

ORDINANCE NO. 9899-37

**AN ORDINANCE APPROVING AN AMENDMENT TO THE TEXT TO THE CITY OF
URBANA SUBDIVISION AND LAND DEVELOPMENT CODE**

(Development Definition - Plan Case No. 1707-T-98)

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance #8889-33 on November 21, 1988 which adopted the Subdivision and Land Development Code of the City of Urbana (hereinafter referred to as the "Subdivision Regulations"), as it is amended from time to time; and

WHEREAS, the Community Development Director has requested an amendment to the Subdivision and Land Development Code to allow a change to the "definitions" section of the Subdivision Regulations; and

WHEREAS, said amendment will provide for an improved and more inclusive definition of "development", and;

WHEREAS, the Urbana Plan Commission considered the said amendment at the October 8, 1998 Plan Commission meeting; and

WHEREAS, the Urbana Plan Commission voted to forward the proposed amendment 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 interest of the City of Urbana to amend the text of Chapter 21 of the Urbana City Code as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that Chapter 21 of the Urbana City Code, Urbana, Illinois, and its referenced sections, is hereby amended as follows:

Amend Section 21-4, entitled Definitions, (b) "development" to include subsection (1), and renumber the existing subsections to read as follows:

Development means any activity causing a change to be made in the legal rights or physical state of the real estate such that:

- (1) The activity meets the threshold of Section 21-42 (b) and requires a stormwater management plan; or
- (2) The activity creates a substantial use demand for new sanitary sewage service, collection

and treatment, or the activity shall require the extension of a sanitary sewer system collector or interceptor, or the installation and capping of sanitary sewer lines, in accordance with Section 21-41 of this chapter; or

- (3) The activity constitutes any mining, quarrying, or other excavations related thereto; or
- (4) The activity constitutes the creation or change of a Subdivision or resubdivision lot-line adjustment; or
- (5) The activity constitutes the creation or a change of a Mobile Home Park; or
- (6) The activity constitutes the creation or change of a Planned Unit Development;
- (7) The following activities are not considered to constitute a development:
 - (a) The transfer of any existing building or use rights for use of a single individual parcel, as it then exists immediately prior to any sale or lease where such transfer or lease does not create any additional parcel by exception; or
 - (b) The dedication of land for public use to a public entity, the vacation of any land so dedicated, and the taking of property rights through eminent domain or inverse condemnation; or
 - (c) The construction of one single family dwelling and/or farm related structures on a single lot or the creation or transfer of a single lot of ten acres or more, except share such acreage or structures are at locations of future streets as designated in the official Comprehensive Plan; or
 - (d) The maintenance or improvement of an existing public street or railroad by a public utility not involving redesign if the work is carried out on land within the boundaries of the right-of-way; or
 - (e) Work by any utility not including redesign for the purpose of inspection repair, removal or construction on established rights-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, power poles, trunk lines or the like; or
 - (f) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products or for other agricultural purposes; or
 - (g) Individual installation of a building sewer, service connection, or lateral.

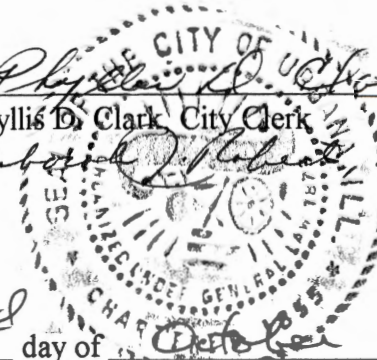
This Ordinance is hereby passed by the affirmative vote of the members of the corporate authorities then holding office, the "ayes" and "nays" being called at a regular meeting of said Council on the 19th day of October, 1998.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINED:

PASSED by the City Council on this 19th day of October, 1998.


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

APPROVED by the Mayor the 23rd day of October, 1998.

Tod Satterthwaite
Tod Satterthwaite, Mayor