

Request for City Council Action

Date: April 2, 2013

Agenda Section: General Business No. 5	Originating Department: Planning Services/Legal
Item: An Ordinance amending Title 15; Planning, Zoning, and Subdivisions of the Carbondale Revised Code. No. 5.6	Approved:

Background and Summary:

In February 2011, The City contracted with Duncan Associates to revise Title 15: Planning, Zoning, and Subdivisions of the Carbondale Revised Code. A draft document was reviewed at a public hearing before the Planning Commission on January 23, 2013. That meeting was recessed and reconvened on February 20, 2013. An additional draft was submitted to the Planning Commission at that meeting which incorporated feedback received at the previous meeting. After considerable discussion, the meeting was again recessed and reconvened on March 20, 2013. A new document was presented to the Commission and they were asked to provide a recommendation on three specific items and on the document as a whole. The recommendations were as follows:

On a motion to recommend allowing accessory dwelling units as a special use, the Commission voted 0-yes, and 8-no. The Commission does not recommend allowing accessory dwelling units.

On a motion to reduce the side yard setbacks from a minimum of eight (8') feet to a minimum of five (5') feet, the Commission voted 3-yes, and 5-no. The Commission does not recommend reducing the side yard setbacks in the R-1 districts.

The language in the PUD district with regards to commercial space was amended to read as follows:

A Planned Unit Development containing 25 dwelling units shall be allowed 1,250ft² of commercial space. For each additional dwelling unit, 50ft² of commercial space will be allowed. No commercial space shall be utilized until the entire project is 50% complete. The developer will have 12 months after the occupancy of the commercial space to complete the project, otherwise the commercial use must be abandoned until the project is complete.

The Commission voted 6-yes, and 2-no to amend the PUD language.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

The Planning Commission voted 8-yes, and 0-no on a motion to recommend approval of the Zoning Ordinance with the following amendment:

Sections 2.17.1 thru 2.17.13 of the NB, Neighborhood Business district should be deleted, although the heading 2.17 should remain in the document as a placeholder for future use. Staff was directed to research how the City might effectively deal with the adaptive reuse of non-residential buildings located in residential areas. This new language would then be inserted into 2.17 upon adoption. The Commission agreed to form a Committee to assist in the development of new language.

The Planning Commission is aware that there may be additional changes to the document as a result of Council discussion. It should be noted that Section 4.3, regarding drainage, has been amended since the Planning Commission meeting. After closer consideration it was determined that much of the language would be better suited in Article 8, Subdivisions and has therefore been deleted from Section 4.3. This language will be considered during Phase II of this project which will specifically address subdivisions. Staff has also made minor changes to the document to correct reference errors and to address issues raised by Councilman Monty in his memo dated March 20, 2013.

Attached for City Council review are the following:

1. An Ordinance approving the amendment to Title 15.
2. A copy of the amended Title 15: Planning, Zoning, and Subdivisions.
3. A copy of the proposed language allowing accessory dwelling units.

Recommended Action:

It is recommended that the Council “move to adopt the Ordinance amending Title 15: Planning, Zoning, and Subdivisions.”

The Council may direct staff to incorporate language into the document dependent upon discussions that take place at the meeting. Individual amendments to the proposed Title 15 may require separate votes by the City Council.

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2013-__

AN ORDINANCE AMENDING TITLE 15, PLANNING, ZONING, AND SUBDIVISIONS OF
THE REVISED CODE OF THE CITY OF CARBONDALE, ILLINOIS.

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THE 2nd DAY OF APRIL, 2013

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 3rd day of April, 2013.

CERTIFICATE OF PUBLICATION

I, Jennifer Sorrell, the duly qualified and acting City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 3rd day of April, 2013.

Jennifer Sorrell, City Clerk
City of Carbondale, Illinois

ORDINANCE NO. 2013-__

AN ORDINANCE AMENDING TITLE 15, PLANNING, ZONING, AND SUBDIVISIONS OF THE REVISED CODE OF THE CITY OF CARBONDALE, ILLINOIS.

