

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS**

**(Regarding Nonconformities Created Through Government Acquisition
Plan Case No. 1850-T-03)**

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend Article X with respect to the relocation of nonconformities created through government acquisition to allow for more flexibility and recognition of nonconformities that are created or exacerbated through government acquisition or under threat of government acquisition; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1850-T-03; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Section 11-13-14 of the Illinois Municipal Code, the Urbana Plan Commission held a public hearing to consider the proposed amendment on February 6, 2003 and on February 20, 2003; and

WHEREAS, the Urbana Plan Commission voted 8 ayes and 0 nays to forward the proposed amendment set forth in Plan Case No. 1850-T-03 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, as follows:

Section 1. A new Section X-10, Nonconformities Created Through Government Acquisition, is hereby added to the Urbana Zoning Ordinance to read as follows:

Section X-10 Nonconformities Created Through Government Acquisition

A. If the owner of a parcel that is affected by reason of a government acquisition, either by eminent domain or under threat of eminent domain, of all or a portion of such owner's land asserts that his/her use, building or structure is adversely affected by such government acquisition, and such owner desires to move all or any portion of his/her rights to continue the use, building or structure on the same or an adjoining parcel, regardless of the conforming status of such use, building or structure, such permission to move may be granted by the Zoning Administrator if the Zoning Administrator determines that allowing such move does not increase congestion in streets or endanger the health, safety, morals or general welfare of the area to which the use, building or structure is relocated or otherwise cause additional violation of the Zoning Ordinance. Relocation of any nonconforming use, building, or structure shall not be any greater in extent or intensity than the current use, building, or structure and shall be relocated as proximate to the existing use, building or structure as is practical.

Section 2. 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).

PASSED by the City Council this 3rd day of March,
2003.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 3rd day of March,

2003.



Phyllis E. Clark
Phyllis E. Clark, City Clerk

Robert J. Clark
Deputy Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor