

ORDINANCE NO. 2003-07-073

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(To add Section XI-15, Interim Development Ordinance - Moratorium on Development in the M.O.R., Mixed-Office Residential Zoning District- Plan Case No. 1859-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, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District call into question their compliance with the stated intent of the district; and

WHEREAS, the City of Urbana intends to conduct a review of regulations and procedures of the M.O.R., Mixed-Office Residential Zoning District to address these concerns; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance in order to create

a 120-day moratorium on the issuance of demolition and new building permits in the district; and

WHEREAS, the Interim Development Ordinance submitted to the Urbana Plan Commission included the following goals: 1) To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined. 2) To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties. 3) To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district. 4) To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district. 5) To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility; and

WHEREAS, on July 10, 2003, the Urbana Plan Commission voted 7-0 to recommend approval of Plan Case 1859-T-03; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Zoning Ordinance of the City of Urbana is hereby amended by adding a new Section XI-15 to be titled "M.O.R., Mixed-Office Residential Moratorium" which provides as follows:

Section XI-15. M.O.R., Mixed-Office Residential Moratorium

- A. Statement of Purpose** - The purposes of the regulations contained in this Article are:
1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
 2. To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
 3. To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning

District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.

4. To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
5. To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

B. Boundaries - All parcels with the present zoning district classification of M.O.R., Mixed-Office Residential Zoning District as identified on the official Zoning Map published by the City of Urbana on March 17, 2003 by Ordinance No. 2003-03-026.

C. Use and Development Regulations - No demolition or new building permits shall be issued within the M.O.R., Mixed-Office Residential Zoning District other than those

that meet the requirements for the variations and exceptions listed below in Section XI-15.E. The Development Review Board shall not consider applications submitted during the duration of the Interim Development Ordinance as specified in Section XI-15.D below. The provisions of this Article shall not prevent the issuance of plumbing, electrical, mechanical permits or interior remodeling permits not affecting the use of the property.

D. Duration - 120 calendar days from July 22, 2003

E. Variations and Exceptions

Health, Safety and General Welfare

The Zoning Administrator may authorize a demolition or building permit when it is evident that the permit request has a direct impact on the immediate health, safety and general welfare of the public.

Fire, Explosion, Act of God

The Zoning Administrator may authorize the issuance of a permit for the demolition and reconstruction of any structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph "reconstruction" means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units, which were lawfully existing in the destroyed structure on the date it was destroyed.

Hardship

The Zoning Administrator may authorize the issuance of a permit when the owner of the property demonstrates that disallowing such a permit would eliminate any reasonable use of the property.

Specific Property Exceptions

The following properties shall have specific exceptions applied to them:

611 West Green Street

Site plan review and the issuance of building permits to complete the construction of the 8-unit apartment building as approved by the Development Review Board on April 17, 2003 shall be permitted. The Development Review Board may also consider minor alterations to the approved site plan as requested by the developer.

605 West Green Street

A site plan proposal for a multi-family development at 605 West Green Street is currently being considered by the Development Review Board. Action on the case was tabled at the June 16, 2003 meeting pending revisions to be made by the applicant. Final Board review shall proceed and demolition and new building permits may be issued for the site in strict compliance with any approved site plans.

701 West Green Street

An application for development of a multi-family use was submitted to the Development Review Board for 701 West Green Street on July 16, 2003. The Development Review Board shall consider site plans submitted and

demolition and new building permits may be issued for the site pending action by the Development Review Board.

410½ West Elm Street

Litigation is pending and further litigation may be filed by the City for demolition of an unsafe and dilapidated structure at 410½ West Elm Street. Demolition and other activities to render the property safe, as ordered by the court or as agreed to by the owner and the City may be permitted during the length of the IDO.

Section 2. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

Section 3. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance in conflict with the provisions of this Ordinance.

Section 4. This Ordinance shall be effective July 22, 2003.

Section 5. 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 21st day of July,
2003.

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

NAYS:

ABSTAINS:



Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 22nd day of July,
2003.




Tod Satterthwaite, Mayor