

ORDINANCE NO. 9293-110

AN ORDINANCE TO AMEND CHAPTER 21
OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS
ENTITLED
THE URBANA SUBDIVISION AND LAND DEVELOPMENT CODE

(Common-lot-line Subdivisions)

(Plan Case #1497-T-93)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance #8889-33 on November 21, 1988 which Ordinance enacted a comprehensive revision of Chapter 21 of the Code of Ordinances of the City of Urbana which is 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 design standards and procedures for developments within the City of Urbana and within the One and One-half Mile Extraterritorial Jurisdiction of the City of Urbana; and

WHEREAS, a petition was submitted by the Urbana Zoning Administrator to amend the Urbana Subdivision and Land Development Code 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 #1497-T-93; and

WHEREAS, the Urbana Plan Commission conducted a public hearing on the proposed amendment to the Subdivision and Land Development Code 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 #1497-T-93 and the proposed amendments to the Urbana Subdivision and Land Development Code 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 of Urbana's 1982 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 Subdivision and Land Development Code as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that the Subdivision and Land Development Code of the City of Urbana, Illinois is hereby amended as follows:

Section 1. Article I, Section 21-04 entitled "Definitions", is hereby amended to insert the definition for the term " Dwelling, common-lot-line" immediately after the definition of "Driveway" and before the definition of "Easement" to read as follows:

Dwelling, common-lot-line means 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. Section 21-13-C, entitled "Development Sketch Plan", is hereby amended to amend Section 21-13-C(3) to read as follows:

- (3) Proposed Zoning (if any change is intended) and proposed land use. State whether the lot(s) will be subdivided for common-lot-line dwelling units.

Section 3. Section 21-14-G, entitled "Required Content of a Preliminary Plat and Supporting Documents", is hereby amended to insert a new Section 21-14-G(3)(1), immediately following Section 21-14-G(3)(k), to read as follows:

- (1) State whether the lot(s) will be subdivided for common-lot-line dwelling units.

Section 4. Section 21-15, entitled "Final Plat of a Major Development", is hereby amended to amend Section 21-15-A(10) to read as follows:

10. An Owner's Certificate stating that the applicant/developer holds sole or joint title to the property being developed and that the property has been surveyed. The Owner's Certificate shall be acknowledged before a notary, shall contain dedications to the public and any proposed covenants to run with the property, and shall be dated and signed by the owner or owner's designee. Where land is proposed to be subdivided for common-lot-line dwelling units, the applicant/developer

shall include a notation in the Owner's Certificate indicating such intent and the Owner's Certificate shall provide for the requirements stated in Section 21-19-D.

Section 5. Article II, entitled "Procedures and Plat Requirements", is hereby amended to insert a new Section 21-19, entitled "Common-lot-line Subdivisions", immediately following Section 21-18, to read as follows:

Section 21-19. COMMON-LOT-LINE SUBDIVISIONS

(A) Applicability: The subdivision of land into lots for common-lot-line dwelling units, as defined and regulated in the Urbana Zoning Ordinance, shall conform to all requirements of this Chapter.

(B) Formal Statement of Intent: Where land is proposed to be subdivided for common-lot-line dwelling units, the sketch plan, the preliminary plat, and/or the final plat shall bear the following notation indicating such intent: "This subdivision was approved as a common-lot-line development and as such complies with all provisions of the Urbana Subdivision and Land Development Code."

(C) Application and Procedural Requirements: The subdivision and development of lots for common-lot-line dwelling units shall conform to the application and procedural requirements found in Article II of this Chapter.

(D) Required Maintenance Agreement: A request for approval of a subdivision for common-lot-line dwelling units shall be accompanied by a form of agreement by and between the owner(s) and future owner(s) to own, use, maintain, rent, or otherwise occupy the common-lot-line dwelling units. This maintenance agreement shall provide for the following:

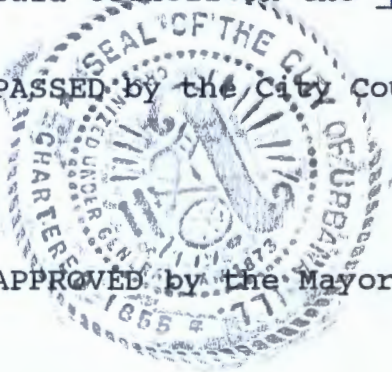
- (1) all appropriate signatures and certificates with signature of notary
- (2) rules and regulations regarding the maintenance, upkeep and repair of the building(s) or structure(s), all common areas (if any), roof and all areas of pavement surfaces including sidewalks, drives and off-street parking facilities and similar improvements
- (3) party wall easements for all common walls located between the common-lot-line dwelling units
- (4) repair and maintenance of any common service sewers providing for necessary easements of ingress and egress
- (5) insurance to cover the structure(s) and, if desired, homeowner's insurance for each individual dwelling unit or public liability insurance
- (6) for townhouse or rowhouse units, a governing board, and 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
- (7) covenants to assure the repair and reconstruction of any damaged common-lot-line dwelling unit(s) to a condition and style consistent with the architectural style of the other common-lot-line dwelling unit(s) remaining in the structure
 - (8) covenants and/or easements providing for reasonable ingress and egress for general repairs, utility connection and repairs, and maintenance.

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 D. Clark
Phyllis D. Clark, City Clerk

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

Tod Satterthwaite
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

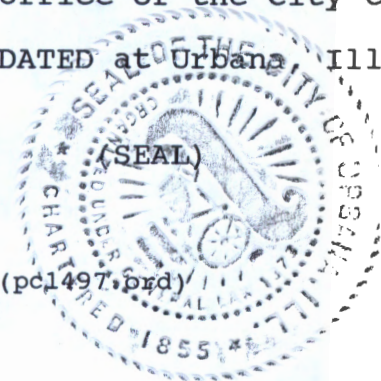
I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 17th day of May, 1993, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-110, entitled "AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF ORDINANCES, 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. 9293-110 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

(pc1497.prd)