

ORDINANCE NO. 9192-44

AN ORDINANCE TO AMEND CHAPTER 21
OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS
ENTITLED
SUBDIVISIONS AND OTHER LAND DEVELOPMENTS

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance #8889-33 on November 21, 1988 which adopted a new Chapter 21 of the Code of Ordinances of the City of Urbana which is also known as the Urbana Subdivision and Land Development Code; and

WHEREAS, the purpose of the Urbana Subdivision and Land Development Code is the protection of the health, safety and general welfare of the City through the establishment of standards of design and procedures for developments within the City of Urbana or within the One and One-half Mile Extraterritorial Jurisdiction of the City of Urbana; and

WHEREAS, the staff of the City of Urbana conducted a Developer's Workshop on September 21, 1990 to entertain questions and comments on the Urbana Subdivision and Land Development Code from local development professionals and local public officials; and

WHEREAS, based on comments received at and following the Developer's Workshop, the staff of the City of Urbana conducted an inter-departmental review of the Urbana Subdivision and Land Development Code and identified specific errors and weaknesses of the Code; and

WHEREAS, following the inter-departmental review, the City Planner of the City of Urbana initiated amendments to remedy the errors and weaknesses identified in the Urbana Subdivision and Land Development Code; and

WHEREAS, after due publication, the Urbana Plan Commission in Plan Case 1453-T-91 conducted a public hearing on the proposed amendments to the Urbana Subdivision and Land Development Code on July 18, 1991 and continued said hearing to August 8, 1991, August 22, 1991 and September 5, 1991; and

WHEREAS, The Urbana Plan Commission at its regular meeting of September 5, 1991 voted to forward the proposed amendment to the Urbana Subdivision and Land Development Code to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the City of Urbana's 1982 Comprehensive 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 amend the text of the Urbana Subdivision and Land Development Code as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that Chapter 21, entitled "Subdivisions and Other Land Developments," of the Code of Ordinances, City of Urbana, Illinois is hereby amended as follows:

Section 1. Section 21-4, entitled "Definitions", is hereby amended to renumber subsection 21-4 (a) (8) as subsection 21-4 (b).

Section 2. The definition of "Development" under Section 21-4, entitled "Definitions", is hereby amended to read as follows:

Development means any activity that causes a change to be made in the legal rights or physical state of the real estate such that;

(1) The activity creates a substantial use demand for new sanitary sewage service, collection and treatment, or the activity shall require the extension of a sanitary sewer system collector or interceptor, or the installation and capping of sanitary sewer lines, in accordance with Section 21-41 of this Chapter; or

(2) The activity constitutes any mining, quarrying, or other excavations related thereto; or

(3) The activity constitutes the creation or change of a Subdivision, Resubdivision or lot-line adjustment; or

(4) The activity constitutes the creation or a change of a Mobile Home Park; or

(5) The activity constitutes the creation or change of a Planned Unit Development;

(6) The following activities are not considered to constitute a development:

(a) The transfer of any existing building or use rights for use for a single individual parcel, as it then exists immediately prior to any sale or lease where such transfer or lease does not create any additional parcel by exception; or

(b) The dedication of land for public use to a public entity, the vacation of any land so dedicated, and the taking of property rights through eminent domain or inverse condemnation; or

(c) The construction of one single family dwelling and/or farm related structures on a single lot of ten acres or more, except where such acreage or structures are at locations of future streets as designated in the Official Comprehensive Plan; or

(d) The maintenance or improvement of an existing public street or railroad by a public utility not involving redesign if the work is carried out on land within the boundaries of the right-of-way; or

(e) Work by any utility not including redesign for the purpose of inspection repair, renewal or construction on established rights-of-way; or

(f) The use of any land for the purpose of inspection, repair, renewal or construction on established rights-of-way of any sewers, mains, or pipes; or

(g) Individual installation of a building sewer, service connection, or lateral.

