 7:00 A.M. to 6:00 P.M., Monday through Friday.
- (b) The parking rate for rental spaces rented on an hourly basis at the City parking facility, located in the block bounded by Elm Street, Race Street, Main Street, and Broadway Avenue, shall be twenty-five cents (\$0.25) per hour for the first two (2) hours or portion

thereof, and fifty cents (\$0.50) per hour or portion thereof thereafter, with a maximum of five dollars (\$5.00) per day.

(c) The parking rates for rental spaces rented on a monthly basis at the City parking facility, located in the block bounded by Elm Street, Race Street, Main Street, and Broadway Avenue, shall be as follows:

1. One hundred dollars (\$100.00) per month for spaces rented on the ground floor (Deck, Reserved Permit); and

2. Forty-five dollars (\$45.00) per month for spaces rented on the second floor, which permits are not valid for parking on the ground floor spaces (Deck, Unreserved Permit).

(d) The daily charge for permitting the "bagging" of a parking meter shall be seven dollars (\$7.00) per day, payable in advance. Such charges shall not apply to those days that the meter would not be enforced.

(L) ANIMALS

1. Impoundment Fee

- (a) Dogs (per day).....\$10.50 per day
- (b) Cats (per day).....\$10.50 per day

(M) CIVIC CENTER RENTAL

1. Weekday Rates:

(a) One Quadrant

- 1. 1 Session (Nonprofit)..... \$ 25.00
- 1 Session (Profit).....\$ 50.00
- 2. 2 Sessions (Nonprofit)..... \$ 50.00
- 2 Sessions (Profit)..... \$ 100.00
- 3. 3 Sessions (Nonprofit)..... \$ 75.00
- 3 Sessions (Profit)..... \$ 150.00

(b) Two Quadrants

1. 1 Session (Nonprofit).....	\$ 50.00
1 Session (Profit).....	\$ 100.00
2. 2 Sessions (Nonprofit).....	\$ 100.00
2 Sessions (Profit).....	\$ 200.00
3. 3 Sessions (Nonprofit).....	\$ 150.00
3 Sessions (Profit).....	\$ 300.00

(c) Three Quadrants

1. 1 Session (Nonprofit).....	\$ 75.00
1 Session (Profit).....	\$ 150.00
2. 2 Sessions (Nonprofit).....	\$ 150.00
2 Sessions (Profit).....	\$ 300.00
3. 3 Sessions (Nonprofit).....	\$ 225.00
3 Sessions (Profit).....	\$ 450.00

(d) Ballroom

1. 1 Session (Nonprofit).....	\$ 100.00
1 Session (Profit).....	\$ 200.00
2. 2 Sessions (Nonprofit).....	\$ 200.00
2 Sessions (Profit).....	\$ 400.00
3. 3 Sessions (Nonprofit).....	\$ 300.00
3 Sessions (Profit).....	\$ 600.00

2. Weekend Rates:

(a) One Quadrant

1. 1 Session (Nonprofit).....	\$ 45.00
1 Session (Profit).....	\$ 90.00
2. 2 Sessions (Nonprofit).....	\$ 70.00
2 Sessions (Profit).....	\$ 140.00
3. 3 Sessions (Nonprofit).....	\$ 95.00
3 Sessions (Profit).....	\$ 190.00

(b) Two Quadrants

1. 1 Session (Nonprofit).....	\$ 70.00
1 Session (Profit)	\$ 140.00
2. 2 Sessions (Nonprofit)	\$ 120.00
2 Sessions (Profit).....	\$ 240.00
3. 3 Sessions (Nonprofit)	\$ 170.00
3 Sessions (Profit).....	\$ 340.00

(c) Three Quadrants

1. 1 Session (Nonprofit).....	\$ 95.00
1 Session (Profit)	\$ 190.00
2. 2 Sessions (Nonprofit)	\$ 170.00
2 Sessions (Profit).....	\$ 340.00
3. 3 Sessions (Nonprofit)	\$ 245.00
3 Sessions (Profit).....	\$ 490.00

(d) Ballroom

1. 1 Session (Nonprofit).....	\$ 120.00/\$200.00*
1 Session (Profit)	\$ 220.00
2. 2 Sessions (Nonprofit)	\$ 220.00/\$320.00*
2 Sessions (Profit).....	\$ 440.00
3. 3 Sessions (Nonprofit)	\$ 400.00*
3 Sessions (Profit).....	\$ 640.00

3. Additional Charges:

- (a) For early arrival or late departure (outside of regular Sessions) \$ 30.00/hr.
- (b) Use of Kitchen (is extra) \$ 10.00/day
- (c) Use of Piano (is extra) \$ 10.00/day
- (d) Use of Stage (is extra)..... \$15.00 to \$20.00/day
- (e) Use of T.V. (is extra) \$10.00/day--\$15.00/day (in combination With VCR)

- (f) Use of VCR (is extra) \$10.00/day--\$15.00/day (in combination With T.V.)
- (g) Use of Projector and Screen (are extra) \$ 10.00/day
- (h) Alcohol permit (insurance required) \$ 50.00

*A minimum charge of \$200.00 will be assessed for any reservation for any Saturday evening session. All standard weekend rental fee rates continue to apply for morning and afternoon sessions. This provision may be waived for reservations made less than four weeks in advance.



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES
ADMINISTRATION AND PLANNING DIVISION
M E M O R A N D U M

TO: Bruce K. Walden, Chief Administrative Officer
FROM: Bob Grewe, AICP, Manager, Grants Manager Division
DATE: May 17, 2001
RE: Approval of: *A Resolution Authorizing the Execution of an Amendment to the Memorandum of Understanding With the Housing Authority of Champaign County for the Administration of The Tenant-Based Rent Assistance Program*

Brief Description of the Issue

Included on the agenda of the May 21 Urbana City Council meeting is the proposed approval of a resolution entitled *A Resolution Authorizing the Execution of an Amendment to the Memorandum of Understanding With the Housing Authority of Champaign County for the Administration of The Tenant-Based Rent Assistance Program*.

A copy of the resolution and amendment are attached.

The City entered into the *MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF URBANA AND THE HOUSING AUTHORITY OF CHAMPAIGN COUNTY FOR THE ADMINISTRATION OF THE TENANT-BASED RENT ASSISTANCE PROGRAM* on July 31, 1997.

The term of the Memorandum of Understanding (MOU) was for three (3) years. As such, it expired July 31, 2000. However, the working arrangement between the two organizations has continued to date.

Staff identified this lapse in the contract and proposed an amendment to change the term of the Memorandum of Understanding from three (3) years to six (6) years, effectively extending the MOU for an additional three (3) years.

Elawrence Davis, Executive Director of the Housing of Authority of Champaign County has been provided draft copies of the proposed amendment.

Identification of the Issue(s) and Any Approvals Required

The issue before City Council is whether to approve the Resolution. City Council approval is necessary for the City to execute the proposed amendment.

