

ORDINANCE NO. 2009-03-019

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS**

**(Revisions to Section VI-5, "Yards", of the Urbana Zoning Ordinance,
Pertaining to Garage Replacement - Plan Case No. 2097-T-09)**

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, Section VI-5.B.9 of the Urbana Zoning Ordinance requires garages in the R-1, R-2, and R-3 zoning districts be set back a minimum of 18 inches from the side property line; and

WHEREAS, on October 15, 2008, the Urbana Zoning Board of Appeals requested City staff review Section VI-5 of the Urbana Zoning Ordinance as it pertains to the location of private garages; and

WHEREAS, said Zoning Ordinance text amendment would allow garages in some of the older parts of Urbana to be replaced in kind; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, said text amendment was presented to the Urbana Plan Commission as Plan Case No. 2097-T-09; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing to consider the case on February 19, 2009 and March 5, 2009; and

WHEREAS, the Urbana Plan Commission voted 5 ayes to 0 nays on March 5, 2009 to forward the proposed text amendment set forth in Plan Case No. 2097-T-09 to the Urbana City Council with a recommendation for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section VI-5, Yards is hereby amended to read as follows:

Section VI-5.B.9

Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

- a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side lot line, measured from the closest part of the structure, if all of the following conditions apply:
 1. The subject lot is 60 feet wide or less;
 2. No building exists on the adjacent property which is within three feet of the existing garage on the subject property;
 3. No gutters or other appurtenances will extend across the property line; and
 4. In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.
- b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:
 1. The subject properties share a common driveway and access drive;

2. The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and
3. Replacement garages meet all applicable building codes.

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).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 16th day of March, 2009.

PASSED by the City Council this 16th day of March, 2009 .

AYES: Barnes, Bowersox, Gehrig, ~~Lewis~~, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Robert D. Roberts
Deputy Clerk

APPROVED by the Mayor this 27th day of March, 2009 .

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor