

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

(Amendment to Codify the Practice of Modifying the Application of the Zoning Ordinance in the Annexation Agreement Approval Process)  
(Plan Case #1564-T-95)

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 #1564-T-95; 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 February 9, 1995; and

WHEREAS, the Urbana Plan Commission voted at its regular meeting on February 9, 1995 to forward Plan Case #1564-T-95 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. Section XI-2, paragraph C of the Zoning Ordinance is amended to replace all of the text of subparagraph 7 with new text and add subparagraph 8 as indicated:

7. To consider any proposed annexation agreement which prescribes any zoning classification for the property to be annexed other than that automatically provided for in Section IV-5 of the Zoning Ordinance, and make

recommendations thereon to the City Council as provided for in Section XI-13 of this Article.

8. Such other responsibilities as may be specifically delegated to the Plan Commission by the City Council, or by the Urbana Zoning Ordinance.

Section 2. Section XI-4 of the Zoning Ordinance is amended to replace all of the text of paragraph E with new text add paragraph F as indicated:

- E. Consider and decide upon any and all proposed changes in zoning, variances or other modifications in the application of the Zoning Ordinance which are required as part of a proposed annexation agreement.
- F. Any other duties and responsibilities assigned to the City Council by this Ordinance.

Section 3. The opening paragraph of Section XI-7 is amended as indicated:

#### Section XI-7. Amendments

The regulations and standards, restrictions and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed. No such action may be taken except by following the procedure set forth in this Section or by approval and execution of an annexation agreement according to State Law and procedures outlined in Section XI-13 in this Article. The required procedure in this section includes the following:

Section 4. Article XI is amended to add Section XI-13 as indicated:

#### Section XI-13. Changes of Zoning, Variances and Other Modifications of the Zoning Ordinance in an Annexation Agreement.

- A. If a proposed annexation agreement prescribes any zoning classification for the property to be annexed other than that automatically provided for in Section IV-5 of the Zoning Ordinance, the Plan Commission shall conduct a public hearing concerning the proposed agreement according to the procedures established by the Plan Commission. Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed agreement. The City Council shall then conduct a public hearing to consider the proposed annexation agreement and the recommendation of the Plan Commission.

- B. All other proposed annexation agreements proposing any other variances from or modifications to the application of the Zoning Ordinance to the subject property at the time of annexation, shall be submitted directly to the City Council for consideration of those variances or modifications at a public hearing, without the need for any prior action by any City Board or Commission otherwise authorized or empowered to consider such variances or modifications.
- C. If the Council's decision on a proposed annexation agreement is favorable, it shall adopt the agreement by ordinance. The ordinance shall expressly approve of the implementation of any and all zoning changes, variances or other modifications in the application of the Zoning Ordinance to the property, when annexed, which are required by the agreement. Upon execution of the annexation agreement by all parties to the agreement, any zoning changes, variances or other modifications in the application of the Zoning Ordinance which are required by the agreement shall be deemed approved without any further action by any other City Board or Commission otherwise authorized or empowered to consider and/or grant such changes, variances or modification.
- D. The City Planner or designee shall fix the date and time for all public hearings before the City Council required under this section and notice thereof shall be published in the manner required under 65 ILCS 5/11-15.1-3 of the Municipal Code. Notice for all public hearings before the Urbana Plan Commission under this section shall be published and mailed to surrounding property owners in the same manner as is required under Section XI-10 for a hearing to consider a proposed zoning map amendment. If no hearing before the Urbana Plan Commission is required under this Section, and the first public hearing is before the City Council, notice for that public hearing shall be mailed to surrounding property owners in the same manner as is required Under Section XI-10 for a hearing before the Urbana Plan Commission to consider a proposed zoning map amendment. Any notice required to be mailed to surrounding property owners under this Section shall be deemed to be a courtesy to said persons and shall not be deemed jurisdictional.

Section 5. The Code of Ordinances is amended to add Article VII as indicated:

ARTICLE VII. ANNEXATION AGREEMENTS.