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and,

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and,

WHEREAS, The City of Carbondale initiated a full amendment of Title 15, Planning, Zoning, and Subdivisions of the Revised Code of the City of Carbondale, Illinois; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Southern Illinoisan* on the 6th day of January, 2013, being at least (15) days prior to said hearing; and,

WHEREAS, a postcard was sent to each property owner within the zoning jurisdiction of the City of Carbondale stating the date, time, location and intent of the public hearing; and

WHEREAS, a hearing of the Planning Commission of the City of Carbondale was called at 6:00 p.m. on the 23rd day of January, 2013, in the City Council Chambers in said City to consider facts and evidence in regard to this request; and,

WHEREAS, the meeting of the Planning Commission was reconvened at 6:00 p.m. on the 20th day of February, 2013, in the City Council Chambers in said City to further consider facts and evidence in regards to this request; and,

WHEREAS, the meeting of the Planning Commission was reconvened at 6:00 p.m. on the 20th day of March, 2013, in the City Council Chambers in said City to further consider additional facts and evidence in regards to this request; and,

WHEREAS, said Planning Commission thereafter filed with the City Council a report of its hearing disclosing its findings of fact and its recommendation, said recommendation being as follows: to approve PC 13-07, a full amendment of Title 15, Planning, Zoning, and Subdivisions of the Carbondale Revised Code; and,

WHEREAS, the City Council of the City of Carbondale has considered the findings of fact filed by the Planning Commission, the record of the Commission's public hearing, and the provisions of the zoning ordinance, and based thereon, finds that it is in the best interests of the City of Carbondale, Illinois that the zoning ordinance be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

Section 1. That Title 15, Planning, Zoning, and Subdivisions of the Revised Code of the City of Carbondale is hereby amended as provided in Exhibit "A", attached hereto and made a part hereof by reference.

Section 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

Section 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

Section 4. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 5. That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

Section 6. That this ordinance shall be known as Ordinance No. 2013-____ of the City of Carbondale, Illinois, and shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

AMEND the proposed Zoning Ordinance (Article 15 of the Municipal Code) by adding a new performance standard to Section 3.3.1 to read as follows and by adding a new row for Accessory Dwelling Units in the use table in Section 2.28, in the "Residential Uses" category with a "S" in the RR, R-1, R-1-D, and R-2 columns and with blanks in the other columns in the row.

Accessory Dwelling Units (RR, R-1, R-1-D, R-2 Districts)

An accessory dwelling unit shall be allowed as a special use, accessory to any lawful dwelling unit located in the RR, R-1, R-1-D, or R-2 District, provided that it conforms to the standards set forth below:

1. Criteria for Permit

The following criteria shall apply to the issuance of a Special Use Permit for an accessory dwelling unit:

- (a) The minimum lot size for a dwelling unit with an accessory dwelling unit is 5,000 square feet;
- (b) When constructed new, the accessory dwelling unit shall comply with the minimum side and rear yard setbacks, and maximum height standards for an accessory structure, and shall comply with all rules and regulations of the adopted building code;
- (c) Accessory dwelling units that are created by converting an existing structure shall comply with all rules and regulations of the adopted building code.
- (d) The site shall provide the number of improved off-street parking spaces required by Section 4.8 plus one;
- (e) The maximum floor area of the accessory dwelling unit shall not exceed 800ft²; and
- (f) The proposed accessory dwelling unit shall maintain the architectural style, roof treatment, building material, and color scheme of the existing principal structure on the lot.

2. Continuing Condition

- (a) As a continuing condition of the issuance of a Special Use Permit for an accessory dwelling unit, one of the dwelling units shall be occupied by an owner of the premises or shall be vacant;
- (b) In the event that the owner is on sabbatical or taking a leave of absence from their current employer, the additional unit may be occupied by someone other than the owner for a period not to exceed eighteen (18) months. The owner shall notify the Planning Services Division of this leave and provide written documentation to the City.
- (c) If the City finds at any time that both units are occupied in violation of the above criteria, the City shall allow 30 days to correct the violation. If the violation is not corrected, the Special Use Permit will be revoked.