



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Officer

FROM: Elizabeth H. Tyler, AICP, City Planner

DATE: February 27, 2003

SUBJECT: Plan Case No. 1850-T-03: Request by the Zoning Administrator to amend Article X of the Zoning Ordinance, Regarding Nonconformities Created Through Government Acquisition

Introduction

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to allow recognition of and more flexible regulation of nonconformities that are created or exacerbated through government acquisition or under threat of government acquisition (i.e., eminent domain). The proposed amendment would provide for administrative approval of the relocation of such uses, buildings or structures to adjoining locations under certain conditions. Additional related amendments, including relief from termination provisions and allowance of a time period during which extensions of the created nonconformities may be allowed were also discussed by the Plan Commission but are not being proposed at this time due to the need for additional research and discussion.

Background

The requested amendment comes as a result of recent roadway improvement projects in Urbana that have resulted in the creation of nonconforming uses, structures, or buildings. These nonconformities have occurred in instances where the existing use, structures, or building was previously conforming and in instances where the existing use, structure, or building was legally nonconforming, but could lose this status as a result of the government acquisition. The potential loss of zoning rights in either case was not due to any action on the part of the individual owning or operating the use, structure or building, but solely due to the government acquisition. Such loss of rights acts as a deterrent for the expeditious and fair acquisition of the property and serves as an impediment to the overall public good in pursuing planned improvements to public facilities.

Proposed Amendment

The following new section is proposed to be added to Article X, Nonconformities, of the Zoning Ordinance:

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.*

Issues and Discussion

The proposed amendment would allow some pre-existing zoning rights to be largely maintained with the government acquisition thereby helping to facilitate the transaction and providing greater assurance to the affected individuals or property owners. Under the proposed amendment, relocation of the use, structure, or building to an immediately adjoining location of no greater extent or intensity may be approved by the Zoning Administrator. Any other expansion, change, or addition to the use, structure or building would require Zoning Board of Appeals review and approval under the provisions of the existing Section X-3.

The intent of the proposed amendment is to assist in the facilitation of government acquisition efforts while providing reasonable zoning rights protection to affected individuals and at the same time protecting against the expansion of nonconformities that may be injurious to the surroundings in which they are located.

The Plan Commission also discussed potential future related amendments to explicitly recognize three different nonconformity scenarios that may occur due to government acquisition: 1) no new nonconformity is created; 2) a non-conformity is created; and 3) an existing non-conformity is aggravated) and offer different levels of remedy for each scenario. (See attached Memorandum to the Plan Commission, dated February 20, 2003 and attached table). These

protections will be proposed regardless of land use type so that they may benefit residential as well as industrial or commercial properties. Other limitations on nonconformities regarding extension or expansion of the nonconformity or termination of the nonconformity will also be addressed by this future amendment. These amendments will be provided in text form for future consideration by the Plan Commission and City Council.

The above Section X-10 A amendment is being proposed at this time to address a current situation that is pending resolution.

Summary of Findings

1. The proposed amendment would help facilitate government acquisition efforts for planned improvements to public facilities while providing for reasonable protection of zoning rights of affected property owners.
2. The proposed amendment would provide for improved flexibility and permissiveness for relocation of uses, structures, and buildings that are rendered nonconforming by reason of government acquisition.
3. The proposed amendment is consistent with the remaining provisions of Article X of the Zoning Ordinance.

Options

In Plan Case 1850-T-03, the City Council may:

- a. approve the proposed text amendment to the Zoning Ordinance, as presented herein; or
- b. approve the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. deny the proposed text amendment to the Zoning Ordinance.

Recommendation

The Plan Commission held a public hearing on February 6, 2003 and February 20, 2003 regarding the proposed amendment and other related changes. There was no public testimony on this case. On February 20, 2003, the Plan Commission unanimously recommended **APPROVAL** of the proposed amendment. Staff concurs with this recommendation.

Attachments:

Draft Ordinance

Case Memorandum to Plan Commission, dated February 20, 2003

Existing Text of Zoning Ordinance Article X. Nonconformities.

Approved excerpt of minutes from February 6, 2003 Plan Commission meeting.

Draft excerpt of minutes from February 20, 2003 Plan Commission meeting.

