



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: March 22, 2007

SUBJECT: Requested revisions to the Planned Unit Development Zoning Ordinance amendment (Plan Case 2020-T-06)

Attached is an updated PUD Zoning Ordinance text amendment incorporating changes made since the March 5, 2007 City Council meeting. The attached amendment is marked “revised March 20, 2007” at the bottom of each page to differentiate from previous versions. Proposed changes since the March 5 meeting are indicated by underlining for proposed additions and by ~~strikeouts~~ for proposed deletions.

Since March 5, City staff have sought to incorporate changes requested by the City Council and Mayor and as indicated by legal review. The Mayor and City Council have requested that the PUD approval process ensure ample opportunity for public input and for continued opportunity to incorporate improvements to a PUD proposal based upon public input.

One way that we had sought to achieve this input was to hold study sessions at the Plan Commission and City Council prior to formal review of a PUD request. However, in conferring with City Legal staff, it became apparent that recent case law in Illinois would leave this process open to legal challenge. The case *Klaeren v. Village of Lisle* makes it clear that a Special Use Permit is an administrative rather than legislative decision, even when approved by the City Council. In that case, the Village of Lisle expedited review of a Meijer superstore by holding a joint study session between the Plan Commission, Board of Appeals, and Village Board and by holding a joint public hearing on their Special Use Permit, rezoning, and annexation applications. The Illinois Supreme Court found that municipal bodies act in a quasi-judicial capacity when conducting a hearing on a special use petition. This means that more rigorous due process rules apply to Special Use Permits in terms of hearings, evidence, cross examination, etc. Even though the Illinois legislature has amended State law to address this issue, it is unclear how the courts will apply this change.

Because Planned Unit Developments have many of the hallmarks of Special Use Permits, City Legal staff has advised us that study sessions would be open to legal challenge under the *Klaeren* ruling. Consequently, City staff revised the attached March 20 PUD draft to eliminate the study sessions

and to instead include a two-step process with a preliminary PUD plan which is conceptual and a final PUD plan, which is more specific. Both the preliminary and final plans would be reviewed and approved by both the Plan Commission and City Council. This is essentially the PUD process that is currently in place, but different submittal requirements are now proposed to better distinguish between the preliminary and final submittals and to eliminate the current duplication. This revision will help to ensure that there is ample opportunity for public input on a PUD and opportunities for plan improvement between the preliminary and final submittals, as well as ensuring that the legal criteria introduced by Klaeren are fully met. The March 20th PUD draft also removes references to Special Use Permits for the reasons cited above. The mixed use flexibility and innovative Recommended Design Features are retained in the revised Amendment.

Prepared by:

Robert Myers, AICP, Planning Manager

ORDINANCE NO. 2007-01-003

An Ordinance to Repeal Section XIII-3. Planned Unit Developments of the Zoning Ordinance of the City of Urbana, Illinois and to Adopt a Restatement of Section XIII-3. Planned Unit Developments of the Zoning Ordinance of the City of Urbana, Illinois

(Planned Unit Development Text Amendment - Plan Case 2020-T-06)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #7172-9 on May 17, 1971 which adopted standards for Residential Planned Unit Developments as part of the Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, Section XIII-3. Planned Unit Developments of the Urbana Zoning Ordinance has periodically been recodified by the City of Urbana to incorporate the numerous amendments that have been made since Ordinance #7172-9 was first adopted on May 17, 1971; and,

WHEREAS, the Urbana Zoning Administrator proposed to enact a restated Section XIII-3. Planned Unit Developments of the Urbana Zoning Ordinance by incorporating a text amendment as part of the process of editing the Ordinance in preparation for recodifying and republishing it; and,

WHEREAS, the Urbana Zoning Administrator has submitted a petition to repeal Section XIII-3. Planned Unit Developments of the Urbana Zoning Ordinance and enact a new Section XIII-3. Planned Unit Developments of the Urbana Zoning Ordinance which includes new definitions, applicability criteria, purpose statement and goals, recommended design features and a streamlined review process; and,

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #2020-T-06; and,

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on November 30, 2006 which was continued to the December 7, 2006 and December 21, 2006 meetings; and,

WHEREAS, the Urbana Plan Commission voted 6 ayes to 1 nay on December 21, 2006 to forward Plan Case #2020-T-06 to the Urbana City Council with a recommendation for approval of the proposed amendment; and,

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and,

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to repeal Section XIII-3; Section V-3, paragraph A; and Table V-1 of the Urbana Zoning Ordinance and enact the text in lieu thereof for Section XIII-3; Section V-3, paragraph A; and Table V-1 of the Urbana Zoning Ordinance as described herein.

