

X

AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE CITY OF URBANA, ILLINOIS  
OF 1950

WHEREAS, the City Plan Commission of the City of Urbana, Illinois, which is the City Zoning Commission, did on Friday, the 9th day of June, 1961, at the hour of 3:00 P. M., conduct a public hearing pursuant to the required public notice, in the Community Building at the address of 120 West Elm Street, Urbana, Illinois, to consider the hereinafter proposed amendment to the Zoning Ordinance, and,

WHEREAS, said Plan Commission at said hearing heard all persons desiring to be heard either for or against said amendment, and found that such proposed amendment is desirable for the public welfare of the City of Urbana, Illinois, and that the same is not detrimental to the property owners in the vicinity, and,

WHEREAS, the City Plan Commission recommended the amendment as hereinafter described by the City Council.

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

Reclassification and rezoning of the following described real estate to the new classification recommended at the said meeting of the Plan Commission pursuant to the required public notice and adopted by the City Council, the classification of R-4 District-Multiple Family Residential--High Density; the description of said real estate is, to-wit:

Myers and Besores Addition to Urbana;

Lots 2, 3, 6, and 7 in Block 1 and Lots 2, 3, and 6 in Block 2 and Lots 2, 3, 6, and 7, in Block 3 of George Webber's First Addition to Urbana;

Lots 1, 2, 3, 4, 7, 8, 9, 10, 13, and 16 of a subdivision of Out Lots of W. T. Webber's Subdivision;

Lots 1, 2, and 3 of Block 1 and Lots 1, 3, and 4 of Block 2 of a subdivision of Lot 1, Block 1 and Lot 1, Block 2 of James Thorne's Addition to Urbana;

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 14, 19, 20, 23, 24, 25, 26, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, and 44 of Roe's Second Addition to Urbana;

Lots 6, 7, 9, 10, and 11 in James T. Roe's Addition to Urbana;

Lots 1, 2, 3, 4, 5, and 6 of Roe's Fourth Addition to Urbana;

Porter Replat;

Lots 1, 2, and 3 of a subdivision of Lot A, located adjacent to and South of West Main Street and adjacent to and East of North McCullough Street;

A strip of land on the North side of East Main Street, between Vine Street and the Wabash Railroad right-of-way and South of Goose Alley and Goose Alley extended East, except Tract 2, Freeman's Replat;

All of the foregoing tracts of real estate were heretofore classified as B-2 central business district zones, except that the last described tract was I-1 Light Industrial district;

The following described tracts are restricted to conditional uses, under Section 1 subsection 12 in Article VI-B, R-4 district, Multiple Family Residential--High Density:

Lot 1 and the west 72 feet of Lots 7 and 8 of a subdivision of Out Lots of W. T. Webber's Subdivision;

Lots 6 and 7 of Block 3 in George Webber's First Addition to Urbana;

The east 113 feet of Lot 1 of Myers and Besores Addition;

The south 50 feet of Lot 33 and the south 50 feet of the west half of Lot 34, in Roe's Second Addition to Urbana;

The east 78 feet of Lots 10 and 11 of James T. Roe's Addition to Urbana.

ADOPTED by the City Council of the City of Urbana, Illinois, this 19th day of June, 1961.

*Bess M. Holmes*  
CITY CLERK

APPROVED by the Mayor of the City of Urbana, Illinois,  
this 19th day of June, 1961.

*Stanley B. Heaves*  
MAYOR

CITY CLERK

APPROVED by the Mayor of the City of Urbana, Illinois,  
this 19th day of June, 1961.

MAYOR

CITY CLERK

APPROVED by the Mayor of the City of Urbana, Illinois,  
this 19th day of June, 1961.

MAYOR

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**WAALER & EVANS**

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JACK WAALER  
BILL J. EVANS  
ROBERT J. WAALER

September 25, 1970

Mr. John Goodell  
City Engineer  
City Building  
Urbana, Illinois

Dear John:

You asked me on September 24th for an opinion regarding the meaning and interpretation that should be placed upon "An Ordinance Amending The Zoning Ordinance of the City of Urbana", said Ordinance having been passed on June 19, 1961. You specifically asked me to direct my attention to whether or not that section of the Ordinance which restricts certain parcels to conditional uses creates a wholly new category of zoning.

Although the Ordinance is inartfully drawn, in my opinion the meaning and intent of the Council was to make all of those parcels that are described following the paragraph stating that they are restricted to the conditional use, R-4 zoning. I believe the intention was also to simultaneously grant to those parcels the conditional use that they were devoted to on the date the Ordinance was passed.

I do not like having to go to historical evidence to determine what conditional use was granted, but such seems to be the only alternative in interpreting this Ordinance. (I suggest we determine what the use of each parcel was on June 19, 1961, and make a record of that information so we can later determine if there was a change.)

In summary the, because all of those parcels described as being restricted to conditional uses are also described in the paragraph above, wherein they were converted to R-4 classification, I feel that all those lots which are described as restricted to conditional use are in fact reclassified as R-4, and they also enjoyed a simultaneous approval of the Council for the conditional use to which they were devoted at that time (to-wit: June 19, 1961).

Yours truly,

Jack Waaler  
Corporation Counsel

CITY OF URBANA, ILL.  
**RECEIVED**  
SEP 28 1970  
JW/vk

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SEP 28 1970  
CITY OF URBANA  
CITY BLDG.