Section 3. The definition of "Development, Minor" under Section 21-4, entitled "Definitions", is hereby amended to read as follows:

Development, Minor means a development involving the subdivision of a parcel of land (or the resubdivision or lot-line adjustment of a previously platted lot or lots) into not more than five (5) buildable lots and which development has all necessary improvements and services (except for service connections and sidewalks) including streets, water, electricity, storm sewers, and sanitary sewers available at the site. The Administrative Review Committee may grant waivers of the Section of this Chapter which requires the upgrading of existing but substandard improvements and services as specified under Section 21-17. Resubdivision of any part of a previous minor development into no more than five (5) buildable lots is not a minor development unless the Administrative Review Committee determines otherwise.

Section 4. The definition of "Resubdivision (Replat)" under Section 21-4, entitled "Definitions", is hereby amended to read as follows:

Resubdivision (Replat) means the redivision of an approved subdivision into two or more lots or the resurveying of existing lots which changes the area, dimensions or configuration of said property.

Section 5. Section 21-7, entitled "Waivers", is hereby amended so that subsection 21-7 (C) (3) reads as follows:

(3) Waivers shall be granted only as to the provisions of Articles III, IV and V of this Chapter except as otherwise provided in Article II, Section 21-13 (F).

Section 6. Section 21-13, entitled "Pre-application Conference", is hereby amended so that the first two paragraphs in subsection 21-13 (F) read as follows:

(F) Traffic Impact Analysis: The purpose of this subsection is to provide a method to assess traffic related impacts of developments of significant size and when necessary, recommend appropriate actions for the safe and efficient flow of traffic.

A traffic impact analysis is a study that provides information on the projected traffic a development will generate and to assess the impact on the operation and efficiency of either new or existing streets, driveways and intersections within the development and in the immediate proximity of a proposed development.

Section 7. Section 21-13 entitled, "Pre-application Conference", is hereby amended so that the numbering of the following subsections is amended as follows, without any changes to the existing text of those subsections:

- 21-13 (F) (1) (c) is amended to 21-13 (F) (2)
- 21-13 (F) (2) is amended to 21-13 (F) (3)
- 21-13 (F) (3) is amended to 21-13 (F) (4)
- 21-13 (F) (4) is amended to 21-13 (F) (5)
- 21-13 (F) (5) is amended to 21-13 (F) (6)
- 21-13 (F) (6) is amended to 21-13 (F) (7)

Section 8. Section 21-14, entitled "Preliminary Plat of a Major Development", is hereby amended so that subsection 21-14 (C) reads as follows:

(C) Review and Comments: The Secretary shall review the preliminary plat and waiver request(s) for conformity with the Official Comprehensive Plan, or parts thereof, any applicable general area plan(s), applicable zoning regulations, and the provisions of these regulations and shall make recommendations thereon. The City Engineer shall review the preliminary plat and waiver request(s) for conformity to these regulations, other applicable regulations, and generally accepted engineering practices, particularly as these apply to storm drainage and sewer facilities, and shall make recommendations thereon. The City Engineer shall forward a report of review in writing to the Secretary. The City Engineer or the Director of Community and Economic Development Services shall review the plat for conformity to the City of Urbana's Flood Hazard Areas Ordinance and forward a copy of said report in writing to the Secretary.

Section 9. Section 21-14, entitled "Preliminary Plat of a Major Development", is hereby amended to add a new subsection 21-14 (G) (1) (p) to read as follows:

(p) The names of all adjacent property owners or the names of adjacent subdivisions.

Section 10. Section 21-14, entitled "Preliminary Plat of a Major Development", is hereby amended so that subsection 21-14 (G) (2) (h) reads as follows:

(h) The location of flood hazard and floodway boundaries and the base flood elevation for each building site, if any.

Section 11. Section 21-14, entitled "Preliminary Plat of a Major Development", is hereby amended so that subsection 21-14 (G) (3) (j) reads as follows, and to add a new subsection 21-14 (G) (3) (k), to read as follows:

(j) The location of all proposed gas mains, electrical transmission lines, telephone lines, cable television lines and related rights-of-way or easements, if available.

(k) Estimated minimum floor elevations for that portion of the development within a flood hazard boundary.

Section 12. Section 21-14, entitled "Preliminary Plat of a Major Development" is hereby amended so that subsection 21-14 (H) reads as follows:

(H) Limitation on Preliminary Plat Approval:

(1) Application for approval of a final plat shall be made not later than one (1) year after preliminary approval has been granted by the Plan Commission (if no waivers are requested) or by the City Council (if waivers are requested.) The developer may request final plat approval of a part of the plat which received preliminary approval, and may delay application for approval of other parts until a later date with the approval of the City Council, provided all facilities required to serve the part or parts for which final approval is sought have been or are to be provided.

