

ORDINANCE NO. 8687-15

AN AMENDMENT TO THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS

WHEREAS, after due publication, a public hearing was held on July 10, 1986 and continued to July 24, 1986, concerning a proposed amendment to the text of the Zoning Ordinance of the City of Urbana, Illinois, in Plan Case #1231-T-86, and

WHEREAS, the Urbana Plan Commission has recommended the adoption of the following changes to the text of the Zoning Ordinance of the City of Urbana, Illinois,

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

that:

Section 1. "D" of Section VI-3, Lot Area and Width, is amended to read as follows:

"D. In the R-2 and R-3 Districts, any lot platted after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than nine thousand (9,000) square feet, and have an average width of not less than eighty feet (80'). A lot platted before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than six thousand (6,000) square feet, and have an average width of not less than sixty feet (60')."

Section 2. A new section "F" of Section VI-3, Lot Area and Width, is enacted to read as follows:

"F. A fee simple transfer of ownership of a portion of a lot improved with a side by side rowhouse or townhouse or duplex where each dwelling unit is solely allocated to a portion of the single zoning lot, is permitted, and shall not constitute subdivision of the lot provided the conditions of this subsection are met.

1. Such lot shall remain as a single zoning lot for the application of developmental and other regulations outlined in this Ordinance. No further modifications or changes to fee simple ownership of the boundaries of the parcel(s) comprising said zoning lot improved with a rowhouse or townhouse or

duplex shall be permitted except in compliance with all requirements of this Ordinance or Chapter 21, Subdivisions, of the Urbana Code of Ordinances.

2. That the Secretary of the Urbana Plan Commission shall be provided with a development plan prepared by an Illinois Registered Land Surveyor or an Illinois Registered Engineer which shall include the following information:
 - a. The legal description of the property with a surveyor's certificate to the effect that the plan represents a survey made by the surveyor, that all monuments are set as shown, and there are no encroachments, must appear on the face of the plan.
 - b. All dimensions, radii and location of points of tangency and locations of all monuments set must be shown for each portion of the zoning lot subject, and potentially subject, to fee simple transfer of ownership.
 - c. All fee simple transfer portions of the zoning lot, to be described by subsection 2.b. above, shall be consecutively numbered.
 - d. Signature and date lines shall be provided for on the face of the plan for approval by the Zoning Administrator, City Engineer and Secretary of the Urbana Plan Commission.
 - e. All proper seals, certificates and signatures shall appear on the certificate as required by subsection 2.a. above.
 - f. Date of plan preparation.
 - g. North arrow.
 - h. The plan shall be drawn in ink on dimensionally stable translucent drafting material, not to exceed twenty-four (24) by thirty-six (36) inches and presented in a scale not numerically larger than one (1) inch to one hundred (100) feet.
3. Said plan shall be accompanied by an Owner's Certificate and a Champaign County Clerk's Certificate stating that no delinquent taxes or unpaid special assessments constituting a lien on the whole or any part of the property are unpaid or exist.
4. Any plan for a rowhouse or townhouse or duplex proposing a fee simple transfer of ownership of a portion of a zoning lot to each dwelling unit shall be accompanied by a form of agreement by and between the owner and future owner to own,

- use, rent or otherwise occupy said townhouse or rowhouse or duplex and the same shall provide the following:
- a. It shall establish a homeowner's association which may be an incorporated association or other declarant entity.
 - b. It shall provide for rules and regulations regarding the maintenance, upkeep and repair of the building(s) or structure(s), all common areas (if any), roof and all areas of pavement surfaces including sidewalks, drives and off-street parking facilities and similar improvements.
 - c. It shall provide for party walls between the individual dwelling units of a rowhouse, townhouse or duplex structure.
 - d. It shall provide for the repair and maintenance of any private sewers.
 - e. It shall provide for insurance to cover the structure(s) and, if desired, homeowner's insurance for each individual dwelling unit or public liability insurance.
 - f. It shall provide for a governing board and shall also provide for dues and assessments for the preservation and maintenance of all common or other facilities which may be perfected by a lien on individual dwelling units of the structure(s) if the same remain unpaid.
 - g. It shall provide for the reconstruction of any dwelling unit(s) when such structure or dwelling unit(s) are damaged by fire, explosion, Act of God or other sudden damage or destruction.
 - h. Said agreement shall contain all appropriate signatures and certificates and shall be notarized.
5. No public dedications shall be made or accepted as part of any development plan or supporting documents prescribed in this subsection.
 6. Approval of a townhouse or rowhouse or duplex fee simple ownership transfer plan and supporting documents shall be collaboratively vested in the Zoning Administrator, the City Engineer and the Secretary of the Urbana Plan Commission. Approval is granted and such plan and supporting documents may be recorded with the Office of the Champaign County Recorder of Deeds only when each the Zoning Administrator, City Engineer and Secretary of the Urbana Plan Commission have signed the plan within thirty (30) calendar days following submission of materials to the Secretary of the Plan Commission. Lack of any signature on the face of the plan by the Zoning Administrator, City Engineer or Secretary of the Plan Commission following such thirty (30) day period shall constitute plan denial. A plan will also be denied if

any such officer refuses, in writing, to sign the plan. In the event a plan is denied, within ten (10) days following such denial, the Secretary of the Plan Commission shall send written notice to the owner(s) that the plan has been denied with a statement of the reason(s) for plan denial.

Within forty-five (45) days following written notice of denial, the owner, or his agent(s) may appeal a decision to deny any such plan before the Plan Commission and City Council in accordance with the public hearing procedures for Special Use Permits as set forth in Section VII-6, Special Use Permit Procedures, of this Ordinance.

7. When any townhouse or rowhouse or duplex fee simple ownership transfer plan and supporting documents is approved, the Secretary of the Plan Commission shall retain all such original documents to be recorded. The Secretary of the Plan Commission shall arrange to meet with the owner, or his agent(s), for purposes of recording and shall be present at the time of recording. The fee, if any, for recording shall be borne by the owner.
8. The Secretary of the Plan Commission shall maintain records of all townhouse or rowhouse or duplex fee simple ownership plans and supporting documents that have been considered for approval under the conditions and procedures of this subsection."

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

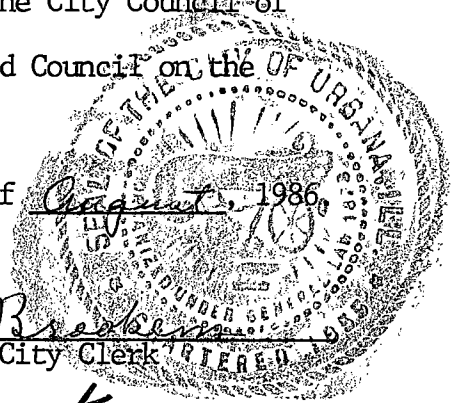
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the Members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 4th day of August, 1986.

PASSED by the City Council on this 4th day of August, 1986.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 15th day of August, 1986.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor



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CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by M. S. Duca, its controller, does hereby

certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for _____ consecutive weeks in said newspaper, namely on the following dates:

Aug 22, A. D. 1986

, A. D. 19

, A. D. 19

, A. D. 19

, A. D. 19

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By [Signature] Controller

PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 140.28

PD 8/29/86
PD # 23262

CITY OF URBANA, ILL.
RECEIVED

AUG 29 1986

CITY CLERK'S OFFICE

No. _____

In the _____ Court
of Champaign County, Illinois.

CERTIFICATE OF PUBLICATION
IN
The News-Gazette

Attorneys.

CERTIFICATE OF PUBLICATION

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the News-Gazette on the 22nd day of August, 1986, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

