

ORDINANCE NO. 9596-58

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

(Amendment to Correct Miscellaneous Errors in the Text of the Zoning Ordinance -
Plan Case # 1598-T-95)

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the text of the Urbana Zoning Ordinance to correct various inadvertent errors in said text; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #1598-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 November 9, 1995; and

WHEREAS, the Urbana Plan Commission voted at its regular meeting on November 9, 1995 to forward Plan Case #1598-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. In Section VI-5, paragraph C-1 is amended to 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-6 and R-6B 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 2. Footnote number 1 to Table VI-1 entitled "Development Regulations by District is amended to read as follows:

1. In the R-1 District, the required front yard shall be the average depth of the existing buildings in the block, or 25 feet, whichever is required in Sec. VI-5-D(1). In the R-2, R-3, R-4, R-5, R-7 and MOR Districts, the required front yard shall be the average depth of the existing buildings in the block, or 15 feet, whichever is greater as required in Sec. VI-5-D(1).

Section 3. In Section XI-4, paragraph E and F are amended, and paragraph G is added to read as follows:

- E. The City Council may approve a site plan for a new site for the relocation of a business within the same Tax Increment Financing District, if the relocation is necessitated by a redevelopment project in an approved Tax Increment Financing District redevelopment project area defined in a duly approved Tax Increment Financing Plan. The City Council may approve said site plan only after conducting a City Council public hearing following notice as required in Section XI-10. The City Council's approval of a site plan may include the varying or waiving, with any conditions deemed appropriate by the City Council, of any provision of the Zoning Ordinance or Subdivision and Land Development Code including but not limited to setbacks, FAR, OSR, number of parking spaces and configuration of parking, height of buildings and lot size reduction, and it may permit the expansion or continuation in use of a nonconforming structure and/or signs. Authorized variances and waivers shall not include a use variance. City Council approval shall be expressed by a duly enacted ordinance.

Upon receipt of written request for City Council approval of a site plan from the Chief Administrative Officer, the Zoning Administrator may establish a public hearing date and proceed with public notice in accordance with Section XI-10 of the Urbana Zoning Ordinance. The notice so published shall contain the common street address, if any, of the subject site and a general description of the nature of any variance or waivers requested in connection with the approval of such site.

- F. 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.
- G. Any other duties and responsibilities assigned to the City Council by this Ordinance.

Section 4. In Section IX-10, paragraph C as adopted in Ordinance No. 9495-80 is relabeled paragraph C of Section XI-10, to read as follows:

C. Notice by sign.

1. In any case where a property owner, or a person acting on behalf of said property owner is requesting a public hearing under this Ordinance for any zoning action concerning that property, the property owner shall permit staff of the Department of Community Development Services to post a sign on said property, visible from adjacent roadways, to notify the public about the public hearing. In cases where someone other than the owner or someone acting on the owner's behalf is the applicant for the public hearing, the required sign shall be posted by staff of the Department of Community Development Services on the public right of way adjoining the subject property. Said sign or signs shall be posted not less than fifteen (15) days but not more than thirty (30) days prior to the date of the opening of the public hearing. A good faith effort shall be made to keep the signs in place until the date of commencement of the public hearing. Said signs shall be removed no later than ten (10) days after the completion of the final public hearing.
2. The required sign shall contain the words "NOTICE OF PUBLIC HEARING" at the top of the sign. The sign shall indicate the nature of the zoning change being requested and the time, date and location of the public hearing. In addition, the sign shall indicate the phone number of the Department of Community Development Services.
3. The City Planner may waive the requirement to post the sign in cases involving multiple lots to avoid confusing the public or to avoid an unreasonable burden on the staff of Community Development Services. Said waiver shall be made a part of the record of the case.
4. A good faith effort shall be made to comply with the requirements of paragraphs C.1 and C.2 above. However, compliance with those requirements shall not be regarded as jurisdictional.

Section 5. Section XI-13 is amended and Section XI-14 is added to read as follows:

Section XI-13. Boneyard Creek Commissioner

- A. 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.

- B. 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.
- C. The Boneyard Creek Commissioner shall be appointed based on his/her qualifications, including education and experience in evaluating plans and evidence submitted.
- D. The Boneyard Creek Commissioner shall serve a term of three (3) years.
- E. 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.

Section XI-14. 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 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).

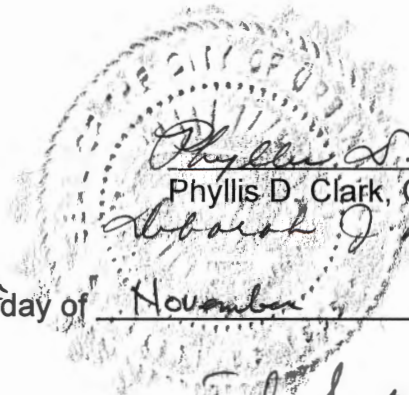
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 20th day of November, 1995.

PASSED by the City Council on this 20 day of November, 1995.

AYES: Hayes, Kearns, Patt, Ryan, Taylor, Whelan

NAYS:

ABSTAINED:



Phyllis D. Clark by
Phyllis D. Clark, City Clerk
Abraham J. Roberts, Deputy Clerk

APPROVED by the Mayor this 27th day of November, 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 20th day of November, 1995, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9596-58, entitled "AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (AMENDMENT TO CORRECT MISCELLANEOUS ERRORS IN THE TEXT OF THE ZONING ORDINANCE - PLAN CASE #1598-T-95)"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9596-58 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 28th day of November, 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 28th, day of November, 1995.

(SEAL)



Phyllis D. Clark by
Phyllis D. Clark, City Clerk
Deborah J. Roberts, Deputy Clerk