ORDINANCE NO. 2003-03-019

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 _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

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 _____ day of _____, 2001, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Regarding Nonconformities Created Through Government Acquisition - Plan Case No. 1850-T-03)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2003, 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 _____ day of _____, 2003.

(SEAL)

Phyllis D. Clark, City Clerk



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Elizabeth H. Tyler, AICP, City Planner

DATE: February 20, 2003

SUBJECT: Plan Case No. 1850-T-03: Request by the Zoning Administrator to amend Article X of the Zoning Ordinance, Regarding Nonconformities Created Through Government Acquisition

Update

City planning staff have been working with the legal division to refine the language of the proposed amendment and to respond to Plan Commission suggestions. The attached table reflects the general approach that staff proposes to take for redrafting of this Article.

Staff will continue to work on the proposed text amendment as a part of this plan case. However, in order to provide timely direction to a landowner who is currently in negotiations with the City, it is proposed that the Plan Commission make a recommendation on the following Part A of the text amendment. This provision will not be affected by the other amendments to the Article that are under consideration.

Part A Amendment

The following new section is proposed to be added to Article X, Nonconformities, of the Zoning Ordinance:

Section X-10 Nonconformities Created Through Government Acquisition

- A. *Government Acquisition means acquisition by a government of a property either by eminent domain or under threat of eminent domain as evidenced by a letter issued by the City Attorney.*

- B. *If the owner of a parcel that is affected by reason of a government acquisition 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 a 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.

Part B Amendment

The proposed Part B Amendment recognizes three different nonconformity scenarios that may occur due to government acquisition (1. no new nonconformity is created; 2. a nonconformity is created; and 3. an existing non-conformity is aggravated) and offers different levels of remedy for each scenario. (See attached table).

These amendments will be provided in text form for future consideration by the Plan Commission as a part of this Plan Case. These protections will be proposed regardless of land use type so that they may benefit residential as well as industrial or commercial properties.

Summary of Findings

1. The proposed amendment would help facilitate government acquisition efforts for planned improvements to public facilities while providing for reasonable protection of zoning rights of affected property owners.
2. The proposed amendment provide for improved flexibility and permissiveness for continuation of uses, structures, and buildings that are otherwise rendered nonconforming by reason of government acquisition.
3. The proposed amendment would not promote the expansion or addition of nonconforming uses that are rendered nonconforming by reason of government acquisition, but would allow such expansions or additions consistent with that allowed in other cases by the Zoning Board of Appeals.
4. The proposed amendment is consistent with the remaining provisions of Article X of the Zoning Ordinance.

Options

The Plan Commission has the following options for recommendation to the Urbana City Council. In Plan Case 1850-T-03, the Plan Commission may:

- a. forward one or both parts of this case to City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance, as presented herein; or
- b. forward one or both parts of this case to City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes; or
- c. forward one or both parts of this case to City Council with a recommendation for denial of the proposed text amendment to the Zoning Ordinance.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Commission recommend **APPROVAL OF PART A** of the proposed text amendment to the Zoning Ordinance, as presented herein, and **CONTINUE CONSIDERATION OF PART B** until such time as staff can prepare additional information on the proposed amendment.

Attachment: Table Outlining Part B Amendments

Part B Amendment Outline Draft

Eminent Domain / Conforming Status Scenarios

Eminent Domain Results in:	Proposed action is:
<p><i>No new non-conformity</i></p> <p>A non-conformity is not created but the expansion potential for a development is nevertheless reduced. For example, a structure had a 50-foot setback and now it has been reduced to 20 feet. The required setback is only 15 feet so a non-conformity is not created but the expansion potential is now only five feet.</p>	<p>Allow a three-year window where the development can still expand into the current required setback but not past the previous required setback.</p>
<p><i>A new non-conformity</i></p> <p>The development was conforming until the eminent domain resulted in new non-conformity of the development regulations. For example, the development had a fifteen-foot setback which equaled the requirements. Eminent domain takes five feet and results in a new setback of ten feet which is now non-conforming in that district.</p>	<p>Allow the new non-conformity to remain without any requirement to come into compliance. If the development previously had the ability to expand, allow the expansion up to the previous standards up to a period of three years.</p> <p>For example, a house had a 30-foot setback where only 15 feet was required. Eminent domain takes 17 feet leaving only 13 feet of setback resulting in a new non-conformity. Allow expansion of the home into the required setback up to for a period of three years.</p>
<p><i>An aggravated non-conformity</i></p> <p>The development was already non-conforming when eminent domain aggravated the case.</p>	<p>No additional requirements and no new allowances other than what was originally required under the previous non-conformity, except that expansion may be allowed with Zoning Board of Appeals approval to expand into the current required setback but not past the previous required setback within three-year window.</p>

