

ORDINANCE NUMBER 9293-109

AN AMENDMENT TO THE ZONING ORDINANCE

OF THE CITY OF URBANA, ILLINOIS

(Common-Lot-Line Development Regulations)

(Plan Case #1480-T-92)

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 is also known as the Urbana Zoning Ordinance; and

WHEREAS, the purpose of the Urbana Zoning Ordinance is to implement the policies of the City of Urbana as expressed in the 1982 Comprehensive Plan as adopted by the City Council on September 7, 1982 and as said Comprehensive Plan is amended from time to time; and

WHEREAS, a petition was submitted by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to originate provisions for common-lot-line developments for the purpose of encouraging the construction of alternative forms of affordable housing in the City of Urbana as a means of achieving the overall goal of the 1982 Comprehensive Plan which expressed the City's intent "to provide sound and attractive residential neighborhoods which meet the housing needs of the current and future population, and which conserves land, energy, and other resources"; and

WHEREAS, said petition was presented by the Urbana Zoning Administrator to the Urbana Plan Commission for consideration as Plan Case #1480-T-92; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the proposed amendment on April 8, April 22, and May 6 1993; and

WHEREAS, the Urbana Plan Commission voted at its regular meeting on May 6, 1993 to forward Plan Case #1480-T-92 and the proposed amendments to the Urbana Zoning Ordinance described herein 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's Comprehensive Plan as amended from time to time; 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 Zoning Ordinance as described herein.

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

Section 1. Article II, entitled "Definitions", is hereby amended to insert the following definition of the term "Dwelling, common-lot-line" immediately after the definition of the term "Dwelling" and before the definition of "Dwelling, community living facility":

Dwelling, common-lot-line: A dwelling unit that adjoins another dwelling unit at a common lot line with each dwelling unit being located on its own separate lot and within a common-lot-line development approved by the City of Urbana. Each common-lot-line dwelling unit is legally eligible for separate ownership through a transfer of fee simple title.

Section 2. Table V-1, entitled "Table of Uses", is hereby amended to insert "Dwelling, Two-unit common-lot-line" in the category called Residential Uses and to designate it as a Permitted Use by inserting a "P" in the R-3, R-4, R-5, R-6, R-6B, B-1A, and MOR zoning districts and to designate it as a Conditional Use by inserting a "C" in the R-2 zoning district.

Section 3. Table V-1, entitled "Table of Uses", is hereby amended to insert "Dwelling, Multiple-unit common-lot-line" in the category called Residential Uses and to designate it as a Permitted Use by inserting a "P" in the R-4, R-5, R-6, R-6B, B-1A, B-3, B-3U, B-4, B-4E and MOR zoning districts and to designate it as a Conditional Use by inserting a "C" in the B-1 zoning district and to designate it as a Special Use by inserting an "S" in the R-7 zoning district.

Section 4. Article V, entitled "Use Regulations", is hereby amended to insert a new Section V-9, entitled "Regulations for Common-lot-line Dwelling Units" immediately following Section V-8 to read as follows:

Section V-9. Regulations for Common-Lot-Line Dwelling Units

Common-lot-line dwelling units, as defined in Article II and as permitted in Table V-1 of this Ordinance, shall be allowed in conformance with the following restrictions:

A. Subdivision of Land

1. The fee simple transfer of ownership of a portion of a lot improved with a rowhouse or townhouse or duplex for the purpose of establishing separate ownership of common-

lot-line dwelling unit(s) shall constitute a subdivision and shall be subject to the provisions of this Ordinance and to the provisions of Section 21-19 in Chapter 21 of the Urbana City Code. Each lot shall contain no more than one common-lot-line dwelling unit.

2. After a common-lot-line subdivision has been recorded, the lots shall be developed exclusively for common-lot-line dwelling units and for no other type of development. Any change in the type of development on said platted lot(s) may require approval of a new subdivision plat.

B. General Provisions

1. The provisions of the BOCA National Building Code, as adopted by the City of Urbana, shall apply to common-lot-line dwelling units rather than the provisions of the BOCA National Existing Structures Code, even if a structure exists at the time the subdivision is recorded.
2. All common-lot-line dwelling units shall have an Owner's Certificate providing for a form of maintenance agreement for the perpetual maintenance of the common-lot-line dwelling units as specified in Section 21-19-D of Chapter 21 of the Urbana City Code.
3. All fee simple transfers of ownership that were approved by the City of Urbana prior to May 1, 1993 shall be deemed to be legal and conforming uses and shall not require any further approval of a subdivision plat to be established as common-lot-line dwelling units.