Background/Facts

The Tenant-Based Rent Assistance Program is administered with HOME funding from HUD and is designed to help clients transition from Transitional Housing Programs to independent living arrangements.

Funding in the amount of \$35,000 is still available for the TBRA program.

Fiscal Impact

There would be no effect on the City's General Fund as these moneys have been budgeted through the HOME program.

Recommendation

At its April 24 regular meeting, the Community Development Commission recommended that council approve the resolution.

Community Development Services staff recommends City Council approve the *Resolution Authorizing the Execution of an Amendment to the Memorandum of Understanding With the Housing Authority of Champaign County for the Administration of The Tenant-Based Rent Assistance Program.*

Prepared by:

Bob Grewe, AICP, Manager
Grants Management Division

RESOLUTION NO. 2001-05-014

(A Resolution Authorizing the Execution of an Amendment to the Memorandum of Understanding With the Housing Authority of Champaign County for the Administration of The Tenant-Based Rent Assistance Program)

WHEREAS, the City and the Housing Authority are public agencies within the meaning of the Illinois Intergovernmental Cooperation Act, as specified at ILCS 220/1 et seq. (1996); and

WHEREAS, the purposes of the Intergovernmental Cooperation Act, and Article 7, Section 10 of the 1970 Constitution of the State of Illinois, include fostering cooperation among units of local governmental in planning and providing services to their citizens; and

WHEREAS, the City and the Housing Authority are authorized to contract among themselves to obtain or share services or exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinances; and

WHEREAS, the City is a recipient of HOME Investment Partnerships (hereinafter "HOME") Program funds from the U.S. Department of Housing and Urban Development (hereinafter "HUD"); and

WHEREAS, the City has elected to utilize a portion of its FY1995-1996 and FY1996-1997 HOME Program funds to provide rent assistance to previously-homeless families through a Tenant-Based Rent Assistance Program (hereinafter the "TBRA Program") similar to the Housing Authority Section 8 Certificate and Voucher Program; and

WHEREAS, the City and the Housing Authority have determined that it is to their mutual benefit to enter into a Memorandum of Understanding for the purpose of utilizing existing staff resources and expertise in the most efficient way for the benefit of previously-homeless residents seeking rental assistance; and

WHEREAS, the City and the Housing Authority have executed a Memorandum of understanding, dated July 31, 1997.

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

Section 1. That the City Council hereby approves an Amendment to the Memorandum of Understanding Between the City of Urbana and the Housing Authority of Champaign County for the Administration of the

Tenant Based Rent Assistance Program, attached hereto and incorporated herein, said Amendment.

Section 2. That the Urbana City Council authorizes the Mayor of the City of Urbana to execute said Amendment on behalf of the City.

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

**AMENDMENT
TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF URBANA**

**AND THE HOUSING AUTHORITY OF CHAMPAIGN COUNTY
FOR ADMINISTRATION OF THE TENANT-BASED RENT ASSISTANCE PROGRAM**

THIS AMENDMENT is made and entered into by and between the City of Urbana, Illinois, a municipal corporation with offices located at 400 South Vine Street, Urbana, Illinois (hereinafter the "City"), and the Housing Authority of Champaign County, a municipal corporation with offices located at 205 W Park, Champaign, Illinois (hereinafter the "Housing Authority").

WITNESSETH

WHEREAS, the City and the Housing Authority are public agencies within the meaning of the Illinois Intergovernmental Cooperation Act, as specified at ILCS 220/1 et seq. (1996); and

WHEREAS, the purposes of the Intergovernmental Cooperation Act, and Article 7, Section 10 of the 1970 Constitution of the State of Illinois, include fostering cooperation among units of local governmental in planning and providing services to their citizens; and

WHEREAS, the City and the Housing Authority are authorized to contract among themselves to obtain or share services or exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinances; and

WHEREAS, the City is a recipient of HOME Investment Partnerships (hereinafter "HOME") Program funds from the U.S. Department of Housing and Urban Development (hereinafter "HUD"); and

WHEREAS, the City has elected to utilize a portion of its FY1995-1996 and FY1996-1997 HOME Program funds to provide rent assistance to previously-homeless families through a Tenant-Based Rent Assistance Program (hereinafter the "TBRA Program") similar to the Housing Authority Section 8 Certificate and Voucher Program; and

WHEREAS, the City and the Housing Authority have determined that it is to their mutual benefit to enter into a Memorandum of Understanding for the purpose of utilizing existing staff resources and expertise in the most efficient way for the benefit of previously-homeless residents seeking rental assistance; and

WHEREAS, the City and the Housing Authority have executed a Memorandum of understanding, dated July 31, 1997.

NOW, THEREFORE, for and in consideration of the premises and of the mutual covenants and agreements herein contained, the parties agree as follows.

1. Paragraph one is modified to change the address of the Champaign County Housing Authority to: 205 W. Park.
2. Item 11. Term of Memorandum is changed from a three (3) year to a six (6) year term. The provision shall read that the Memorandum shall remain in full force and effect for a period of six (6) years from the effective date, unless otherwise terminated as provided for Section 12 of this Memorandum.
3. Item 14 is changed to indicate that Bob Grewe, Manager is the appropriate City of Urbana point of contact and that the address of the Champaign County Housing Authority is 205 W. Park.
4. All other provisions of said Recipient Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials and corporate seals affixed hereto, all on the day and year first above written.

CITY OF URBANA

BY: _____

DATE: _____

ATTEST: _____

CHAMPAIGN COUNTY HOUSING AUTHORITY

BY: _____

DATE: _____

ATTEST: _____

Attachment: City of Urbana Tenant Based Rent Assistance Program Description



LEGAL DIVISION
(217) 384-2464
FAX: (217) 384-2460

JACK WAALER
City Attorney

STEPHEN HOLZ
Assistant City Attorney

Memorandum

DATE: May 18, 2001
TO: Bruce Walden
FROM: Jack Waaler
RE: Sale of Lot 101 Wabash Subdivision Number Two

BACKGROUND: In the late 1970's, the Norfolk & Western Railroad abandoned its tracks between Washington and Main Street. The City undertook the project of dividing and parceling out all of the former railroad right-of-way to adjacent owners. Then in the 1990's, the railroad abandoned the remaining portion of its right-of-way south of Washington to the City limits. When the railroad abandoned the railroad tracks in this area, however, they left the elevated embankment which became a nuisance for those homes abutting on the former railroad right-of-way. To cure the problem, the City undertook the task of reducing the embankment to grade. The project was financed by Special Service Area No. 3, which resulted in all abutting owners being assessed a proportionate share of the costs. The City assessed itself for what is now known as Lot 101 of Wabash Subdivision No. 2.