ARTICLE X. NONCONFORMITIES

Section X-1. Continuation of Nonconformities

- A. Any nonconforming use, building, structure, or lot, as defined herein, may be continued under the regulations of this Article and of Section XI-6-C. This Article shall not be interpreted as authorizing the continuation of any noncompliance with the regulations of this Ordinance which was not lawfully existing on January 6, 1980, or lawfully existing on the date this Ordinance became effective as to such structure, building, use, lot, or land. Any nonconformity which conformed with the provisions of any previous Zoning Ordinance applicable to it, or which was rendered nonconforming by an amendment to this Ordinance, shall be considered lawful, and may continue as a nonconformity under the provisions of this Ordinance.

If a building, structure, land or use thereof, which hereafter becomes subject to the provisions of this Ordinance, whether by annexation to the City of Urbana or otherwise, does not conform with all applicable provisions of this Ordinance, it shall be considered lawful, and may continue as a nonconformity under the provisions of this Article. No building, structure, lot, land or use thereof, which does not conform to the applicable regulations of this Ordinance, and does not qualify as an authorized nonconformity as herein defined, shall be considered lawful, or be permitted to continue under the provisions of this Ordinance.

- B. The regulations of this Article pertaining to a building or structure occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use, but also to a building of which the nonconforming use occupies only a portion.

Section X-2. Extension or Expansion of Nonconformities

- A. No nonconforming use occupying a portion of a building shall be extended or expanded into any other portion of the building, beyond that part of the building in such use, and in no case shall any addition be made which will provide for the expansion of the nonconforming use.
- B. No nonconforming use of land, except accessory parking, shall be extended or expanded.
- C. No nonconforming building or structure shall be enlarged, extended, expanded, or altered in any way which would increase its nonconformity, nor shall such a building thereafter revert to its prior state of greater nonconformity, except as provided in Section X-8. No nonconforming structure shall be moved, for any reason or for any distance, unless it shall thereafter be a conforming structure or building.

Section X-3. Change of Nonconforming Use

- A. Except as otherwise provided, the substitution of one nonconforming use for another, or the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by a Certificate of Occupancy issued by the Zoning Administrator, as provided in Section XI-6. The application for a Certificate of Occupancy for such a substitution or addition shall be referred to the Board of Zoning Appeals, which shall, within thirty (30) days after receiving the application, direct the Zoning Administrator whether to grant the Certificate of Occupancy. The Board shall authorize the

issuance of a Certificate of Occupancy for such an addition or substitution only if, in the judgement of the Board, such addition or substitution is equally or more appropriate to the district in which it is located than the present use, and such substitution or addition does not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district in which it is located, and if it complies with all parking regulations applicable to the new use. No such substitution shall have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7.

- B. If a use of a building occupied by a nonconforming commercial or industrial use is added to or substituted for the former or present use, as provided in paragraph A above, then the Board of Zoning Appeals may authorize the issuance of a permit for the conversion, structural alteration, enlargement of such a building, or the construction of new structures, provided that such conversion, structural alteration, enlargement, or construction makes the nonconforming use more compatible and visually less nonconforming with the district in which it is located.
- C. Whenever a nonconforming use of a building or structure or land is substituted for another nonconforming use, then the use shall not thereafter revert to the prior use, nor be substituted for by any other nonconforming use, except in accordance with the provisions of paragraph A above.

