

ORDINANCE NO. 8788-28

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

WHEREAS, after due publication, a public hearing was held on July 9, 1987 and continued on July 23, 1987, concerning a proposed amendment to the text of the Zoning Ordinance of the City of Urbana, Illinois, in Plan Case #1256-T-87, 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. The definition of "Balcony" in Section II-3. Definitions is hereby amended to read as follows:

Balcony - An upper story unenclosed platform having a balustrade railing or other guard, which may either be recessed behind the face of the building, or extend out from the building. The following are types of balconies:

- A. Open Balcony - A balcony, open on three sides, with open guardrails meeting minimum building code specifications for height and rail spacing. Open balconies may have roofs and may be stacked one above another to afford protection from the weather. An open balcony can be either private or public depending on the ingress/egress provided by such balcony.
- B. Private Balcony - A balcony exclusively for the use of and accessible from only a single dwelling unit. If such balcony has ingress/egress other than to the dwelling unit it serves, it is a public balcony.
- C. Private Open Balcony - A balcony meeting all criteria of both open balcony and private balcony as defined above.
- D. Public Balcony - A balcony for the use of ingress and egress, and accessible from two or more dwelling units and one or more vertical exitways. Public balconies shall meet minimum corridor width requirements of the building code and shall be limited in their use to that of providing exit access.
- E. Surrounded Balcony - A balcony enclosed on more than 50% of the entire perimeter by either the face

of the building, or wing wall construction. The open side(s) shall be protected with open guard-rails meeting minimum building code specifications for height and rail spacing.

Section 2. The definition of "Floor Area, Gross" in Section II-3. Definitions is hereby amended to read as follows:

Floor Area, Gross: The total area of all floors of a building, measured to the outer face of the outside walls, inclusive of public egress/ingress balconies but exclusive of such floor area as may be used for parking facilities within the principal building, cellars in single family dwellings, and exclusive of such floor area as may be used for penthouses, housing ventilators, heating systems, private balconies, and similar uses.

Section 3. The definition of "Open Space", Sub-paragraphs 2 and 3 of Section II-3. Definitions is hereby amended to read as follows:

2. Private balconies, whether Open or Surrounded (as defined elsewhere in this article) having a minimum dimension of four (4) feet six (6) inches by four (4) feet six (6) inches if there is a minimum clearance of seven (7) feet six (6) inches between the floor of such balcony and the underside of the balcony immediately next above;

3. The ground area immediately below a private balcony whether open or surrounded balcony (as defined elsewhere in this article) if there is a minimum clearance of seven (7) feet six (6) inches between the ground level and the underside of the balcony immediately next above.

Section 4. Section VI-5 "Yards" of Article VI "Development Regulations" is amended to add the following subparagraph B.11:

B.11. Private Balcony which is open, as defined in Article II of this ordinance, provided that they do not occupy in the aggregate more than one-third (1/3) of the length of the building wall per floor on which they are located. In no case shall any private open balcony be located within 5' of the property line.

Section 5. The following sections are amended to read as follows:

VII-2.C. - Applicants for any proposed Conditional Use Permit shall meet notification requirements for a public hearing specified in Section XI-10 of this ordinance.

VII-2.G. - Procedures for protest against any proposed Conditional Use Permit are specified in Section XI-11 of this ordinance.

VII-4.A.4.c. - Procedures for protest of any proposed Mobile Home Park are specified in Section XI-11 of this ordinance.

VII-5.C.4. (paragraph 3) - Procedures for protest of any proposed PUD are specified in Section XI-11 of this ordinance.

VII-6.C. - Applicants for any proposed Special Use Permit shall meet notification requirements for a public hearing specified in Section XI-10 of this ordinance.

VII.6.H. - Procedures for protest against any proposed Special Use Permit are specified in Section XI-11 of this ordinance.

XI-3.C.2.c. - Applicants for any proposed variance shall meet notification requirements for a public hearing specified in Section XI-10 of this ordinance.

XI-7.C. - Applicants for any proposed amendment to this ordinance shall meet notification requirements for a public hearing specified in Section XI-10 of this ordinance.

XI-7.G. - Procedures for protest of any proposed change in the classification of land are specified in Section XI-11 of this ordinance.

