

RESOLUTION NO. 9192-R36

A RESOLUTION OF PROTEST

WHEREAS, the Champaign County Board's Environment and Land Use Committee has directed Frank DiNovo, Director of the Champaign County Planning and Zoning Department to petition the Champaign County Board to amend four sections of the County Zoning Ordinance related to reducing side yard setbacks in the R-1 and R-2 Districts, to allowing multiple dwelling units on one lot in the R-4 District and to regulating the maximum size and setbacks of accessory buildings and structures; and

WHEREAS, the City of Urbana previously considered the proposed amendments and protested the enactment of the proposed amendments unless said amendments were first altered as recommended in said resolution of protest, Resolution No. 9192-R23; and

WHEREAS, the Champaign County Zoning Board of Appeals thereafter altered the proposed amendment under consideration; and

WHEREAS, said altered amendment has been resubmitted to the City of Urbana for comment after its amendment and is being considered by the City of Urbana under the name and style of "Champaign County ZBA Case #774-AT-91, Amendment Related to Residential Sideyards, Multiple Buildings on Lot in R-4, Multiple Family Residence District and Accessory Buildings and Structures"; and

WHEREAS, The Urbana Plan Commission has considered matters pertaining to said altered amendment at their April 23, 1992 Plan Commission meeting and has forwarded the said altered amendment to the Urbana City Council with a recommendation that the Urbana City Council strongly protest one section of the proposed amendment unless altered as required herein; and

WHEREAS, the Urbana City Council finds that allowing multiple dwelling units by right on a single lot in the R-4 District is not in the best interests of the City of Urbana because this portion of the proposed amendment could result in the proliferation of developments that could affect future land development in the City's 1 1/2 mile area; such developments could result in land-locked properties without access to a public street; and in addition, the current draft of the language allowing multiple dwelling units by right when the "site plan is subject to approval by a zoned municipality pursuant to an enforceable annexation agreement or other municipal ordinance" does not define "other municipal ordinance" so that there is some question how the City's ordinances would apply in the 1 1/2 mile area;

WHEREAS, the Urbana City Council, having duly considered all matters pertaining hereto, finds and determines that the portion of the proposed amendment that would allow multiple

dwelling units by right on one lot in the R-4 District would not be in the best interests of the City of Urbana.

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

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council, on behalf of the said City, hereby resolves that the City of Urbana should and hereby does protest the proposed amendment as set forth in Champaign County ZBA Case #774-AT-91 and urges that it not be adopted; provided however, that this protest shall be considered to be withdrawn and held for naught if the text amendment proposed in Champaign County ZBA Case #774-AT-91 is amended so that Section 4.2.1E reads similarly to:

4.2.1E. Providing that all other applicable requirements of this ordinance are met, more than one MAIN or PRINCIPAL STRUCTURE or BUILDING on a LOT in the R-4, Multiple Family Residence District to be USED for residential or institutional use shall be permitted as of right when the site plan is approved by a zoned municipality having jurisdiction over the site by virtue of the site's location in the municipality's 1 1/2 mile extraterritorial jurisdiction.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this Resolution to the aforesaid Mr. Frank DiNovo at 1303 North Cunningham Avenue, Urbana, Illinois 61801 and to Thomas J. Difanis, State's Attorney of Champaign county, Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois 61801.

1992. PASSED by the City Council this 18th day of May


Ruth S. Brookens
Ruth S. Brookens, City Clerk

1992. APPROVED by the Mayor this 19th day of May

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

FILED

MAY 19 1992

CLERK'S CERTIFICATE

Dennis R. Bing
COUNTY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of a resolution entitled, "A RESOLUTON OF PROTEST" approved by the City Council of the City of Urbana, Illinois, on the 18th day of May, A.D. 1992, as appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 19th day of May, A.D. 1992.

Ruth S. Brookens
Ruth S. Brookens, City Clerk