

**AN AMENDMENT TO A PART OF THE ZONING ORDINANCE  
OF THE CITY OF URBANA, ILLINOIS  
AND THE ZONING MAP OF THE CITY OF URBANA**

(808 W. Nevada and 809 W. Nevada)

WHEREAS, the City of Urbana, Illinois is a home rule municipal corporation pursuant to Article VII, Section 6(a) of the Illinois Constitution and has all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services, including the authority to adopt and enforce land use plans, zoning and subdivision regulations and other land use controls to protect and promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #7980-68 on December 17, 1979 which adopted the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which included changes to the Official Zoning Map and Zoning Ordinance of the City of Urbana; and

WHEREAS, the Urbana City Council adopted Ordinance #8283-17 on September 7, 1982 which adopted the 1982 Comprehensive Plan that established immediate and long-range goals, objectives and policies to guide the future preservation and development of the city; and

WHEREAS, following nearly two years of study and numerous public meetings, the Urbana City Council adopted Ordinance #8990-132 on June 4, 1990 which adopted the Downtown to Campus Plan and amended the City's 1982 Comprehensive Plan; and

WHEREAS, the Downtown to Campus Plan adopted new goals and objectives for the Downtown to Campus area as well as a new Proposed Land Use Map to replace the Official Comprehensive Plan Map that was included in the 1982 Comprehensive Plan; and

WHEREAS, the Downtown to Campus Plan recommended a variety of actions to achieve the goals and objectives established in said Plan including a recommendation to change the zoning of many properties in the neighborhood to conform with the Proposed Land Use Map in said Plan; and

WHEREAS, the Urbana City Council approved Resolution #9091-113 on December 17, 1990 which directed the Zoning Administrator to submit rezoning petitions for many properties located in the Downtown to Campus area; and

WHEREAS, the Zoning Administrator submitted a petition to amend the Official Zoning Map by rezoning the properties described in Section 1 herein from R-5 (Medium High Density Multiple Family Residential) to R-4 (Medium Density Multiple Family Residential); and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #1427-M-91; 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 the proposed zoning changes on March 7, 1991; and

WHEREAS, the Urbana Plan Commission voted on March 7, 1991 to forward Plan Case #1427-M-91 to the Urbana City Council with a recommendation to deny the proposed change from R-5 to R-4 for the properties at 808 W. Nevada and 809 W. Nevada as described in Section 1 herein so that the properties would remain zoned R-5; and

WHEREAS, the Urbana City Council finds that the existing zoning of the properties described in Section 1 herein may permit new multiple-family residential development which is considered incompatible with the existing residential density and character of the neighborhood; that the preservation and rehabilitation of the nearby neighborhood would be threatened by such incompatible and inappropriate development if multiple-family residential development occurred at the maximum density permitted by the existing R-5 zoning on these two properties; and

WHEREAS, the Urbana City Council finds that both of the structures on the properties described in Section 1 herein were first built as single-family homes; that both are now used as small apartment buildings; that they are located near other single-family homes and an area which was recently rezoned R-2; that they are located in an area experiencing severe parking shortages; that they are located in an area where the sanitary and storm sewers may have insufficient capacity to accommodate the increased demands resulting from new multiple-family residential development; and that they are under increasing pressure for new high density development which could damage the residential character of the surrounding neighborhood; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the zoning changes described in Section 1 herein conform to the goals, objectives and policies of the City's 1982 Comprehensive Plan as amended by the Downtown to Campus Plan; 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 differ with the recommendation of the Urbana Plan Commission and to amend the Official Zoning Map as described in Section 1 herein for the reasons contained herein as well as for the reasons spread upon the records of both this Plan Case and the Downtown to Campus Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that the Official Zoning Map of the City of Urbana, Illinois is hereby amended as follows:

Section 1.

The following properties are hereby rezoned from R-5 (Medium-High Density Multiple Family Residential) to R-4 (Medium Density Multiple Family Residential):

1. Tax Parcel #92-21-17-153-010, Lot 33 of Hubbard's Elmwood Addition to the City of Urbana, commonly known as 808 W. Nevada Avenue
2. Tax Parcel #92-21-17-154-002, the north 90.0' of Lot 69 of Hubbard's Elmwood Addition to the City of Urbana, commonly known as 809 W. Nevada Avenue

The said properties described above being represented on the map attached hereto as Exhibit PC1427-A and incorporated herein by reference.

Section 2.

If any provision of this Ordinance, or the application of such provision to any parcel(s), is held invalid for any reason whatsoever, the remainder of this Ordinance, or the application of the provision to other parcel(s) shall not be affected thereby.

Section 3.

Ordinance #8889-32 as amended from time to time, commonly known as the Interim Development Ordinance and also known as Article XII of the Urbana Zoning Ordinance, was adopted in 1988 to preserve the status quo of the area involved in the study and implementation of the Downtown to Campus Plan. The Interim Development Ordinance, which restricted development of the parcels that are rezoned in this Ordinance, shall expire on the 30th day of April, 1991. Therefore, it is declared by the Urbana City Council that it is a matter of urgency that this Ordinance, which rezones the said parcels in accordance with the Downtown to Campus Plan, take effect immediately upon its passage and the Urbana City Council so directs. The Urbana City Council also directs the City Clerk to publish this Ordinance in a newspaper of general circulation within

Urbana at least once within 30 days after it is passed and takes effect.

Upon this ordinance coming into effect, the properties herein rezoned shall no longer be subject to the land use regulations adopted in Ordinance #8889-32, commonly known as the Interim Development Ordinance as amended from time to time and also known as Article XII of the Urbana Zoning Ordinance.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a two-thirds majority of the members of the Corporate Authorities of the City of Urbana, Illinois, at a regular meeting of said Authorities on the 15<sup>th</sup> day of April, 1991.

PASSED by the Corporate Authorities on this 15<sup>th</sup> day of April, 1991.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

RECONSIDERED after the Mayor's veto and passed by the affirmative vote, the "ayes" and "nays" being called of two-thirds of the Aldermen and Alderwomen then holding office at a regular meeting of the Council on May 6, 1991.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

Certificate of Publication

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the News-Gazette on the 19<sup>th</sup> day of May, 1991, and a Certificate of Publication is attached hereto.

  
Ruth S. Brookens  
Ruth S. Brookens, City Clerk

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