The City was not interested in retaining any of the former railroad right-of-way; the Council directed that it be deeded to adjacent property owners such as was done in the earlier section between Washington and Main. To accomplish this, the City again platted all of the former railroad right-of-way and deeded it to the abutting property owners, excepting only Lot 101. Lot 101 was retained until conflicting claims to it could be resolved as the City did not want to get in the middle of the dispute. The conflicting claims are now resolved. It is much to the City's benefit to convey this property so we no longer have to mow the weeds, and it will again be put on the tax rolls.

The attached ordinance conveys it to Edward A. Salfelder, Jr. and Edward A. Salfelder, Sr. who are the owners of the abutting property, on the condition that they reimburse the City for the amount that the City paid under the Special Service Area No. 3 assessment, plus interest to date. Staff recommends the ordinance be approved.

ORDINANCE NO. 2001-05-046

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED TO A CERTAIN TRACT

{Lot 101, Wabash Railroad Subdivision No. 2}

WHEREAS, after abandoning the railroad right-of-way, Norfolk & Western Railway Company did, on the 20th day of August, 1995, execute a deed conveying to the City of Urbana most of the abandoned right-of-way between Florida Avenue and Washington Street, excepting out of such deed only a stretch adjacent to the Scottswood Manor Apartments. This deed was recorded May 6, 1996 as Document No. 96R10761; and

WHEREAS, subsequent thereto, the City of Urbana created and recorded a subdivision plat in which the land which was subject to the deed referenced above was divided into lots adjacent to existing lots which plat was entitled "Wabash Railroad Subdivision" and recorded as Document No. 1997R08254; and

WHEREAS, subsequent thereto, in Ordinance No. 9697-110, the property which was subdivided in Wabash Railroad Subdivision was authorized to be conveyed to adjacent owners; and

WHEREAS, thereafter the City acquired a further deed from Norfolk & Southern Railroad which conveyed to the City that portion of the Urbana Railroad property which was excluded in the prior deed. This deed was recorded on June 14, 2000, as Document No. 2000R12916 and the portion of the property therein conveyed was platted in a subdivision plat recorded as Document No. 2000R08810 entitled "Wabash Railroad Subdivision No. 2"; and

WHEREAS, in Wabash Railroad Subdivision No. 2, what had been called Outlot No. 1 in the original subdivision was replatted, together with new area acquired in the subsequent deed which was then labeled as Lot 101 of Wabash Railroad Subdivision No. 2; and

WHEREAS, in Ordinance No. 2000-11-134, deeds to Lots 102 through and including Lot 112 of Wabash Railroad Subdivision No. 2 were authorized to be executed by the Mayor and recorded, however, due to conflicting claims regarding legal rights to Lot 101 of the Wabash Railroad Subdivision No. 2, the decision concerning the ultimate disposition of that lot was reserved; and

WHEREAS, a public hearing was held on the 23rd day of April, 2001, after Notice of Publication in the News Gazette on the 1st day of April, 2001, which date was at least fifteen (15) days prior to such public hearing on the question of the transfer or sale of such property.

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

Section 1. The Mayor of the City of Urbana is authorized to execute a deed quit claiming to Edward A. Salfelder, Jr. and Edward A. Salfelder, Sr. p Lot 101 of Wabash Railroad Subdivision No. 2 upon receipt by the City of the sum of Seven Thousand, Twenty-Eight Dollars (\$7,028.00), said sum being the amount of money that the City paid to improve Lot 101 by lowering the abandoned railroad right-of-way embankment that formerly transversed Lot 101.

Section 2. Provided, however, that Lot 101 of Wabash Railroad Subdivision No. 2 may be developed only in combination with Tract "C" of Modern Research Plat, as shown on a plat prepared by M. H. Kinch, ILS#358, and recorded June 25, 1958, in Plat Book "M" at page 33, in the Office of the Recorder of Deeds, Champaign County, Illinois, or other adjacent buildable lot.

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



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: Elizabeth H. Tyler, AICP/ASLA, Planning Manager

DATE: May 17, 2001

SUBJECT: An Ordinance Approving an Annexation Agreement with the Calvary Baptist Church to annex 5.0 acres at 2106 East Windsor Road to the City of Urbana with a zoning designation of R-4, Medium Density Multiple Family Residential (Plan Case No. 1780-A-01)

Introduction

The purpose of this memorandum is to forward a proposed Annexation Agreement between the City of Urbana and the Calvary Baptist Church. Michael Gewirtz, on behalf of the Calvary Baptist Church, has petitioned the City of Urbana to annex the subject 5.0 ± acre property, located at 2106 East Windsor Road, with a zoning designation of R-4, Medium Density Multiple Family Residential, to allow continued and expanded church/parochial school use. The current Champaign County zoning designation for the site is AG-2, Agriculture. A copy of the proposed Annexation Agreement is attached to this memorandum.

The City Council opened a public hearing on this annexation agreement at 7:20 p.m. on May 7, 2001. This hearing was continued to the same time on May 21, 2001.

Background

The subject property is located on the north side of Windsor Road, just east of Susan Stone Drive. It is currently in use for the Calvary Baptist Church and associated K-12 school. The Church is requesting annexation to the City so that it may obtain sanitary sewer service from the Urbana-Champaign Sanitary District. Under the terms of an intergovernmental agreement, properties requesting Sanitary District service that are adjacent to the City must file a petition for annexation. The Church will be proposing a gymnasium addition to the site in the near future.

Surrounding the site are vacant lands proposed for commercial use to the east and west, vacant land proposed for multiple-family residential use to the north, agricultural land to the south, and single-family residential use to the southwest. Zoning designations in the vicinity of the site include B-3,

General Business, to the east and west; R-4, Medium Density Multiple Family Residential, to the north; R-2, Single Family Residential, to the southwest; and County AG-2, Agriculture, to the south.

The 1993 Extra-Territorial Jurisdiction Plan Land Use Guide shows the site as being part of a “Recreation – Public/Private” trail, with residential uses surrounding. However, this trail is not consistent with actual development patterns occurring since adoption of the ETJA Plan nor with more recent transportation planning documents, which show an off-street bike trail extending along Windsor Road and connecting south to Southridge Park. The future land use designation for the site can be appropriately modified as a part of the City’s ongoing Comprehensive Plan Update process.

Additional background information on the Annexation Agreement is provided in the Plan Commission Memorandum, dated April 12, 2001.

Issues and Discussion

The petitioner is requesting to be annexed into the City of Urbana under the terms of the attached proposed Annexation Agreement. Among the provisions of the Annexation Agreement is the designation of the site as R-4, Medium Density Multiple Family Residential.