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

Section 1. Section XIII-3. Planned Unit Developments of the Zoning Ordinance of the City of Urbana, Illinois is hereby repealed upon the effective date of this Ordinance. The repeal of such Ordinance shall not

abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed Ordinance.

Section 2. In place of Section XIII-3. Planned Unit Developments of the Zoning Ordinance herein repealed, a new Section XIII-3. Planned Unit Developments of the Zoning Ordinance is hereby enacted to read as follows in the document attached hereto as Exhibit A.

Section 3. Section V-3, paragraph A, of the Zoning Ordinance of the City of Urbana, Illinois is hereby repealed upon the effective date of this Ordinance. The repeal of such Ordinance shall not abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed Ordinance.

Section 4. In place of Section V-3, paragraph A, of the Zoning Ordinance herein repealed, a new Section V-3, paragraph A, is hereby enacted to read as follows in the document attached hereto as Exhibit A.

Section 5. Table V-1. Table of Uses of the Zoning Ordinance of the City of Urbana, Illinois is hereby repealed upon the effective date of this Ordinance. The repeal of such Ordinance shall not abrogate or affect any act committed or done or any penalty or forfeiture incurred or any pending litigation or prosecution under such repealed Ordinance.

Section 6. In place of Table V-1. Table of Uses of the Zoning Ordinance herein repealed, a new Table V-1. Table of Uses of the Zoning

Ordinance is hereby enacted to read as follows in the document attached hereto as Exhibit B.

Section 7. 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 _____ day of _____, 2007.

PASSED by the City Council this _____ day of _____, 2007.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2007.

Laurel Lunt Prussing, 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 ___th day of _____, 2007, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "An Ordinance to Repeal Section XIII-3. Planned Unit Developments of the Zoning Ordinance of the City of Urbana, Illinois and to Adopt a Restatement of Section XIII-3. Planned Unit Developments of the Zoning Ordinance of the City of Urbana, Illinois (Planned Unit Development Text Amendment - Plan Case 2020-T-06)" 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 _____, 2007, 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 _____, 2007.

EXHIBIT A: SECTION XIII-3

Section XIII-3. Planned Unit Developments

A. *Planned Unit Development Definitions.*

1. *Planned Unit Development.* A large, integrated development adhering to a detailed site plan and located on a contiguous tract of land that may include a mixture of residential, commercial and/or industrial uses. Zoning and development regulations may be varied in conformance with this section and the adopted Urbana Comprehensive Plan.
 - a) *Residential Planned Unit Development.* A type of planned unit development focusing primarily on residential uses, which may include limited compatible business development.
 - b) *Commercial Planned Unit Development.* A type of planned unit development focusing primarily on business uses, which may include compatible residential development.
 - c) *Mixed Use Planned Unit Development.* A type of planned unit development focusing on the integration of residential and business uses in a manner compatible with the surrounding uses and with the goals of the Urbana Comprehensive Plan.
 - d) *Industrial Planned Unit Development.* A type of planned unit development focusing primarily on industrial uses, and permitting other compatible business uses.
2. *Conservation Development.* A development design technique that concentrates buildings on specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
3. *Infill Development.* Development of vacant or partially developed parcels which are surrounded by areas that are substantially or fully developed and served by existing public infrastructure.

B. *Purpose Statement.* The purpose of a planned unit development is to encourage development that goes beyond the minimum zoning and development standards in terms of design, public amenities, innovative "green" construction, and implementation of the Comprehensive Plan and other official development plans and policies. In exchange for public amenities, developers are granted flexibility in applying the typical zoning and development regulations. These amenities may include bicycle trails, public art, unique architecture, protection of natural resources, "green" design and building, or higher density and mixed-use development. For developers, flexibility allows more creative development that encourages infill development, provides a wider variety of housing choices, or meets a market niche. In all planned unit developments, the final built form shall be generally consistent with the goals, objectives, and future land uses of the Urbana Comprehensive Plan and other relevant plans and policies.

C. *Goals*

The general goals of a planned unit development are:

1. To encourage high quality non-traditional, mixed use, and/or conservation development in areas identified in the Comprehensive Plan;
2. To promote infill development in a manner consistent with the surrounding area;

3. To promote flexibility in subdivision and development design where necessary;
4. To provide public amenities not typically promoted by the Zoning Ordinance;
5. To promote development that is significantly responsive to the goals, objectives, and future land uses of the Urbana Comprehensive Plan;
6. To provide a higher level of street and pedestrian connectivity within the development and the surrounding neighborhood in accordance with the Urbana Comprehensive Plan.
7. To coordinate architectural styles, building forms, and building relationships within the development and the surrounding neighborhood;
8. To encourage the inclusion of a variety of public and private open space, recreational facilities, greenways and trails not typically promoted by the Zoning Ordinance;
9. To conserve, to the greatest extent possible, unique natural and cultural features, environmentally sensitive areas, or historic resources, and to utilize such features in a harmonious fashion.

