



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

Planning Division

**M E M O R A N D U M**

**TO:** Bruce Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director

**DATE:** August 19, 2004

**SUBJECT:** Plan Case No. 1897-T-04: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to the Mixed Office Residential (MOR) District including the adoption of Design Guidelines.

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## **Introduction & Background**

On August 16, 2004 City Council moved to continue discussion of the proposed M.O.R., Mixed-Office Residential Zoning District Design Guidelines to allow for consideration for making specific items of the design guidelines mandatory. Councilmembers also had questions about possible requirements for windows and for parking underneath accessory structures.

The attached revised ordinance for the text amendment to the Zoning Ordinance as it pertains to the M.O.R. district indicates the proposed changes in light of the discussion on August 16<sup>th</sup>. The primary changes include revisions to the ordinance that would adopt the text amendment to the M.O.R. district. There are essentially no changes to the ordinance that adopt the guidelines themselves. The guidelines will be reprinted and distributed to Council members on Monday evening for final consideration. The reprinted guidelines will reflect the changes proposed in the attached ordinances.

## **Discussion**

### **Changes from the August 16, 2004 Council Meeting**

The attached revised ordinance for the text amendment accomplishes a number of changes. First, the proposal to eliminate the existing section of the Zoning Ordinance prohibiting parking under the structure has been deleted. With this change no parking would be permitted underneath a principal structure in the M.O.R. Zoning District. Parking could still be allowed under an accessory use, such as a garage with second level play or work area. Second, the proposed language for the section referencing the Design Guidelines (Section J) places more emphasis on the Development Review Board determining compliance with all sections of the Design Guidelines and clarifies that this review and determination is mandatory. There is also more of an emphasis placed on the Board determining that proposals

demonstrate compatibility with the residential character of the district. Finally, it is proposed that three design items be mandatory and be included in the Zoning Ordinance. These items are as follows:

1. The main entrance of the building must be on the street side of the building. If the lot has more than one street frontage, then the main entrance shall be on the more major frontage.
2. Facades with street frontage shall contain window openings and shall not be blank.
3. Parking shall be located behind the principal structure and not in the façade zone.

Staff reviewed all of the guidelines and determined that the above listed ones are objective and uniformly applicable enough to be included in the zoning ordinance as development regulations (as opposed to guidelines). It was felt that the other guidelines would be problematic as regulations since they would not be applicable or desirable in all circumstances and/or they are too subjective in nature. Staff also considered the suggestion to require a certain minimum percentage of windows on building facades (e.g., 25%). Review of existing structures in the MOR show a great variance in the amount of window openings. Very few would meet a minimum requirement for 25%. Staff believes that it is the function of the development review board to ensure that there are no blank facades and that the window ratio is appropriate for the particular design proposed. The above regulation would ensure that there be no blank facades.

If adopted, the new guidelines along with the three mandatory design items, would replace the existing interim list of design criteria currently outlined in the Zoning Ordinance. These changes would keep within the spirit and intent of the originally advertised text amendment proposal for the M.O.R., Mixed-Office Residential Zoning District. If subsequent changes introduced at Council extend beyond the originally advertised text amendment proposal, legal staff may recommend remanding back to the Plan Commission so that the proper hearings can be held.

## **Recommendation**

At their July 8, 2004 meeting, the Urbana Plan Commission recommended that the City Council **approve** the requested text amendment and the proposed Design Guidelines. Staff concurs with this recommendation along with the additional proposed changes described above and indicated in the attached ordinances.

Attachments: Exhibit A: Revised Proposed Text Amendment Ordinance (with Tracking)  
Exhibit B: Revised Proposed Ordinance Adopting the M.O.R., Mixed-Office Residential Design Guidelines.

