

ORDINANCE NO. 7778-80

AN ORDINANCE EXTENDING A MORATORIUM
ON NEW CONSTRUCTION NEAR THE BONEYARD CREEK

WHEREAS, the City Council of the City of Urbana, Illinois, on August 16, 1976, adopted Ordinance No. 7677-23, An Ordinance Declaring a Moratorium on New Construction Near the Boneyard Creek; and

WHEREAS, the City Council of the City of Urbana on March 21, 1977, adopted Ordinance No. 7677-84, and on September 19, 1977, adopted Ordinance No. 7778-21, which extended the moratorium declared in Ordinance No. 7677-23 for additional periods; and

WHEREAS, the Boneyard Creek Commission in May, 1977, executed a contract with the joint venture of Conklin and Rossant/Clark, Dietz and Associates to prepare the Master Plan for development along the Boneyard Creek, and the Master Plan is presently substantially complete; and

WHEREAS, the Champaign County Bicentennial Commission has transferred \$37,804.06 received in its Horizons '76 fund drive to the Boneyard Creek Commission; and

WHEREAS, the Boneyard Creek Commission in June, 1977, executed a contract with the State of Illinois, Department of Transportation, Division of Water Resources for the receipt of Funds for the Preparation of Flood Control Structures along the Boneyard Creek, which said funds being \$30,000.00 have been received; and

WHEREAS, the funds received from the Champaign County Bicentennial Commission and the State of Illinois are adequate to fund the Master Plan; and

WHEREAS, the State of Illinois Water Survey provided input into the Master Plan in the form of two completed major studies; one, the "Type 15" Flood Study and two, a water quality study in which the Boneyard Creek will serve as a model for several other Illinois Cities; and

WHEREAS, the Master Plan upon completion will be specific in its recommendations on set-back lines, channel bank construction,

landscaping, and land-use for the permanent development and redevelopment of the Boneyard Creek; and

WHEREAS, Conklin and Rossant/Clark, Dietz and Associates has proposed boundaries for a zoning district related to the Boneyard Creek; and

WHEREAS, Conklin and Rossant/Clark, Dietz and Associates has prepared tentative proposals for development of certain areas along or near the Boneyard Creek and a Guidelines Report for the Boneyard Creek Master Plan; and

WHEREAS, a draft has been prepared concerning zoning regulations to implement the Conklin and Rossant/Clark, Dietz and Associates plan; and

WHEREAS, it is in the best interests of the City of Urbana that the Master Plan be completed and implemented by the City Council and that the moratorium declared in Ordinance No. 7677-23 accordingly be further extended until December 31, 1978, or until implementation of the Master Plan, whichever is earlier in date.

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

1. That the Code Administrator be and is hereby directed to issue no building permits, except as hereinafter provided, for the construction, erection, or placement of any structure or building that is subject to the provisions of The BOCA Basic Building Code, 1975, as adopted by Ordinance No. 7778-72 (An Ordinance Adopting The BOCA Basic Building Code, 1975, Sixth Edition, And Supplement Thereto With Certain Deletions, Modifications and Exceptions, passed on May 15, 1978 and approved June 6, 1978), on any lot, tract, or parcel within the City of Urbana that is contiguous to the Boneyard Creek or through which the Boneyard Creek flows or on any part of a lot, tract or parcel that is within seventy-five (75) feet of the centerline of the Boneyard Creek until such time as the City adopts a plan and uniform regulations affecting construction along the Boneyard Creek, or until December 30, 1978, whichever is earlier in date.

2. That the moratorium provided in paragraph 1 of this Ordinance shall apply to the construction, erection, and placement of structures and buildings not existing on the effective date of this Ordinance and to additions to any existing structures and buildings;

and it shall not apply to the otherwise lawful remodeling, repair, or maintenance of any existing structures and buildings.

3. That the direction to the Code Administrator to issue no building permits as herein specified by this Ordinance may, upon special application requesting a waiver, be withdrawn by subsequent approval of such a request by the City Council. But no such approval shall be made without there first being a hearing before and consideration by the Boneyard Creek Commission, an intergovernmental commission of which the City of Urbana is a member pursuant to Ordinance No. 7576-82, entitled, "An Ordinance Approving Agreement for the Establishment of Boneyard Creek Commission", as amended, in accordance with the procedures set forth in the following section.

4. Upon receipt by the Code Administrator of a request for waiver of the moratorium as imposed by this Ordinance concerning a specific property, the following procedures shall apply:

A. The Code Administrator shall forward a copy of the request to the secretary of the Boneyard Creek Commission with directions that the Commission comment upon and make a recommendation on the request with a view to the following:

(1) whether and to what extent the property if developed as proposed in the waiver request may have a significant or substantial effect upon implementation of a Boneyard Creek Master Plan; and

(2) whether and to what extent the property if developed as proposed in the waiver request may require the expenditure of additional public funds in the implementation of a Boneyard Creek plan; and

(3) whether and to what extent the property if developed as proposed in the waiver request may likely be subject to substantial changes in zoning or other land use regulations as a result of implementation of a Boneyard Creek Master Plan; and

(4) such other factors as the Commission desires the Council to consider in a decision to waive application of this moratorium.

B. The Code Administrator shall request that the Commission submit any comments and recommendations within thirty (30)

days of the date of transmittal and that failure to receive any comments and recommendations within such period shall be construed to be approval by the Commission of the waiver request.

C. The City Council shall approve or not approve all requests for waiver of the Boneyard Creek moratorium.

5. That this Ordinance shall become effective upon its passage and approval.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 19th day of June, 1978.

PASSED by the City Council this 19th day of June, 1978.

Duane Eckerty, City Clerk
Severly Ambarger, Deputy Clerk

APPROVED by the Mayor this 25 day of June, 1978.

Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the C-U Courier on the 1st day of July, 1978, and a Certificate of Publication is attached hereto.

Duane Eckerty, City Clerk
Severly Ambarger, Deputy Clerk

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File 89198 July 1 1978

28192

Certificate of Publication

STATE OF ILLINOIS }
Champaign County } ss.

CHAMPAIGN-URBANA COURIER, Inc., a corporation hereby certifies that it is the publisher of THE MORNING COURIER, a daily secular newspaper of general circulation in said County, printed in the City of Urbana, and published in the City of Urbana and in the City of Champaign, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the printed notice hereto annexed and hereby made a part of this certificate has been published in

said newspaper at least once each week for one successive weeks in each and every copy

and impression thereof; that the date of the first newspaper containing said publication was

July 1 A.D. 19 78 and that the date of the last newspaper containing said

publication was _____ A.D. 19 _____; and that _____

Barbara A. Borg by resolution of the Board of Directors of said CHAMPAIGN-URBANA COURIER, Inc., has been authorized to make this certificate.

IN TESTIMONY WHEREOF said CHAMPAIGN-URBANA COURIER, Inc., has caused this cer-

tificate to be executed in its name by said Barbara A. Borg

this 1st day of July A.D. 19 78.

CHAMPAIGN-URBANA COURIER, Inc.

Publication Fee, \$ 60.90

By Barbara A. Borg

CERTIFICATE OF PUBLICATION

in

THE MORNING COURIER

CHAMPAIGN AND URBANA, ILLINOIS

In the Matter of

~~Ordinance 7775-20 exte~~

~~Boneyard Creek Locator~~

Solicitors or
Attorneys

~~City of Urbana
City Clerk~~
