



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Jeff Engstrom, AICP, Planner II

DATE: October 7, 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 listed in the legal notice published in the newspaper for each public hearing. With the changes, only the address and property index number (PIN) will be minimally required. If there 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 practical for petitioners and for the general public. From a practical standpoint, many members of the general public are not familiar with how to read a legal description. 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 \$475.65 due its unusually long and complicated metes and bounds legal description. 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 reduces 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 \$1000 due to the fact that it contained several lengthy legal descriptions.

Summary of Staff 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 the same 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

The Plan Commission has the following options for recommendation to the Urbana City Council regarding Plan Case 2155-T-11:

- a. forward this case to City Council with a recommendation for approval as presented herein;
- b. forward this case to City Council with a recommendation for approval as modified by specific suggested changes; or
- c. forward this case to City Council with a recommendation for denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend **APPROVAL** of the proposed text amendment to the Zoning Ordinance as presented herein.