

ORDINANCE NO. 9495-33

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

Creation of the Position of Boneyard Creek Commissioner

Plan Case #1544-T-94

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #1544-T-94; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing to consider the proposed amendment on August 4, 1994; and

WHEREAS, the Urbana Plan Commission voted at its regular meeting on August 4, 1994 to forward Plan Case #1544-T-94 and the proposed amendments to the Urbana City Council with a recommendation for approval; 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. The following paragraphs of Subsection One of Section VII-8 entitled "Special Procedures in the Boneyard Creek District" are amended as indicated:

- E. To provide incentives for redevelopment through private initiative in a manner consistent with the Boneyard Creek Master Plan, Comprehensive Plan and any

amendments thereto, and any other documents or agreements which regulate or restrict development in the Boneyard Creek Corridor.

Paragraph G of Subsection One of Section VII-8 is hereby deleted.

Section 2. The following paragraphs of Subsection Seven of Section VII-8 are amended as indicated:

- A. *Preliminary conference.* The Zoning Administrator shall provide all necessary information to prospective applicants for Creekway permits under this section. An applicant shall contact the Zoning Administrator to schedule a preliminary conference with the Zoning Administrator, the Building Safety Division Manager, the City Engineer and the Boneyard Creek Commissioner to discuss the Boneyard Creek Master Plan and the Creekway permit procedures.

- C. *Zoning administration permit.* The Zoning Administrator, after consultation with the City Engineer and the Boneyard Creek Commissioner, shall be authorized to grant a Creekway permit based on his/her determination that the provisions of the underlying zoning classification have been complied with and that:
 - 1. A requested modification of the front or rear yard requirements of the underlying zoning classification of not more than thirty (30) feet is reasonable; and
 - 2. That the minimum setback from the Creek is maintained in accord with the building line requirements of this Article; and
 - 3. That the standards of subsection Five, D, E, F, G, H and I of this section are complied with.

When approval may be granted by the Zoning Administrator pursuant to subsection 7-C, he/she shall transmit notice of intent to grant a Creekway permit and a copy of the proposed permit to the Plan Commission and the Boneyard Creek Commissioner. If no objection is received from either the Plan Commission or the Boneyard Creek Commissioner within ten (10) days from its date of transmittal, the Zoning Administrator shall grant such permit. During such ten-day period, any aggrieved party or any public official or entity may appeal the Administrator's proposed grant of the Creekway permit to the City Council.

- D. *Referral to Plan Commission.* When an application for a Creekway permit requests modifications in excess of those authorized by subsection 7-C, the Zoning Administrator shall, within five (5) working days after receipt of an application determined by the Zoning Administrator to be complete, provide a complete copy

of the application to the Plan Commission and the Boneyard Creek Commissioner. The Boneyard Creek Commissioner and appropriate City staff shall submit any recommendations with respect to each application to the Plan Commission within twenty (20) days.

- E. *Plan Commission determinations.* The Plan Commission shall review all recommendations and the applications and make its determination at a public meeting and return the documents to the Zoning Administrator with directions to:
1. Grant the Creekway permit based upon the application as approved by the Plan Commission and subject to any specific requirements or conditions as determined by the Plan Commission; or
 2. Deny the Creekway permit based on the application's failure to present a plan in accordance with the Boneyard Creek Master Plan , the Comprehensive Plan and any amendments thereto, any other ordinances or agreements regulating development in the Boneyard Creek corridor, and the provisions of this section; or
 3. Defer action on the application based on a determination that modifications of the use, density and other requirements of the underlying Zoning Ordinance are beyond those authorized by this section. In which case, the Zoning Administrator shall forward the applications and the recommendations of the Plan Commission, the Boneyard Creek Commissioner and appropriate City staff to the City Council. The City Council shall, following notice as required in Section XI-10, review the recommendations and application at a public hearing. The Council shall grant the application for a Creekway permit only upon a vote necessary for the passage of an ordinance and, if granted, shall determine what conditions and requirements will be applied to the Creekway permit.

Section 3. Article XI is amended to add Section XI-13 as indicated:

Section XI-13. Boneyard Creek Commissioner

1. Upon the effective date of this amendment, there is hereby created the position of Boneyard Creek Commissioner to assist in the administration of the Creekway Permit system in conformance with Section VII-8 of this ordinance.
2. The Boneyard Creek Commissioner shall be a resident of the City of Urbana, and he or she shall be appointed by the Mayor, subject to confirmation by the City Council.

3. The Boneyard Creek Commissioner shall be appointed based on his/her qualifications, including education and experience in evaluating plans and evidence submitted.
4. The Boneyard Creek Commissioner shall serve a term of three (3) years.
5. The City Council shall have the power to remove the Boneyard Creek Commissioner for cause, after public hearing, held after at least ten (10) days of notice to the Commissioner of the charges against him/her.

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).

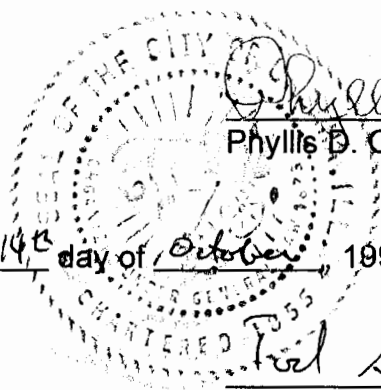
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 3rd day of October, 1994.

PASSED by the City Council on this 3rd day of October 1994.

AYES: Hayes, Singer, Taylor, Whelan

NAYS: Pollock

ABSTAINED: Patt*



Phyllis D. Clark

 Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 14th day of October, 1994.

Tod Satterthwaite

 Tod Satterthwaite, Mayor

*The Mayor ruled that the abstention should be counted with the majority.



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 3rd day of October, 1994, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-33, entitled "AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (CREATION OF THE POSITION OF BONEYARD CREEK COMMISSIONER) (PLAN CASE #1544-T-94)", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9495-33 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 18th day of October, 1994, 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 18th, day of October, 1994.



Phyllis D. Clark

Phyllis D. Clark, City Clerk

By Deborah J. Roberts, Deputy Clerk

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Passed by the City Council

October 3, 1994



Published in Pamphlet Form

October 18, 1994