*Final formatted Design Guidelines to be distributed at the City Council Committee of the Whole meeting on Monday, August 23, 2004.*

Prepared by:

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Rob Kowalski, Planning Manager

ORDINANCE NO. 2004-08-104

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

(Revisions to various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R., Mixed-Office Residential Zoning District-Plan Case No. 1897-T-04

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, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District called into question their compliance with the stated intent of the district; and

WHEREAS, on July 21, 2003 the Urbana City Council adopted a text amendment to the Urbana Zoning Ordinance under Ordinance No. 2003-07-073 creating an Interim Development Ordinance and establishing a 120-day moratorium on development in the district so city staff could study the district and propose changes to the requirements of the district and the procedures of the Development Review Board; and

WHEREAS, on November 17, 2003 the Urbana City Council adopted a text amendment to the Urbana Zoning Ordinance under Ordinance No. 2003-11-120 making revisions to the requirements of the district that clarified the intent of the established a new process for reviewing projects through the newly established Development Review Board. The amendment included a listing of design criteria to be used for any projects that may be submitted prior to future Design Guidelines. The intent was for the future Design Guidelines to be comprehensive and an illustrative set of design guidelines to replace the list of design criteria; and

WHEREAS, the Urbana Zoning Administrator has requested to amend the Urbana Zoning Ordinance to amend various sections of the Urbana Zoning Ordinance with respect to the requirements of the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1897-T-04; 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 opened a public hearing to consider the proposed amendment on June 10, 2004 and continued the public hearing to the July 8, 2004 meeting; and

WHEREAS, the Urbana Plan Commission voted 6 ayes to 1 nay on July 8, 2004 to forward the proposed amendments set forth in Plan Case No. 1897-T-04 to the Urbana City Council with a recommendation for approval; and

WHEREAS, on September 7, 2004, the Urbana City Council passed a separate Ordinance No. 2004-08-105 adopting the "M.O.R. Mixed-Office Residential Design Guidelines"; 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.

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

Section 1. Section V-8 B., C., and D.1. *Additional Use Regulations in the MOR District*, of the Zoning Ordinance is hereby amended to read as follows:

- B. As an incentive to encourage the adaptive re-use of existing principal structures in the MOR District, any proposals for a change of use, building addition, or exterior remodeling that incorporates the adaptive re-use of an existing structure within the district shall not require review by the DRB. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the "M.O.R., Mixed-Office Residential Design Guidelines" specified in Section XI-12.J as determined by the Zoning Administrator. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request Development Review Board review and approval of the project. The Development Review Board shall have the ability to make adjustments to existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D.
- C. Proposals not incorporating the adaptive re-use of an existing structure in the MOR District must receive site plan approval from the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12 and must demonstrate consistency with the "M.O.R., Mixed-Office Residential Design Guidelines" as specified in Section XI-12.J.

*D. Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects*

- 1. As an incentive to encourage the adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Zoning Administrator or Development Review Board may authorize

adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code. The Zoning Administrator or Development Review Board may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing principal structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures in the District, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. Adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects shall be authorized:

Section 2. Section XI-12 J.1-5, *Design Guidelines Review* is hereby deleted and replaced to read as follows:

*J. Design Guidelines Review*

In reviewing development proposals in the M.O.R., Mixed-Office Residential Zoning District, the Development Review Board shall determine conformance with all of the guidelines contained in the adopted M.O.R., Mixed-Office Residential Design Guidelines, including such factors as architectural appearance, massing, placement of structures, orientation, openings, outdoor living space, landscaping, parking areas, building materials, and architectural details, as well as the overall compatibility of the proposal with the residential character of the district. In addition to proposals demonstrating conformance with the adopted Design Guidelines for the district as specified in XI-12.J and compatibility with the residential character of the district, the following design items shall be required:

1. The main entrance of the building must be on the street side of the building. If the lot has more than one street frontage, then the main entrance shall be on the more major frontage.
2. Facades with street frontage shall contain window openings and shall not be blank.
3. Parking shall be located behind the principal structure and not in the façade zone.

The Design Guidelines shall be adopted under a separate ordinance and shall be housed in the City of Urbana Community Development Services Department. Any Proposed amendments to the "M.O.R., Mixed-Office Residential Zoning District Design Guidelines" shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.

Section 3. 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 \_\_\_\_\_, \_\_\_\_\_.

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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 \_\_\_\_\_, 2004, 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 (Revisions to various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R., Mixed-Office Residential Zoning District- Plan Case No. 1897-T-04)" 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 \_\_\_\_\_, 2004, 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 \_\_\_\_\_, 2004.

(SEAL)

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Phyllis D. Clark, City Clerk