Section 6. Section XI-7.A., entitled "Amendments" of Article XI, "Administration, Enforcement, Amendments and Fees" is hereby amended to add the following paragraph following existing subparagraph A:

An application by the City Council, Plan Commission or Board of Zoning Appeals may be initiated only by a majority vote of the body. Upon such action, said body shall direct the Zoning Administrator to file the written application on its behalf.

Section 7. Article XI, entitled "Administration, Enforcement, Amendments and Fees" is hereby amended to add



the following Section XI-10, entitled "Notification Requirements":

- A. At least fifteen (15) days but not more than thirty (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 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, if any, and, if applicable, the legal description of the property for which such action is sought, as well as a brief description of the proposed action. The cost of such publication shall be in addition to the fee.
  
- B. Any applicant for any public hearing under this Zoning Ordinance shall furnish the Secretary of the body conducting the hearing, with a complete list of names and last known addresses of owners of properties subject to the petition. Documentation of ownership in the form of an owner's policy or title insurance, warranty deed evidencing ownership of title, trust agreement certified by Trustee with evidence of all current ownership of beneficial interest, purchase contract, or records from the County Recorder of Deeds, shall also be submitted. In addition, the petitioner shall include a list of the last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet in each direction of the property for which the application for action is requested. The measurement of all public roads, streets, alleys and other public ways shall be excluded in determining the 250-foot requirement. If any part of a condominium property is located within two hundred and fifty feet of the subject property, the name of each taxpayer of record of the condominium shall also be submitted to the Secretary. Not less than 10 days but not more than 30 days before a public hearing, the Secretary shall give written notice by first class mail to the owners of the subject property as identified herein, concerning the place and time for the first hearing on the petition. Said notification letter shall state the name and address of the petitioner, the name and address of the owner of the property, the location of the property, and a brief statement of the nature of the requested action. Said letter shall be sent to the last known taxpayers as described above. If after a bona fide effort to serve such written notice, there are return

notices, the notice requirements of this section shall be deemed satisfied.

Section 8. Article XI, entitled "Administration, Enforcement, Amendments and Fees" is hereby amended to add the following Section XI-11, entitled "Protest Procedures":

In the case of a valid written protest against any Mobile Home Park, Planned Unit Development, Special Use Permit, or change in the classification of land filed with the City Clerk of Urbana prior to the commencement of the City Council meeting in which a vote on the proposed action is taken, the action shall not be authorized except by a favorable vote of two-thirds (2/3) of the members of the City Council.

In the case of a valid written protest against a proposed Conditional Use Permit, the protest shall be filed with the Secretary of the Zoning Board of Appeals prior to the commencement of the meeting at which a vote on the proposed Conditional Use Permit is taken. The Conditional Use shall not be authorized except by a favorable vote of two-thirds (2/3) of the members of the Board of Zoning Appeals.

A written protest shall be considered valid if it is signed by either the owners of forty (40) percent of the subject lots of the public hearing or the owners of forty (40) percent of the lots any part of which are included within the area defined by a line extended two-hundred fifty (250) feet outward in all directions from the perimeter of the land subject to the action on the public hearing. The measurement of all public roads, streets, alleys and other public ways shall be excluded in determining the two-hundred fifty (250) foot measurement. For the purposes of this section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least fifty (50) percent of all owners of such lot signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing the document, and identify the property within the protest area that each signatory owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way. The owner of property shall be considered to be any of the following: The record owner of the fee title, the contract seller and the contract

buyer of such property, or those with beneficial interest in a land trust.

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 Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 5th day of October, 1987.

PASSED by the City Council this 5th day of October, 1987.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

October APPROVED by the Mayor this 14th day of October, 1987.

Jeffrey R. Markland  
Jeffrey R. Markland, Mayor

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 21st day of October, 1987, and a Certificate of Publication is attached hereto.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk





# CERTIFICATE OF PUBLICATION IN The News-Gazette

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D. Public Balcony - A balcony for the use of ingress and egress, and accessible from two or more

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The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by M. S. OUCA, its secretary, 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:

\_\_\_\_\_ , A. D. 19 87

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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] Secretary  
PUBLISHER OF THE NEWS-GAZETTE

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