In considering the proposed zoning designation, the Plan Commission must consider effects upon the public health, safety, comfort, morals and general welfare of the community. The City's Comprehensive Plan and zoning law decisions in the Illinois Courts provide a framework for this consideration. Relevant Comprehensive Plan goals, objectives and policies are outlined in the Plan Commission Memorandum. The Plan Commission Memorandum also addresses the factors for evaluating the legal validity of a zoning classification, as identified in the case of La Salle National Bank v. County of Cook. These are summarized as follows:

1. *The existing land uses and zoning of the nearby property.*

The proposed rezoning to R-4 would be consistent with existing R-4 zoning designations to the north of the site and with planned and existing residential uses to the north and southeast of the site. The proposed rezoning and continued use of the site as a church/parochial school would be compatible with existing and planned residential uses to the north and south and would not be inconsistent with areas zoned B-3 and planned for commercial uses to the east and west.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

While City Planning and Economic Development Division staff are not qualified as professional appraisers, it can generally be noted that the value of the petitioner’s property is diminished by its existing County agricultural zoning and inability to obtain sanitary sewer service without annexation to the City. The site is not used for agricultural purposes and adjoins urban land uses and/or zoning designations. The value of the property would be enhanced by its rezoning to a designation that permits its existing use as a church and parochial school by right.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*
4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

As the subject property is not currently in use for agriculture and is adjoined by commercial and residential zoning designations on three sides, it is difficult to argue that the present zoning of the subject parcel particularly promotes the health, safety, morals or general welfare of the public. Under the current zoning, the petitioner experiences a hardship and uncertainty associated with agricultural zoning on a site that is adjacent to urban zoning and land uses and which is not used for agricultural purposes. This hardship and uncertainty would seem to outweigh any detriment to the public they may result from the proposed rezoning.

5. *The suitability of the subject property for the zoned purposes.*

The subject parcel is adjacent to other developed and developing uses and is adequately served by public streets and utilities (as noted above, provision of sanitary sewer service to the site is proposed). The subject parcel is well suited to continued use as a church/parochial school under the proposed zoning designation. It has good access from Windsor Road and is nearby several residential neighborhoods which can take advantage of their close proximity to the church/ school.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The subject parcel has been in use as a church/parochial school for several years. Prior to construction of the church in the mid-1970's, the site was used for agricultural purposes.

At the Plan Commission meeting of May 10, 2001, one Commissioner questioned why the church did not propose a rezoning to the B-3 designation, since B-3 zoning exists along Windsor Road both to the east and west of the site, and would provide a potentially higher property value to the church. City Planning staff recommended that the church request R-4 zoning because this zoning designation is consistent with existing R-4 zoning to the north and is the lowest intensity zoning designation for which both "Church/Temple" and "School" are permitted by right. A "School" use is not permitted by right in the B-3 zone. While the "School" use listed in the Table of Uses is specified as "public" school, it was planning staff's interpretation that this listing in the table of use most closely coincides with the parochial school portion of the Calvary Baptist Church.

No testimony or communications have yet been received from neighboring property owners or residents regarding the proposed Annexation Agreement.

Summary of Findings

1. The current Comprehensive Plan designation of the site as a Public/Private Recreation Trail is not consistent with subsequent development patterns and transportation planning documents.

2. Annexation of the site with a zoning designation of R-4, Medium Density Multiple Family Residential, is consistent with the overall Comprehensive Plan designation nearby the site of Residential.
3. Annexation of the site with a zoning designation of R-4, Medium Density Multiple Family Residential, is consistent with the proposed use of the site for continued and expanded church and parochial school uses.
4. Annexation of the site would allow the Calvary Baptist Church to obtain sanitary sewer service and would help to facilitate its expansion plans.
5. Annexation of the site with a zoning designation of R-4 and continued use as a church/parochial school would help meet a number of the goals, objectives, and policies of the Urbana Comprehensive Plan.
6. The proposed R-4 zoning for the site would be consistent with existing and planned land uses in the vicinity.
7. The proposed zoning designation appears to generally meet the LaSalle Case criteria.

Options

The City Council has the following options in this case:

- a. The City Council may approve the proposed Annexation Agreement, including a zoning designation of R-4 for the site.
- b. The City Council may approve the proposed Annexation Agreement, including a zoning designation of R-4 for the site, subject to specific changes to be identified. (Note that because this is an annexation agreement between the City and the Owner, the property owner would have to agree to these changes).
- c. The City Council may deny the proposed Annexation Agreement.

Recommendation

At their May 10, 2001 meeting, the Urbana Plan Commission recommended unanimously (9 – 0) that the City Council approve the proposed Annexation Agreement with Calvary Baptist Church, including a zoning designation of R-4 for the site. Staff concurs with this recommendation.

- c: Michael Gewirtz, Chairman of the Deacons
Tad Butler, Assistant Pastor
Howard Spracklin, Treasurer

Attachments: Draft Ordinance Approving an Annexation Agreement
Proposed Annexation Agreement with Petition for Annexation
Excerpt Draft minutes from May 10, 2001 Plan Commission meeting.

ORDINANCE NO. 2001-05-047

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT WITH THE CALVARY BAPTIST CHURCH

(To annex 5.0 acres at 2106 East Windsor Road - Plan Case No. 1780-A-01)

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

Section 1. That an agreement by and between the City of Urbana and the Calvary Baptist Church, in the form of the copy of said Agreement attached hereto and hereby incorporated by reference, 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 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 _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor

ANNEXATION AGREEMENT

THIS Agreement, made and entered into by and between the City of Urbana, Illinois, (herein after sometimes referred to collectively as the "Corporate Authorities" or the "City") and Calvary Baptist Church (hereinafter referred to as the "Owner"). The effective date of this Agreement shall be as provided in Article III, Section 6.

WITNESSETH:

WHEREAS, this Agreement is made pursuant to and in accordance with the provisions of Section 11-15.1-1 et seq., of the Illinois Municipal Code (65 ILCS 5/11-15.1-1); and

WHEREAS, the Calvary Baptist Church is the Owner of record of a certain 5.00-acre parcel of real estate located at 2106 East Windsor Road, and having permanent index number 30-21-22-300-002, the legal description of which real estate is set forth Exhibit A attached hereto and referenced herein as the "tract".

WHEREAS, the attached map, labeled Exhibit B, is a true and accurate representation of the tract to be annexed to the City of Urbana under the provisions of this agreement.

WHEREAS, said Owner finds that in order to best utilize the Owner's property, it is desirous to annex the tract to the City of Urbana pursuant to, and as provided for in this Annexation Agreement; and

WHEREAS, the tract is currently zoned AG-2, Agriculture in Champaign County and the City and the Owner find it necessary and desirable that the tract be annexed to the City with a zoning classification of R-4, Medium Density Multiple-Family Residential, under the terms and provisions of the Urbana Zoning Ordinance in effect upon the date of annexation, as amended, and subject to the terms and conditions set forth in this Agreement; and

WHEREAS, the Corporate Authorities find annexing said tract as described herein as City R-4, Medium Density Multiple-Family Residential, reflects the goals, objectives and policies set forth in the 1982 Urbana Comprehensive Plan, as amended from time to time; and

WHEREAS, such annexation and zoning designation will allow the Calvary Baptist Church to continue and to expand their current use of the site as a church and parochial school; and

WHEREAS, the Owner desires to have the aforementioned real estate annexed to the City of Urbana upon certain terms and conditions hereinafter set forth in this Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL

PROMISES SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. REPRESENTATIONS AND OBLIGATIONS OF THE OWNER

The Owner agrees to the following provisions:

Section 1. Annexation: The Owner represents that it is the sole record Owner of the tract described in Exhibit A and the Owner acknowledges that immediately after the City Council's approval of this Agreement, the City shall act on the signed annexation petition, labeled Exhibit C, to cause said tract to be annexed to the City of Urbana.

