



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: November 4, 2011

SUBJECT: Plan Case 2155-T-11: An amendment to Section XI-10.A of the Urbana Zoning Ordinance to revise the minimum standards for legal notices published in newspapers.

Introduction

The Zoning Administrator is requesting an amendment to Section XI-10 of the Zoning Ordinance in order to revise the minimum standards for public hearing legal notices published in the newspaper. The State of Illinois recently enacted changes to the Illinois Municipal Code regarding public hearing notices (65 ILCS 5/111314). The new standards state that a legal notice for a public hearing “need not include a metes and bounds legal description of the property affected, provided that the notice includes: (i) the common street address or addresses and (ii) the property index number "PIN") or numbers of all the parcels of real property contained in the affected area.” This law took effect on August 12, 2011.

Discussion

Text Changes

The proposed changes are listed below, using a strikethrough and underline notation system. A strikethrough is used to indicate ~~deleted language~~, while an underline is used to indicate added language.

Section XI-10. Notification Requirements

- A. At least 15 days, but no more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed conditional use permit, mobile home park, planned unit development, special use permit, waiver of parking, variance, amendment, annexation agreement proposing a rezoning, or combination thereof shall be published in a newspaper of general

circulation in the City of Urbana. The notice of such hearing shall contain the common street address and property index number (PIN), if any, and, if applicable, the legal description of the property for which such action is sought, or a legal description if a street address is not available, as well as a brief description of the proposed action. The cost of such publication shall be paid by the petitioner, except in the case of an annexation agreement, and is in addition to the application fee.

These proposed changes would revise the Urbana Zoning Ordinance to reflect revised State law. Currently, the Zoning Ordinance requires that a property's full legal description be provided in the legal notice published in the newspaper for each public hearing. With the proposed changes, only the address and property index number (PIN) will be minimally required. If there are cases where the property address is not clear or easily obtainable, then the legal description will be provided in the notice.

These changes will be more practical and efficient for petitioners and for the general public. Many members of the general public are not familiar with how to read a legal description, and providing a street address is a more practical and efficient way of conveying where the property is located. For some properties, legal descriptions can be multiple paragraphs in length. Since the petitioner is billed for the legal notice, removing the legal description would reduce the cost to petitioners without reducing actual notice to the public. For instance the legal advertisement for a recent Urbana Plan Commission case cost \$475 due its unusually long and complicated metes and bounds legal description. Average costs for legal notices are typically lower, around \$150. Although publishing legal descriptions has met the legal requirements for public notice, as a practical matter doing so has been much less effective, and much more costly, than publishing simply the address and PIN. This will also help the City reduce its costs in cases that are requested by the Zoning Administrator. For example, the cost for the Historic East Urbana rezoning legal notice in 2008 was over \$1,000 due to the fact that it contained several lengthy legal descriptions.

The Urbana Plan Commission held a public hearing regarding this case on October 13th, 2011. At the meeting the Plan Commission recommended that staff make the legal description for zoning cases available to any person asking about the case. Staff indicated that they would provide legal descriptions to anyone who contacts our office. This would fall under the standard clause included in every legal notice that states "detailed information about the case is available at the City of Urbana Community Development Services Department". The Plan Commission voted eight ayes to zero nays to forward the case to City Council with a recommendation for approval.

Summary of Findings

1. The proposed amendment will modify Section XI-10.A of the Urbana Zoning Ordinance to revise the minimum standards for legal notices published in newspapers.
2. The proposed amendment will revise the Urbana Zoning Ordinance to reflect revised State law for public legal notices for zoning cases.

3. The proposed amendment will provide the public with equivalent information in a manner that is more efficient and easier to understand.
4. The proposed amendment will reduce costs for zoning cases requested by the City and other petitioners.
5. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan regarding updating various sections of the Zoning Ordinance.
6. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

City Council has the following options regarding Plan Case 2155-T-11:

- a. Approve the proposed text amendment as presented herein;
- b. Approve the proposed text amendment as modified by specific suggested changes; or
- c. Deny the proposed text amendment.