(2) The Administrative Review Committee may extend the period for final approval of a preliminary plat for up to two (2) years under the following conditions:

(a) The subdivider must submit a request to extend the validity of the preliminary plat;

(b) No new waivers from the ordinance are requested;

(c) The facts upon which any waivers were approved have not changed substantially and are not likely to change during the period for which the extension is granted;

(d) No new regulations have been adopted by the City since the plat was originally approved by the City Council which would affect the configuration of the subdivision, unless the plans as previously approved do not adversely effect the public health, safety and general welfare.

(e) The Secretary of the Urbana Plan Commission shall notify the developer, in writing, of approval or denial of the requested extension within ten (10) days of the receipt of the request. Failure to notify the subdivider within this time frame shall be deemed as denial of the request.

Section 13. Section 21-15, entitled "Final Plat of a Major Development", is hereby amended so that subsection 21-15 (E) reads as follows:

(E) City Council: The Secretary shall forward the Plan Commission memoranda, minutes and recommendation to the City Council. The City Council shall approve or deny said final plat including request(s) for waiver(s) within thirty (30) days of the City Council's next regularly scheduled meeting following the action of the Plan Commission, unless the City Council and developer mutually agree to extend such time. In all cases of denial, the Council shall state the reasons for denial of a plat or waiver request. If a plat or waiver request is denied, the Secretary shall furnish to the developer, in writing, a statement of City Council denial. Said written statement shall be furnished to the developer within ten (10) days of the Council action. Approval of said final plat shall constitute absolute acceptance by the City Council of all dedications of public rights-of-way and permanent easements within such final plat unless otherwise stated.

Section 14. Section 21-15, entitled "Final Plat of a Major Development", is hereby amended to add new subsections 21-15 (J) (1) (s), 21-15 (J) (1) (t), and 21-15 (J) (1) (u), to read as follows:

(s) The boundary of the Special Flood Hazard Area (SFHA), if applicable.

(t) The boundary of the floodway, if applicable.

(u) The Base Flood Elevation (BFE) for each building site, if applicable.

Section 15. Section 21-17, entitled "Minor Development", is hereby amended so that subsections 21-17 (A) and 21-17 (B) read as follows:

(A) Purpose: The minor development approval procedure is designed to expedite the platting of developments which have little or no required improvements associated with a development proposal. A minor development, by definition, will have little effect on existing public improvements and thus does not require the Plan Commission or City Council to make policy decisions. As such, an administrative review and platting process is designed to minimize cost and time toward approval, while at the same time, provide assurance that a minor development proposal meets the requirements of this Chapter.

(B) Approval Procedure: Unanimous approval must be given by the Administrative Review Committee. Approval must include affirmative findings that:

(1) The minor development complies with Article VI (Development Regulations) of the Urbana Zoning Ordinance within the City or with Section 5.3 (Schedule of Area, Height, and Placement Regulations by District) of the Champaign County Zoning Ordinance if within the mile and one-half extraterritorial area, and with the regulations of this Chapter.

(2) All improvements, with the exception of sidewalks and service connections, as this Chapter requires, exist at the development site except that if said existing improvements do not meet the design standards of this Chapter, the Administrative Review Committee, upon favorable findings of the facts listed in Section 21-17 (B) (4) below, may waive the requirement to upgrade the existing improvements to the design standards of this Chapter.

(3) If sidewalks do not already exist, provision shall be made for sidewalk improvements in one of the following ways:

(a) If the Administrative Review Committee finds that sidewalks are immediately necessary, the developer shall either immediately construct the sidewalks as required herein, or the developer shall file a surety bond with the City Clerk

payable to the City of Urbana in the penal sum equal to at least one hundred (100) percent of the estimated cost of the required sidewalks. The Legal Division shall approve the form and surety of said bond. The City Engineer shall approve the developer's engineer's estimate of the cost of sidewalk improvements. The condition of the bond shall be that the sidewalks be constructed in conformance with the approved plans and specifications within six (6) months from the date of the filing of the bond.