The Owner further agrees that this Annexation Agreement shall be included in any sales contract for the sale of any portion of the subject tract. If the subject tract is to be platted for subdivision, the Owner agrees that the substance of these provisions regarding annexation shall be included in the subdivision covenants and such will constitute a covenant running with the land.

Section 2. Zoning Classification: The Owner agrees to accept the City of Urbana zoning classification of R-4, Medium Density Multiple Family Residential, as provided for in Article IV of the Urbana Zoning Ordinance.

Section 3. Development and Building Regulations: The Owner agrees to abide by all applicable City of Urbana development and building regulations existing at the time of annexation, except as otherwise provided herein.

Section 4. Disconnection: The Owner agrees and hereby stipulates that the Owner shall not take any action to disconnect the tract from the City once it is annexed during the 20-year term of this agreement.

ARTICLE II. REPRESENTATIONS AND OBLIGATIONS OF THE CORPORATE AUTHORITIES

The Corporate Authorities agree to the following provisions:

Section 1. Annexation: The Corporate Authorities agree to act immediately to annex said tract subject to the terms and conditions outlined in this Agreement by enacting such ordinances as may be necessary and sufficient to legally and validly annex said tract to the City.

Section 2. Zoning Classification: The Corporate Authorities agree that the tract will be zoned R-4, Medium Density Multiple Family Residential, in accordance with Article IV, Section IV-5 of the Urbana Zoning Ordinance upon annexation and as defined in the City of Urbana Zoning Ordinance as such exists at the time of annexation of tract. According to Table V-1, Table of Uses, of the Urbana Zoning Ordinance, the R-4, Medium Density Multiple Family Residential, zoning classification allows church and parochial school uses as permitted uses.

Section 3. Development and Building Regulations: The Corporate Authorities agree that all applicable development and building regulations will apply to said tract, except as otherwise provided herein.

Section 4. Nonconformity of Existing Development: The existing development of the tract, including, but not limited to, placement of structures, parking lot surfacing, and signage, may contain zoning nonconformities, insofar as such improvements were constructed under the jurisdiction of the Champaign County Zoning Ordinance and may not completely reflect the requirements of the Urbana Zoning Ordinance. Said nonconformities are as defined and regulated by Article X of the Urbana Zoning Ordinance, and may be continued indefinitely under the terms of this Agreement. However, any addition to these uses or further improvement of the tract shall comply with the requirements of the Urbana Zoning Ordinance and other applicable development regulations.

ARTICLE III: GENERAL PROVISIONS

Section 1. Term of this Agreement: This Agreement shall be binding upon the parties hereto, and their respective successors and assigns, for a full term of twenty (20) years commencing as of the effective date of this Agreement as provided by the Illinois State Statutes, unless other provisions of this Agreement specifically apply a different term. To the extent permitted thereby, it is agreed that, in the event the annexation of subject tract under the terms and conditions of this Agreement is challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty-year term.

If this Agreement imposes any obligation, restraint, or burden (hereinafter called collectively "obligation") on the Owner, its successors or assigns, which obligation extends beyond the termination date of this Agreement, such obligation may be released by the Urbana City Council enacting an Ordinance releasing such obligation by a majority vote of all Alderpersons then holding office and the recording of such Ordinance in the Champaign County Recorder's Office, Champaign County, Illinois.

Section 2. Covenant running with the land: The terms of this Agreement constitute a covenant running with the land for the life of this Agreement unless specific terms are expressly made binding beyond the life of this Agreement. Furthermore, the terms herein are hereby expressly made binding upon all heirs, grantees, lessees, executors, assigns and successors in interest of the Owner as to all or any part of the tract, and are further expressly made binding upon said City and the duly elected or appointed successors in office of its Corporate Authorities.

Section 3. Binding Agreement upon parties: The Corporate Authorities and Owner agree that neither party will take no action or omit to take action during the term of this Agreement which act or omission as applied to the tract would be a breach of this Agreement without first procuring a written amendment to this Agreement duly executed by both the Owner and the city.

Section 4. Enforcement: The Owner and Corporate Authorities agree and hereby stipulate that any party to this Agreement may, by civil action, mandamus, action for writ of injunction or other proceeding, enforce and compel performance of this Agreement or the non-defaulting party may declare this Agreement null and void in addition to other remedies available. Upon breach by the Owner, the City may refuse the issuance of any permits or other approvals or authorizations relating to development of the tract.

Section 5. Severability: If any provision of this Agreement is rendered invalid for any reason, such invalidation shall not render invalid other provisions of this Agreement which can be given effect even without the invalid provision.

Section 6. Effective Date: The Corporate Authorities and Owner intend that this Agreement shall be recorded in the Office of the Champaign County Recorder with any expenses for said recording to be paid by the Corporate Authorities. The effective date of this Agreement shall be the date it is recorded; or if not recorded for any reason, the effective date shall be the date the Mayor signs the agreement on behalf of the City.

Section 7. Notices: Notices under the terms of this Agreement shall be considered given when deposited in the U.S. Mail, postage prepaid, first class certified, or delivered personally to:

Owner:

Michael Gewirtz, Chairman of the Deacons
Calvary Baptist Church
2106 East Windsor Road
Urbana, Illinois 61802

Tad Butler, Assistant Pastor
Calvary Baptist Church
2106 East Windsor Road
Urbana, Illinois 61802

Howard Spracklin, Treasurer
Calvary Baptist Church
2106 East Windsor Road
Urbana, Illinois 61802

City:

Bruce K. Walden
Chief Administrative Officer

City of Urbana
400 South Vine Street
Urbana, Illinois 61801

Any change of address to which said Notice shall be delivered shall be provided in writing to all parties of this Agreement.

IN WITNESS WHEREOF, the Corporate Authorities and Owner have hereunto set their hands and seals, and have caused this instrument to be signed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year written below.

Corporate Authorities

City of Urbana:

Owner:

Tod Satterthwaite, Mayor

Michael Gewirtz,
Chairman of the Deacons
Calvary Baptist Church

Date

Date

ATTEST:

ATTEST:

Phyllis D. Clark
City Clerk

Notary Public

Date

Date

Exhibits attached and made a part of this Agreement:

- Exhibit A: Legal Description
- Exhibit B: Location Map
- Exhibit C: Annexation Petition

Exhibit A

Legal Description of Tract

The West Four Hundred Forty and Eight-six Hundredths (440.86) feet of the South Four Hundred Ninety-four and Four Hundredths (494.04) feet of the West Half (W ½) of the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, in Champaign County, Illinois.