Section X-4. Discontinuance or Abandonment of Nonconformities

- A. If a nonconforming use of land is discontinued for a period of more than six (6) months, it shall be presumed to be abandoned, and the land shall not thereafter be used for any use which does not conform with the use regulations of this Ordinance. If a nonconforming use of a building is discontinued for a period of more than twelve (12) months for any reason other than damage of the building by fire, explosion, or Act of God, or for a period of more than eighteen (18) months due to damage to the building by fire, explosion, or Act of God, then the use shall not thereafter be resumed or re-established, and the building shall not thereafter be used for any use which does not conform with the use regulations of this Ordinance.
- B. If the use of a building, structure or land is changed from a nonconforming use to a conforming use, then the nonconforming use shall be deemed to have been abandoned and the use of the building, structure, or land shall not thereafter be changed to a use which does not conform with the use regulations of the district in which the building, structure, or land is situated, except as provided in Section X-3-A and X-3-B above.

Section X-5. Repair of a Building or Structure Occupied by a Nonconforming Use

Only ordinary repairs and maintenance, including replacement of roof covering, shall be permitted on any building occupied by a nonconforming use. In no case shall such repairs include structural alteration, except as otherwise provided herein.

Section X-6. Termination of a Nonconforming Use of Land

Except as otherwise provided in Sections VII-4 and IX-8, any nonconforming use of land, as herein defined, may be continued only for a period of five (5) years from the effective date of this Ordinance, or from the date on which this Ordinance becomes effective with regard to such land, whichever date is later. Any lawful use of land which hereafter becomes nonconforming may be continued for a period of

five (5) years from the date upon which such use becomes nonconforming. The Board of Zoning Appeals may postpone the date of the required termination of a nonconforming use of land by a specified period of no more than five (5) years. The term “use of land” includes both principal and accessory uses, and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure other than a building, or involves an accessory building or buildings but no main building.

Section X-7. Termination of a Nonconforming Use of a Building or Structure

- A. If on January 16, 1980 or on the date on which this Ordinance becomes effective with regard to particular land, any main building other than a dwelling is occupied by a nonconforming use as herein defined, or is being erected or substantially converted, enlarged, or structurally altered for such a use, then such use may be continued only until the applicable date set forth in Table X-1, and the building shall not thereafter be used for any purpose which does not conform with the use regulations of the district in which it is located.

TABLE X-1. TERMINATION OF NONCONFORMING USE OF A BUILDING OR STRUCTURE

<i>Date of Completion of Building or of the Last Substantial Conversion, Enlargement, or Structural Alteration, or of Annexation to the City of Urbana, whichever is most recent</i>		
<i>After</i>	<i>Before</i>	<i>Termination Date</i>
----- December 31, 1948	January 1, 1949	January 1, 1989
December 31, 1953	January 1, 1954	January 1, 1994
December 31, 1958	January 1, 1959	January 1, 1999
December 31, 1963	January 1, 1964	January 1, 2004
December 31, 1968	January 1, 1969	January 1, 2009
December 31, 1973	January 1, 1974	January 1, 2014
December 31, 1978	January 1, 1979	January, 1, 2019
	January 1, 1980	January 1, 2024

- B. If a main building, other than a dwelling, is hereafter occupied by a lawful conforming use, and such use thereafter becomes nonconforming, then such use shall be terminated within forty (40) years after the date of the completion of the building or the date of the completion of the last substantial enlargement, conversion, or structural alteration of the building, or within thirty (30) years after the use becomes nonconforming, whichever is later.
- C. For purposes of this section, a building shall be deemed to have been completed at the time the building, or any portion thereof, was original occupied by a use. A substantial conversion, enlargement, or structural alteration shall be deemed to have taken place only if a building permit was issued by the City of Urbana for such work.
- D. The nonconforming use of a building for dwelling purposes is not subject to the provisions of paragraphs A, B, and C above, and such use may continue subject to the following:

Until it is discontinued or abandoned and, except as provided for by Section X-8.