Sec. 2-150. Public Hearings

- (a) The City Council shall conduct public hearings to consider and decide upon any proposed annexation agreements, except that proposed annexation agreements which require a zoning classification for the subject property other than that automatically provided for in Section IV-5 of the Zoning Ordinance shall first be considered by the Urbana Plan Commission at a public hearing as is required in Section XI-13 of the Zoning Ordinance.
- (b) The City Planner or designee shall fix the date and time for all public hearings before the City Council required under this section.
- (c) Notice for all public hearings before the City Council under this Section shall be published in the manner required under 65 ILCS 5/11-15.1-3 of the Municipal Code. Notice for all public hearings before the Urbana Plan Commission under this Section shall be published and mailed to surrounding property owners in the same manner as is required under Section XI-10 of the Zoning Ordinance for a hearing to consider a proposed zoning map amendment. If the proposed annexation agreement includes conditions which modify or vary the application of the Zoning Ordinance to the property, but no public hearing before the Urbana Plan Commission is required and the first public hearing is before the City Council, notice of that public hearing shall be mailed to surrounding property owners in the same manner as is required under Section XI-10 of the Zoning Ordinance for a hearing to consider a proposed zoning map amendment. Any notice required to be mailed to surrounding property owners under this Section shall be deemed to be a courtesy to said persons and shall not be deemed jurisdictional.

Section 6. 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).

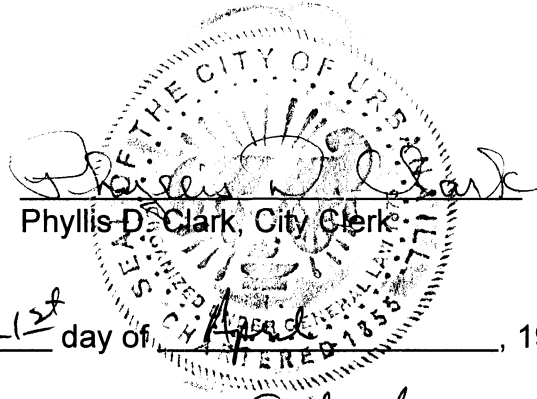
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 17th day of April, 1995.

PASSED by the City Council on this 17th day of April, 1995.

AYES: Hayes, Patt, Pollock, Ryan, Singer, Taylor, Whelan

NAYS:

ABSTAINED:



APPROVED by the Mayor this 21<sup>st</sup> day of April, 1995.

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 \_\_\_\_ day of \_\_\_\_\_, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN AMENDMENT TO THE ZONING ORDINANCE AND THE CODE OF ORDINANCES OF THE CITY OF URBANA, ILLINOIS (Amendment to Codify the Modification of the Application of the Zoning Ordinance in the Annexation Agreement Process)" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_ day of \_\_\_\_\_, 1995, 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 \_\_\_\_ day of \_\_\_\_\_, 1995.

(SEAL)

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

(1564.ORD)



CERTIFICATE OF PUBLICATION  
IN PAMPHLET FORM



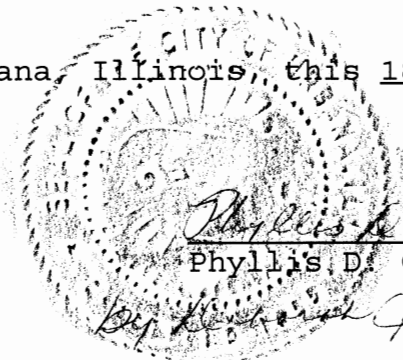
I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 17th day of April, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9495-95, entitled "AN AMENDMENT TO THE ZONING ORDINANCE AND THE CODE OF ORDINANCES OF THE CITY OF URBANA, ILLINOIS (AMENDMENT TO CODIFY THE PRACTICE OF MODIFYING THE APPLICATION OF THE ZONING ORDINANCE IN THE ANNEXATION AGREEMENT APPROVAL PROCESS) (PLAN CASE #1564-T-95)", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9495-95 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 17th day of April, 1995, 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 April, 1995.

(SEAL)



*Phyllis D. Clark*  
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Phyllis D. Clark, City Clerk  
*By Richard J. Roberts, Deputy Clerk*