As per survey recorded in Plat Book "X" at page 216 as Document No. 73R6917 in the records of Champaign County, Illinois.

Containing 5.00 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

Exhibit B

Map of Tract

Exhibit C
Annexation Petition

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

The Petitioner, Michael Gewirtz, Chairman of the Deacons, for Calvary Baptist Church, respectfully states under oath:

1. Calvary Baptist Church 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:

The West Four Hundred Forty and Eight-six Hundredths (440.86) feet of the South Four Hundred Ninety-four and Four Hundredths (494.04) feet of the West Half (W ½) of the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Nineteen (19) North, Range Nine (9) East of the Third Principal Meridian, in Champaign County, Illinois.

As per survey recorded in Plat Book "X" at page 216 as Document No. 73R6917 in the records of Champaign County, Illinois.

Containing 5.00 acres, more or less, all situated in Urbana Township, Champaign County, Illinois.

Commonly known as 2106 E. Windsor Road and also identified as Parcel Index Number 30-21-22-300-002.

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:

Michael Gewirtz, Chairman of the Deacons

Calvary Baptist Church

Subscribed and sworn to before me this

____ day of _____, 2001

NOTARY PUBLIC

My commission expires: _____



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: Elizabeth H. Tyler, AICP/ASLA, Planning Manager

DATE: May 17, 2001

SUBJECT: Plan Case No. 1782-S-01, Preliminary Plat for South Ridge V, VI, and VII Subdivision

Introduction

Carl E. Hill and H. Allen Dooley have submitted the attached 175-lot preliminary plat for approval. The 60.0-acre property is located generally on the east side of Philo Road to the south of the Deerfield Trails Subdivision. Approximately 130 of the lots would be single-family homes and 45 lots would be for duplexes or zero lot-line townhouses, for a total of 220 dwelling units.

As shown on the attached preliminary plat, the development would include the extension of Myra Ridge Drive southward through the site and the extension of a new east-west collector, Hillshire Drive, in the southern portion of the site. A number of new local streets would also be constructed in the development, including Fawn Hill, Baronry Drive, Memory Lane, Marc Trail, Lexington Drive, Deer Ridge, and Horizon Lane (please note that some street names will need to be changed prior to final platting per emergency response review).

The development would also include recreational amenities associated with the proposed Douglas Park located in the 7.22-acre detention area on the east side of the site and by a 20-foot wide bicycle/pedestrian pathway corridor along the northern boundary of the site. The park and bicycle/pedestrian pathway are proposed to be dedicated to the Urbana Park District. The proposed pathway could connect to a potential future off-street bicycle pathway along Philo Road and would provide potential connections to Meadowbrook Park and other linkages.

Background

The subject site is part of the Douglas Farm and is currently in use for agriculture and zoned AG-2 by Champaign County. On May 7, 2001, the City Council approved an Annexation Agreement between the City and the current owners of the property (Sylvia G. Douglas Trust, Raymond G. Douglas Trust,

Carl Hill, and H. Allen Dooley), including rezoning of the site from its current County zoning to a combination of R-2, Single-Family, and R-3, Single and Two-Family Residential. The proposed Preliminary Plat is entirely consistent with the Development Plan included in the Annexation Agreement and is consistent with the requirements of the R-2 and R-3 zoning districts.

Prior to adoption of the Annexation Agreement, numerous revisions to the proposed layout of the development and provisions of the agreement were made in response to neighborhood concerns regarding use designations, density, lot layout, street configuration, and other issues.

Additional background information on the Preliminary Plat is provided in the staff memorandum to the Plan Commission, dated May 4, 2001.

Discussion

The subject property is located just south of Urbana along the east side of Philo Road and directly south of Deerfield Trails and Southridge IV Subdivisions. The site is currently in agricultural use. Surrounding the site are agricultural uses to the west, south, and east and residential uses to the north. The proposed development would represent a continuation of existing residential uses on the south side of Urbana. It would be generally consistent with the existing residential uses to the north of the site.

The 1982 Comprehensive Plan illustrates the future use of the site as “Low Density Residential”. The Comprehensive Plan also shows a future east-west collector street in the vicinity of the southern portion of the site. The proposed Hillshire Drive is consistent with this designation. The proposed subdivision is entirely consistent with the Comprehensive Plan land use and roadway designations for the site.

Please refer to the Plan Commission memorandum for further information on land use, zoning, comprehensive plan designations, access, drainage, and utilities.

Waivers

The developer is requesting three waivers from the requirements of the Urbana Subdivision and Land Development Code.

The first waiver is to allow a local street pavement width of 28 feet, rather than the currently required 31 feet, for all of the local streets in the subdivision. The Developer is requesting the waiver on the basis that today’s consensus is that streets should be narrower in residential subdivisions because this leads to slower speeds and safer conditions and because less paved area allows for smaller stormwater detention facilities and increased opportunities for green space.

It is the opinion of both the City Engineer and the City Planner that the current 31-foot paved width requirement for local streets is excessive and is not desirable from a traffic safety or urban design standpoint. In Urbana, this subdivision standard has been waived in similar circumstances on

numerous occasions in the past. A proposed reduction of this standard is part of a comprehensive amendment to the Urbana Subdivision and Land Development Code that is currently under preparation. It is also noted that the City of Champaign has a pavement width standard for local streets of 28-feet and has had this standard for several years.

The second requested waiver is to allow a street curve radius at Memory Lane to be reduced to 80 feet at the centerline. Section 21-36 of the Land Development and Subdivision Code requires such centerline radii for horizontal curves to be at least 250 feet, unless a lesser radius is deemed safe and adequate for the anticipated conditions. Given the relatively short length of Memory Lane, the relatively small amount of traffic anticipated to use it, and anticipated slow speeds, the City Engineer has not indicated any concern about the proposed geometrics for Memory Lane.

The third waiver would allow for Baronry Drive north of the site to be terminated in a hammerhead style cul-de-sac, rather than being extended onto the subdivision. Ordinarily, certain streets at specified access intervals are required to be extended onto or from adjacent property. This waiver is being requested by the developer as a result of a request by residents along the existing Baronry Drive. The City Engineer has indicated no objection to this waiver on the basis that adequate north-south circulation would be provided by Myra Ridge Drive to the east and since existing Baronry Drive serves only a dozen homes. This small number of homes can be adequately served by a cul-de-sac.

This third waiver was the subject of extensive discussion at the Plan Commission meeting of May 10, 2001 (see attached draft minutes). A representative of the Homeowner's Association of Deerfield Trails Subdivision to the north of the site and other residents of the subdivision expressed support for the waiver (see attached letter from Angela Dimit).