Section X-8. Reconstruction of Nonconformities

- A. If a building or structure occupied by a nonconforming use is damaged by fire, explosion, Act of God, or other sudden damage or destruction, then it shall not be reconstructed or repaired if the cost of the reconstruction or repair of the building would exceed sixty percent (60%) of the fair market value of the building or structure immediately prior to the damage, unless its use thereafter is fully conforming to this Ordinance. Except in the case of a nonconforming dwelling, such reconstruction or repair shall not have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7. However, Section X-7-D shall control as to permitted occupancy in a dwelling unit.
- B. Any duplex which is legally in existence as an allowable and conforming use on January 6, 1980 shall be permitted to continue by right until such time as such use is voluntarily abandoned.
- C. In those lots zoned R-2 under the Zoning Ordinance and Map in effect immediately prior to January 6, 1980, and which said lots are zoned R-4 under this Ordinance, those legally conforming structures on such lots having an FAR higher than 0.5 on January 6, 1980 shall be permitted to continue by right and may be rebuilt or reconstructed to their existing FAR and OSR provided, however, all other developmental regulations of the R-4 District shall be complied with.
- D. In order to determine the fair market value of such a nonconforming building or structure prior to the damage or destruction, as necessary to carry out paragraph A above, the Zoning Administrator shall retain a professional real estate appraiser to prepare a report. The appraisal report shall consider, among other factors influencing the value of the building or structure, the applicable termination date for the nonconforming use, as provided in Section X-7-A. The owner of the damaged building may, at his/her own option and at his/her own expense, retain another professional appraiser to prepare an independent report, and any discrepancy between the two (2) appraisal reports shall be referred to the Board of Zoning Appeals for its resolution.
- E. Any dormitory in the R-7 District which is a conforming use or legally nonconforming structure as of November 7, 1983; and any rooming house in the R-7 District which is a conforming use or legally nonconforming structure as of June 15, 1991; which is damaged by fire, explosion, Act of God, or other sudden damage or destruction, shall be permitted by right to be rebuilt to the same setback lines established by the existing building foundation and to the same floor area and height of the existing building; and must have, at a minimum, the same number of parking spaces that existed at the time of damage according to the building official's records.

Section X-9. Nonconforming Signs

- A. Signs which do not conform to the provisions of Article IX as for January 6, 1980, or thereafter, are nonconforming uses.
- B. Unless otherwise authorized by the Board of Zoning Appeals, a nonconforming sign or outdoor advertising sign structure may not be:
 - 1. Changed to another nonconforming sign;
 - 2. Structurally altered so as to prolong the life of the sign;
 - 3. Expanded;

4. Re-established after its removal for ninety (90) days;
 5. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost at the time of the damage or destruction;
 6. Relocated unless such relocation brings the sign into conformance with all the requirements of this Ordinance, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted, provided that the relocation of such a nonconforming sign shall not extend the requirements for removal as set forth in Section X-9-C(1) and C(2).
- C. All nonconforming signs shall be removed or brought into conformity with this Ordinance within the following time periods:
1. For all nonconforming signs: five (5) years from the effective date of annexation or five (5) years from the effective date of an ordinance redistricting a parcel or lot through a zoning map change or five (5) years from the effective date of an ordinance amending the Zoning Ordinance text; however, no sign controlled by this Article need be removed sooner than ten (10) years from the date the sign permit authorizing the erection of the sign was issued.
 2. For all signs existing prior to January 7, 1980, rendered nonconforming as a result of the 1979 Comprehensive Amendment to this Ordinance No. 7980-68; upon voluntary removal, or sudden damage, or sudden destruction or other Act of God where the cost of damage exceeds sixty percent (60%) of the replacement cost of the sign. Further, where any on-premise, freestanding sign has been made nonconforming due to increased yard requirements as a result of Ordinance No. 7980-68, and where on the same property a building was constructed under prior development regulations which required no front yard, at such time said building or structure is damaged and the same is reconstructed or is voluntarily reconstructed to comply with the yard requirements of this Ordinance, such nonconforming on-premise freestanding sign shall also either be removed or brought into conformity with this Ordinance.
 3. In light of the final Judgement Order rendered by Circuit Court of the Sixth Judicial Circuit, Champaign County, Illinois, in the suit entitled "C & U Poster Advertising Co., Inc., et al vs. City of Urbana, et al", No. 76-C-1070, and in light of the Settlement Agreement entered into between the parties, which requires the removal of certain (otherwise nonconforming) outdoor advertising sign structures, outdoor advertising sign structures are not subject to amortization or removal under this section.

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