(b) If the Administrative Review Committee finds that there is no immediate need for sidewalks, the developer shall file a signed and acknowledged statement that shall be recorded with the development plat, stating that the developer or subsequent owner(s) of the property affected will construct the sidewalk at the developer's or subsequent owner(s) expense within six (6) months of passage of a City Council resolution to do so or the City will construct and invoice the then owners and/or the developer as applicable.

(4) The proposed development will not:

(a) impede the future use of the remainder of the property under the same ownership; or

(b) adversely affect the dimensions of such other existing or potential future minimum lot sizes or frontages as specified in Article VI of the Urbana Zoning Ordinance or the Champaign County Zoning Ordinance, whichever is applicable; or

(c) make any existing lot or structure nonconforming; or

(d) impede access to any remainder or adjoining land; or

(e) conflict with the Urbana Official Comprehensive Plan; or

(f) violate the Urbana Flood Hazard Areas Ordinance.

(g) significantly increase the impact on public streets, utilities, sanitary sewers, storm sewers or other public improvements beyond the existing conditions.

Section 16. Section 21-17, entitled "Minor Development", is hereby amended to repeal subsections 21-17 (H) through 21-17 (J) and replace with the following:

(H) Certificate of Exemption in Lieu of a Plat for Lot Line Adjustments: The Administrative Review Committee may determine that submission of a plat is not required for minor lot line adjustments. The Administrative Review Committee may issue a Certificate of Exemption in lieu of a plat provided the lot line adjustment meets the following requirements:

(1) The total area of the affected lot or lots is no greater than one (1) acre;

(2) The lot line adjustment will not result in a change of any lot length, width, or frontage exceeding twenty-five (25) feet;

(3) The sum of the area(s) transferred from one lot to another may not exceed 10,000 square feet;

(4) The lot line adjustment may not change the total number of lots, nor create any nonconforming lots or structures according to the minimum standards of the Urbana Zoning Ordinance or the Champaign County Zoning Ordinance, if applicable;

(I) Required Documents for a Certificate of Exemption in Lieu of Plat. The owner shall submit an affidavit for a Certificate of Exemption in lieu of a plat that shall be signed by the owners of all affected lots and shall state that the proposed lot line adjustment(s) meets all requirements for a Certificate of Exemption. The affidavit shall be accompanied by the following:

(1) A sketch plan which details the proposed lot line adjustment(s);

(2) A complete legal description of all lots subject to the proposed lot line adjustment(s) and a legal description of the lots after the proposed adjustment(s);

(3) Permanent Index numbers for all lots affected by the proposed adjustment(s);

(4) Written approval of the lot line adjustment, as depicted by the sketch plan and legal descriptions, from all utilities or governmental units having roads, sewers, drains, easements or other public services adjacent to the proposed lot line adjustment;

(5) Original notarized, signed Owner's Certificate which shall include any and all covenants affecting the development;

(6) A completed application form;

(7) Fee as established for minor development plat in Section 14-7 of this Code.

(J) Recording of Minor Development Plats: The Secretary shall cause the signed plat of a minor development and the Owner's and County Clerk's Certificates to be recorded with the County Recorder of Deeds within ninety (90) days of the last dated signature of the Administrative Review Committee's approval. The Secretary will notify the City Clerk's office of the recording. Copies of the signed plat will be kept at the City Engineer's office, the City Clerk's office and the Secretary's office. The Secretary shall send a signed copy of the plat to the Champaign County Zoning Administrator if the plat is within the City's one and one-half mile extraterritorial jurisdiction and in all cases, a copy of the plat to the appropriate Township Assessor.

(K) Limitation on Minor Development Plat Approval: The City or County shall not issue a building or zoning use permit until the Minor Development Plat is recorded. The Plat shall become void if the plat has not been recorded in accordance with Section 21-17(J), above.

(L) Recording of the Certificate of Exemption. When applicable, an approved Certificate of Exemption in lieu of a plat shall be recorded, but only contemporaneously with deeds which shall document the transfer of the parts of the existing lots. The Certificate of Exemption shall contain the name of the minor development, complete legal descriptions of the affected lots before and after the lot line adjustment(s), a list of reasons for exemption from the platting requirement, and the signatures of all members of the Administrative Review Committee.