C. Development Regulations

1. Platted lots which contain common-lot-line dwelling units shall be subject to and comply with the standards set forth in Article VI and Table VI-1 of this Ordinance, except as provided in this section. Each lot which contains a common-lot-line dwelling unit shall be considered separately and independently from adjoining common-lot-line dwelling units for the purpose of calculating Floor Area Ratio (FAR), Open Space Ratio (OSR), front yards, and rear yards.
2. The standards for minimum lot area and lot width for common-lot-line dwelling units shall be as follows:
 - a. For a common-lot-line building which contains three (3) or more dwelling units: Each lot shall have a minimum lot area of two thousand (2,000) square feet and a minimum street frontage of twenty (20) feet.

- b. For lots that are zoned R-2 or R-3 and were originally platted before December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 3,000 square feet and a minimum street frontage of thirty (30) feet.
 - c. For lots that are zoned R-2 or R-3 and were originally platted after December 21, 1970, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of four thousand five hundred (4,500) square feet and a minimum street frontage of forty (40) feet.
 - d. For lots that are zoned R-4, R-5, R-6, R-6B, B-1A or MOR, of which a resubdivision is proposed for a two-unit common-lot-line dwelling: Each lot shall have a minimum lot area of 3,000 square feet and a minimum street frontage of thirty (30) feet.
3. For the purpose of calculating side yards, a dwelling unit on the end of a common-lot-line building shall have a single side yard which conforms to the standards for side yards for the zoning district in which the building is located as set forth in Table VI-1 and Section VI-5 of this Ordinance. No side yards shall be required for interior lots in a common-lot-line subdivision.

Section 5. Section VI-3, entitled "Lot Area and Width", is hereby amended to delete Section VI-3-E in its entirety.

Section 6. Section VI-3, entitled "Lot Area and Width", is hereby amended so the second sentence of Section VI-3-F is hereby amended to read: *"The objective of this section is to keep new structures compatible with the scale and density of existing development in the MOR District by preventing the use of one large parcel for the purpose of erecting a single large structure."* and then Section VI-3-F as amended, is hereby renumbered as Section VI-3-E.

Section 7. Section VI-5, entitled "Yards", is hereby amended to add the phrase *"..., except for common-lot-line dwelling units where the buildable width may be reduced to twenty (20) feet as provided in Section V-9 of this Ordinance."* to Section VI-5-C(1) so said Section VI-5-C(1) after amendment shall read as follows:

1. Lots having frontage on two (2) or more streets shall have a required front yard on each street frontage, as provided in Table VI-1 and in Section VI-5-D, except that neither the buildable width nor depth of the lot shall be reduced to less than thirty (30) feet, except for common-lot-line dwelling units where the buildable width may be reduced to twenty (20)

feet as provided in Section V-9 of this Ordinance. On lots having frontage on two (2) or more streets in the R-5, R-6, R-6B and R-7 Districts, the front yard on each street frontage shall not be less than the minimum required in relation to the height of the building, as provided in Table VI-1.

Section 8. Section VI-5, entitled "Yards", is hereby amended to add the phrase "..., except as provided in Section V-9 of this Ordinance" to Section VI-5-C(2) so said Section VI-5-C(2) after amendment shall read as follows:

2. Except for common-lot-line dwelling units which may have a buildable width of twenty (20) feet as provided in Section V-9 of this Ordinance, the provision of required side yards shall not reduce the buildable width of a lot to less than thirty (30) feet, except that a required side yard shall not be less than three (3) feet. However, if the required yards vary in relation to the height of the building, as provided in Table VI-1 and in Section VI-5, the buildable width of the lot may be reduced to less than thirty (30) feet, as may be necessary in order to provide the yards required in relation to the building height.

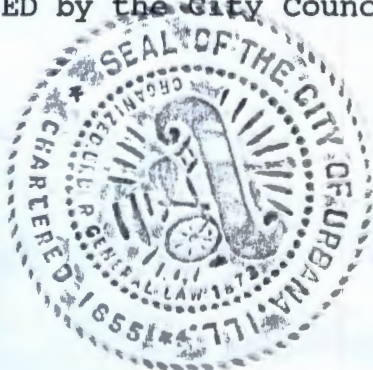
Section 9. Section VI-5, entitled "Yards", is hereby amended to amend Section VI-5-E(1) so said Section VI-5-E(1) after amendment shall read as follows:

1. For the purpose of side yard regulations, a duplex dwelling, rowhouse or townhouse building, or a multiple-family dwelling shall be deemed one (1) building occupying one (1) lot. This section shall not apply to structures which contain common-lot-line dwelling units which shall conform to the side yard regulations as provided in Section V-9 of this Ordinance.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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 17th day of May, 1993.

PASSED by the City Council on this 17th day of May, 1993.



Phyllis W. Clark
Phyllis Clark, City Clerk

APPROVED by the Mayor this 27th day of May, 1993.

Tod Satterthwaite
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 17th day of May, 1993, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-109, entitled AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9293-109 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 1st day of June, 1993, 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 15th day of June, 1993.



Phyllis D. Clark
Phyllis D. Clark, City Clerk