Some Plan Commissioners expressed concern that good planning and traffic circulation requires that streets be connected and that the stubbed-off nature of Baronry Drive north of the site indicates clearly that it was to be extended to the south. Staff responded that connectivity requirements are most important for collector and arterial streets and that for this reason it was imperative that Myra Ridge Drive and Hillshire Drive connect through and beyond the site, but that adequate circulation would be still provided if Baronry Drive were not extended through the site.

Other Plan Commissioners noted that this issue could have been avoided if Deerfield Trails Subdivision had not been developed as a "leapfrog" development and an Area General Plan for the entire area had been prepared. Some Plan Commissioners stated that it is not always a good idea to allow through traffic and that the waiver would provide a safer environment for those living along Baronry Drive at no significant cost to anyone else. There was also discussion that some concerns could be addressed if Baronry Drive were called by a different name within the Southridge Subdivision. (Note that all street names must be approved by METCAD/ESDA prior to Final Platting).

According to the Urbana Subdivision and Land Development Code, the petitioner must justify the granting of a waiver from strict compliance with the Code by showing that the waiver meets the following criteria. These criteria are identified and discussed below for each of the waivers requested:

1. There are conditions of topography or other site specific reasons that make the application of any particular requirement of the Land Development code unnecessary or, in some cases perhaps, even useless;

Requiring the local streets of this subdivision to have a 31-foot paved width would provide no traffic capacity benefit and would result in excessive paved area.

Reduction of the curve radius on Memory Lane would provide for an efficient layout of the subdivision and would assist in providing adequate area for the proposed detention basin.

Extension of Baronry Drive south onto the site would not be necessary from a traffic circulation standpoint due to the close proximity of Myra Ridge Drive.

2. The granting of the requested waiver would not harm other nearby properties;

The granting of the requested street pavement and curve radius waivers would not harm other nearby properties.

Allowing Baronry Drive not to extend to the south would provide a benefit to existing residents along this street, because there would be no increase in traffic due to the proposed development. At the same time, residents in the area would have a somewhat reduced choice of north-south travel routes if Baronry Drive is terminated.

3. The waiver would not negatively impact the public health, safety and welfare, including the objectives and goals set forth in the Comprehensive Plan.

The granting of the requested waivers would not cause any harm to the public health, safety and welfare of the community and would not be contrary to the objectives and goals set forth in the Comprehensive Plan.

Allowing for narrower paved widths on local residential streets would be consistent with current traffic engineering and urban design practice, would help to promote slower speeds and safer streets, would be more attractive from an urban design standpoint, and would allow for lesser paved area and resultant stormwater runoff.

Reduction of the street curve radius along Memory Lane would help promote reduced speeds and would not result in any harm to public safety for residents.

Terminating Baronry Drive north of the site would help to minimize traffic levels along this existing roadway. The public safety benefits associated with having continuous streets should be adequately provided by Myra Ridge Drive to the east.

Summary of Findings

1. The proposed Preliminary Plat would be consistent with Comprehensive Plan land use and roadway designations for the site.
2. The proposed Preliminary Plat would be consistent with proposed zoning designations for the site.
3. The proposed Preliminary Plat would be consistent with the Annexation Agreement between the City of Urbana and the Sylvia G. Douglas Trust, the Raymond G. Douglas Trust, Carl Hill, and H. Allen Dooley, as adopted by the City on May 7, 2001.
4. The proposed Preliminary Plat would provide new recreational and park amenities that will benefit the surrounding neighborhood.
5. With the exception of the requested waivers, the proposed Preliminary Plat would be consistent with the requirements of the Urbana Subdivision and Land Development Code.
6. The requested waivers would not be harmful to other properties and would not negatively impact the public health, safety and welfare of the community nor impede the attainment of goals and objectives contained in the Comprehensive Plan.

Options

The City Council has the following options in this case:

- a. Approve the Preliminary Plat of South Ridge V, VI, and VII Subdivision, along with all three of the requested waivers; or
- b. Approve the Preliminary Plat of South Ridge V, VI, and VII Subdivision, with the exception of one or more of the requested waivers; or
- c. Deny approval of the Preliminary Plat of South Ridge V, VI, and VII Subdivision.

Recommendation

At the May 10, 2001 meeting, the Plan Commission recommended approval of the Preliminary Plat of South Ridge V, VI, and VII Subdivision, along with all three of the requested waivers by a vote of 6-3. Staff concurs with this recommendation.

Attachments:

An Ordinance Approving a Preliminary Plat
Proposed Preliminary Plat for South Ridge V, VI, and VII Subdivision (3 sheets)
Letter from Angela Dimit to the Urbana Plan Commission, dated May 9, 2001
Draft excerpt of minutes from May 10, 2001 Plan Commission meeting

c: Carl Hill
H. Allen Dooley
Stuart Mamer
Rex Bradfield, ZAMCO
Michael Faiman
John & Angie Dimit
Karl Radnitzer
Doug Wolfersberger

ORDINANCE NO.2001-05-048

**AN ORDINANCE APPROVING A PRELIMINARY PLAT
(South Ridge V,VI, and VII Subdivision - Plan Case No. 1782-S-01)**

WHEREAS, Carl E. Hill and H. Allen Dooley have submitted a Preliminary Plat of South Ridge V, VI, and VII Subdivision in substantial conformance with the pertinent ordinances of the City of Urbana, Illinois; and,

WHEREAS, the Preliminary Plat of South Ridge V, VI, and VII Subdivision is consistent with the provisions of the Annexation Agreement between the City of Urbana, Champaign County, Illinois and the Trustees of the Sylvia G. Douglas Trust, the Trustees of the Raymond G. Douglas Trust, Carl Hill, and H. Allen Dooley, which was adopted by the City of Urbana on May 7, 2001 by Ordinance No. 2001-05-045; and,

WHEREAS, the Preliminary Plat of South Ridge V, VI, and VII Subdivision complies with the City of Urbana's Comprehensive Plan, as amended; and,

WHEREAS, the Preliminary Plat of South Ridge V, VI, and VII Subdivision meets the requirements of the Urbana Subdivision and Land Development Code with the exception of three waivers from these requirements requested by the Petitioners, including: waiver to allow a local street pavement width of 28 feet, rather than 31 feet for all local streets in the subdivision; waiver to allow a street curve radius at proposed Memory Lane of 80 feet at

the centerline, rather than 250 feet; and waiver to allow Baronry Drive north of the site to be terminated in a hammerhead cul-de-sac rather than be continued through the subdivision; and,

WHEREAS, the City Engineer has reviewed and approved the Preliminary Plat of South Ridge V, VI, and VII Subdivision and requested waivers subject to submission and subsequent approval of additional information on drainage improvements and other technical requirements; and

WHEREAS, in Plan Case 1782-S-01, the Urbana Plan Commission, on May 10, 2001, recommended approval of the Preliminary Plat of South Ridge V, VI, and VII Subdivisions along with the requested waivers from the requirements of the Urbana Subdivision and Land Development Code.

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

Section 1. The Preliminary Plat of South Ridge V, VI, and VII Subdivision attached hereto, is approved as platted.