(M) Appeals of Minor Development Decisions: The applicant may appeal the decision of the Administrative Review Committee to deny a proposed minor development plat to the Plan Commission within ten (10) days of the Secretary's written notification of the Administrative Review Committee's decision to deny. Such request for appeal shall be made in writing to the Secretary. Following such written request for approval and subsequent application for appeal, in a form to be provided by the Secretary, and payment of the appropriate fee in accordance with Section 14-7 of this Code, the Secretary shall schedule the appeal request before the Plan Commission at its next regularly scheduled meeting. The Plan Commission shall

recommmend to approve or deny the plat, in accordance with the requirements of this Chapter, and shall forward their recommendation to the City Council for consideration at the next regularly scheduled meeting of the Council as required by Section 21-15 (D). The City Council shall approve or deny the plat in accordance with the requirements for a final plat, Section 21-15 (E).

Section 17. Section 21-37, entitled "Design and Arrangement of Sidewalks, Mid-Block Walks, Lots and Blocks", is hereby amended so that subsection 21-37 (A) reads as follows:

(A) Sidewalks and Mid-Block Walks:

(1) Sidewalks shall be provided on both sides of each street in residential developments, except when the Administrative Review Committee waives this requirement in accordance with Section 21-17, Minor Developments.

(2) Sidewalks shall be required on both sides of each street in commercial development, except when the Administrative Review Committee waives this requirement in accordance with Section 21-17, Minor Developments.

(3) Sidewalks shall be required on one side of each street within industrial development, except when the Administrative Review Committee waives this requirement in accordance with Section 21-17, Minor Developments.

(4) All sidewalks shall be located within dedicated street rights-of-way and shall be roughly parallel to the adjacent street except for sidewalks considered as part of a Planned Unit Development or Mobile Home Park.

(5) The minimum width of sidewalks shall be four (4) feet, except for commercial streets, where the minimum width shall be five (5) feet.

(6) Where the street design and parallel sidewalk arrangement does not provide reasonable direct access to and from school sites, park sites neighborhood commercial centers and other pedestrian traffic generators, mid-block sidewalks may be required in accordance with Plan Commission recommendations to permit more direct pedestrian access to and from such sites. When required, such mid-block sidewalks shall be placed approximately equidistant between the two parallel streets and shall run the depth of the block to interconnect with other sidewalks. Such mid-block sidewalks shall be a minimum of four (4) feet in width, and shall be located within a right-of-way of not less than ten (10) feet in width.

Section 18. Section 21-42, entitled "Storm Water Management: Storm Sewers and Other Drainage Facilities", is hereby amended to add a new subsection 21-42 (B) (5) (d) to read as follows:

(d) It is unlawful for any person to construct or cause to be constructed any drainage facility for the purpose of the detention or retention of water within a distance of 10 feet plus one-and-one-half times the depth of any drainage facility adjacent to the right-of-way of any public highway without the written permission of the highway authority having jurisdiction over the public highway. It is also unlawful for any person to construct or cause to be constructed any earthen berm such that the toe of such berm will be nearer than ten (10) feet to the right-of-way of any public highway without the written permission of the highway authority having jurisdiction over the public highway.

Section 19. Section 21-42, entitled "Storm Water Management: Storm Sewers and Other Drainage Facilities", is hereby amended so that subsection 21-42 (C) (2) (c) reads as follows:

(c) Manholes -- All utility manholes, except storm sewer manholes constructed in an area designed for the storage or passage of storm water, shall be provided with a water-tight manhole cover.

Section 20. The City Clerk of the City of Urbana is hereby authorized to publish this Ordinance in pamphlet form.

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 21st day of October, 1991.

PASSED by the City Council on this 21st day of October, 1991.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 4th day of November, 1991.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Ruth S. Brookens, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 21st day of October, 1991, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9192-44, entitled "An Ordinance to Amend Chapter 21 of the Code of Ordinances of the City of Urbana, Illinois, Entitled the Urbana Subdivision and Land Development Code" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of ordinance No. 9192-44 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 7th day of November, 1991, 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 19th day of November, 1991.

(SEAL)

(1453.ord)



Ruth S. Brookens
CITY CLERK