Recommendation

At their October 13th, 2011 meeting, the Urbana Plan Commission voted eight ayes to zero nays to recommend **APPROVAL** of the proposed text amendment to the Zoning Ordinance as presented herein. Staff concurs with the Plan Commission recommendation.

ORDINANCE NO. 2011-11-121

An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois
(Revision to Section XI-10 Regarding Legal Notice Requirements - Plan Case
No. 2155-T-11)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Zoning Administrator has applied to revise Section XI-10, Notification Requirements, in order to bring the Zoning Ordinance into conformance with changes in the State of Illinois Code of Statutes which would remove the requirement for legal descriptions in legal notices for public hearings in cases where street addresses are available; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; 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 on this application at their October 13th, 2011 meeting; and

WHEREAS, the Urbana Plan Commission on October 13th, 2011 voted 8 ayes to 0 nays to forward this application to the Urbana City Council with a recommendation for approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That Paragraph XI-10.A of the Urbana Zoning Ordinance is hereby amended to read as follows:

- A. At least 15 days, but no more than 30 days before a public hearing, notice of the time and place of the public hearing on any proposed conditional use permit, mobile home park, planned unit development, special use permit, waiver of parking, variance, amendment, annexation agreement proposing a rezoning, or combination thereof shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the common street address and property index number (PIN) of the property for which such action is sought, or a legal description if a street address is not available, as well as a brief description of the proposed action. The cost of such publication shall be paid by the petitioner, except in the case of an annexation agreement, and is in addition to the application fee.

Section 2. 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).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 7th day of November, 2011.

PASSED by the City Council this _____ day of _____, 2011.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2011.

Laurel Lunt Prussing, 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 _____, 2011, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (Revision to Section XI-10 Regarding Legal Notice Requirements - Plan Case No. 2155-T-11)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2011, 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 _____, 2011.

MINUTES OF A RESCHEDULED MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: October 13, 2011

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins Ash, Andrew Fell, Tyler Fitch, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins, Marilyn Upah-Bant

MEMBERS EXCUSED: Lew Hopkins

STAFF PRESENT: Jeff Engstrom, Planner II; Rebecca Bird, Planner I; Teri Andel, Planning Secretary

OTHERS PRESENT: Susan Taylor

NEW PUBLIC HEARINGS

Plan Case No. 2155-T-11: A request by the Urbana Zoning Administrator to amend Section XI-10.A of the Urbana Zoning Ordinance to revise the minimum standards for legal notices published in newspapers.

Jeff Engstrom, Planner II, presented this case to the Urbana Plan Commission. He began by pointing out that the proposed text amendment came about from a recent change in the Illinois State law regarding public hearing notices. He reviewed the changes that would be made to Section XI-10. Notification Requirements of the Urbana Zoning Ordinance if the proposed amendment was approved. He talked about how the proposed text amendment could save petitioners money. He read the options of the Plan Commission and presented City staff's recommendation.

Mr. Ash wondered how difficult it would be for a person to find a legal description for a property. Mr. Engstrom explained that the legal description is generally found on the deed for the property. A person could also go to the Champaign County Recorder's Office and get a legal description from almost any document that was recorded pertaining to the property.

With no further questions for City staff, Chair Pollock opened the hearing up for public input. There was none. Chair Pollock then closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Ms. Upah-Bant moved that the Plan Commission forward Plan Case No. 2155-T-11 to the Urbana City Council with a recommendation for approval. Mr. Fitch seconded the motion.

Mr. Ash stated that although he supports the amendment, he just wanted people to know where to be able to find the legal description for their property. Chair Pollock made a friendly amendment that City staff includes a small sentence in each legal ad letting people know that they could find the legal ad at the Champaign County Recorder's Office. The Plan Commission agreed to the friendly amendment.

Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ash	-	Yes	Mr. Fell	-	Yes

The motion including the friendly amendment was passed by unanimous vote. Mr. Engstrom noted that this case would be forwarded to the Urbana City Council on November 7, 2011.