Section 2. This Ordinance is hereby passed by the affirmative vote 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
_____, 2001.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

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

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 K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP/ASLA, Planning Manager

DATE: May 17, 2001

SUBJECT: CCZBA-273-AT-00: Request by Champaign County Zoning Administrator for an omnibus text amendment to the Champaign County Zoning Ordinance regarding site plan requirements for Special Use Permits, reclamation bonds for certain structures, signature requirements for Special Use Permit applications, and clarification of Special Use Permit authorization consistent with petitioner testimony and evidence.

Introduction

The Champaign County Zoning Administrator is requesting an omnibus text amendment to the Champaign County Zoning Ordinance for the following purposes: to add a requirement that a Special Use Permit shall apply only to the site plan described in the approved Special Use petition; to require a reclamation bond be provided for proposed structures that can not be readily adapted to alternative uses; to add a requirement for petitioner and owner(s) or owner's legal representative to be included on the Special Use Permit application; and to add a requirement that a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with the testimony and evidence submitted by the petitioner. The above amendments are broken into Parts A, B, C, and D, respectively.

The proposed text amendments are of interest to the City of Urbana as they may affect zoning and land use decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City's corporate limits, some level of consistency in zoning regulations is also desirable. By State law, the City has an obligation to review zoning decisions within its ETJ area for consistency with the City's comprehensive plan. A municipal protest of the proposed amendment enforces a three-fourths super majority of affirmative votes for approval of the request at the County Board.

Background & Discussion

Background and discussion of the proposed Champaign County text amendments are provided in the May 4, 2001 staff memorandum to the Plan Commission. Attached to the Plan Commission memorandum are a Champaign County Department of Planning & Zoning Preliminary Memorandum, dated March 8, 2001, Champaign County Department of Planning & Zoning Supplementary Memorandum, dated April 19, 2001, and Champaign County Zoning Board of Appeals Draft Finding of Fact and Final Determination.

The proposed amendments were reviewed by the Champaign County Zoning Board of Appeals on March 15, 2001, April 12, 2001, and April 26, 2001. At the April 26, 2001, the Zoning Board of Appeals acted to recommend approval of Parts A, C, and D. These Parts were considered by the Champaign County Environment and Land Use Committee on May 16, 2001. The Zoning Board of Appeals will reconsider Part B (regarding the reclamation bond) on May 17, 2001. Final action by the County Board is not expected until some time in June, 2001.

At the May 10, 2001 Plan Commission meeting, one Plan Commissioner asked about the status of Part B and whether it was appropriate for the City to act on all parts of the proposed amendment at this time. Planning staff responded that Champaign County staff are investigating technical questions on the legalities of the proposed reclamation bond for certain structures and that this additional information would not substantially affect the amendment or the City of Urbana's interest in it.

Summary of Findings

1. The proposed text amendments are generally consistent with the Urbana Zoning Regulations and Comprehensive Plan Goals and Objectives.
2. The proposed text amendments would improve the administrative and procedural requirements for Special Use Permits issued by Champaign County.
3. Comparable text amendments to the City of Urbana Zoning Ordinance are not necessary.
4. The proposed text amendments would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

Options

The City Council has the following options for action in CCZBA Case #273-AT-00:

- a. Defeat a resolution of protest for all parts of the proposed text amendment.
- b. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.

- c. Adopt a resolution of protest for all or some parts of the proposed text amendment.

Recommendation

At their meeting on May 10, 2001, the Plan Commission voted unanimously (9-0) to recommend that City Council **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above. Staff concurs with this recommendation.

Attachments:

Draft Resolution of Protest

Draft excerpt of minutes from May 10, 2001 Plan Commission meeting

c: Susan Monte, Champaign County Planning and Zoning

ehtyler/CZBA cases/cc.cczba273-AT-00.doc

A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO THE CHAMPAIGN COUNTY ZONING ORDINANCE

(Four-part omnibus text amendment regarding site plan requirements for Special Use Permits, reclamation bonds for certain structures, signature requirements for Special Use Permit applications, and clarification of Special Use Permit authorization consistent with petitioner testimony and evidence - Plan Case CCZBA 273-AT-00.)

WHEREAS, Frank DiNovo, Champaign County Zoning Administrator, has petitioned the County of Champaign for an omnibus amendment to the text of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 273-AT-00 with respect to the following: to add a requirement that a Special Use Permit shall apply only to the site plan described in the approved Special Use petition; to require a reclamation bond be provided for proposed structures that can not be readily adapted to alternative uses; to add a requirement for petitioner and owner(s) or owner's legal representative to be included on the Special Use Permit application; and to add a requirement that a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with the testimony and evidence submitted by the petitioner; and

WHEREAS, said amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-273-AT-00: Four-part omnibus text amendment regarding site plan requirements for Special Use Permits, reclamation bonds for certain structures, signature requirements for Special Use Permit applications, and clarification of Special Use Permit authorization consistent with petitioner testimony and evidence"; and

WHEREAS, the Urbana Plan Commission, after considering matters

pertaining to said Petition at their meeting of May 10, 2001, has recommended by a vote of 9 to 0 that the Urbana City Council defeat a resolution of protest against the proposed omnibus text amendment to the Champaign County Zoning Ordinance; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed omnibus text amendment is in the best interest of the City of Urbana.

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

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed omnibus text amendment as presented in CCZBA-273-AT-00.

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

Phyllis D. Clark, City Clerk

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

Tod Satterthwaite, Mayor

CITY OF UBANA
NOTICE OF PUBLIC HEARINGS
MONDAY, MAY 21, 2001

A Public Hearing continued from Monday, April 16, 2001, will be reconvened at 7:15 p.m., Monday, May 21, 2001, in the Council Chambers of the Urbana City Building, 400 South Vine Street. The purpose of this continued public hearing is to receive comment regarding a proposed annexation agreement between the Frasca Associates and the City of Urbana for tracts of land totaling approximately 116.69 acres and generally located in Township 20, in Sections 32 and 33 and immediately north and west of Frasca Airport.

A Public Hearing continued from Monday, May 7, 2001 will be reconvened at 7:20 p.m. on Monday, May 21, 2001, in the Council Chambers of the Urbana City Building, 400 South Vine Street. The purpose of this continued public hearing is to receive public comment on a proposed annexation agreement between Calvary Baptist Church and the City of Urbana for a five-acre tract of land located at 2106 East Windsor Road, on the north side of Windsor Road east of Susan Stone Drive.

A Public Hearing will be held at 7:30 p.m. on Monday, May 21, 2001, in the City Council Chambers of the Urbana City Building, 400 South Vine Street, the purpose of which is to receive public comment on the Proposed Annual Budget for the Fiscal Year 2001-2002.

Persons with disabilities needing special services or accommodations for these hearings should contact the City of Urbana's Americans with Disabilities Coordinator at 384-2466 or TDY at 384-2447.

Phyllis D. Clark
City Clerk