D. *Applicability*

1. In order to qualify as a planned unit development, the development plan must include a gross site area of at least one-half acre and meet at least one of the following criteria. The Zoning Administrator shall determine if a development may qualify as a planned unit development in accordance with these criteria:
 - a) *Mixed-Use*. Either in the same building or with a “campus” approach, provide for a mixture of single-family, two-family, multi-family, commercial, office, and/or recreational uses.
 - b) *Conservation*. Protect natural, cultural and/or historical resources and harmoniously utilize such features as part of the development. This may include environmentally sensitive, or “green” building and site design.
 - c) *Infill*. Redevelop properties within the urban area that are vacant or underutilized due to obstacles such as lot layout, utility configuration, and road access.
 - d) *Unique Development*. Development that significantly responds to the goals and objectives of the Comprehensive Plan and other relevant plans and policies and/or addresses unique features of the site.

E. *Minimum Development ~~Guidelines~~ Standards*

1. *Flexible Zoning Standards*. Except as otherwise provided herein, standards for lot width, building height, floor area ratio, setbacks, off-street parking and loading, landscaping and screening, and fences may vary from the standards established in this Ordinance if justified by the circumstances particular peculiar to the site or the project and approved by City Council in accordance with the purpose and goals of this section.
2. *Flexible Subdivision Standards*. All dimensional and design standards, such as public and private streets, sidewalks, and stormwater management facilities, shall meet the requirements of the Urbana Subdivision and Land Development Code. A waiver of the requirements for public improvements may be considered concurrently or subsequently with the planned unit

development as part of a subdivision plat subject to the criteria in Section 21-7 of the Urbana Subdivision and Land Development Code.

3. *Multiple Structures and Uses.* There may be more than one principal and/or accessory building on a lot in a planned unit development. Similarly, there may be more than one principal and/or accessory use on a lot in a planned unit development.

F. *Preliminary Development Plan Submittal Requirements*

1. *Preliminary Conference.* Prior to the preparation of a formal application, the applicant shall meet with the Secretary of the Urbana Plan Commission and the Zoning Administrator, or his/her designee, to discuss the proposed development and determine if it meets the requirements of this Article and if additional information is needed.
2. ~~*Study Session.* Study session review as a first step at the Plan Commission is strongly encouraged. This provides an opportunity for the developer to introduce the project in a conceptual fashion to the Plan Commission and to answer any initial questions of the Commission in a public setting. Staff analysis of a proposal is not typically provided at the study session but issues of concern for future analysis may be identified.~~
3. *Preliminary Development Plan Application.* The applicant shall submit a completed application ~~planned unit development permit application~~ to the Secretary of the Urbana Plan Commission, together with five copies of ~~the a preliminary~~ development plan, and an application fee as specified in Section XI-8. The preliminary development plan should be conceptual but shall minimally include ~~contain~~ the following materials:
 - a) The name and address of all owners of the site proposed for development, as well as the name and address of all professional site planners, architects, engineers, surveyors, or other consultants. Applications shall be submitted by the owners of more than 50% of the ownership of the subject property involved.
 - b) A general location map of suitable scale which shows the location of the property within the community and adjacent parcels.
 - c) A site inventory and analysis to identify site assets and constraints, such as floodplains, wetlands, soils, wooded areas, existing infrastructure and easements, existing buildings, and public lands.
 - d) A conceptual site plan with the following information:
 - (1) Any adjacent and/or contiguous parcels of land owned or controlled by the petitioner(s).
 - (2) Proposed land uses and any conservation areas.
 - (3) Existing and proposed streets, sidewalks, and multi-use paths.
 - (4) Buffers between different land uses
 - (5) ~~The location of proposed structures and existing structures that will remain, with height and gross floor area noted for each structure; and~~
 - (6) ~~The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public right-of-way; transit stops; easements~~

~~and other reservations of land; the location of existing and proposed curb cuts, off-street parking and loading spaces, including service drives; sidewalks and other walkways; and~~

- ~~(7) A landscape plan indicating the general location of trees, shrubs, and ground cover (proposed or existing); and~~
- ~~(8) The location of any proposed open space; and~~
- ~~(9) A preliminary stormwater plan indicating the general location of impervious surfaces, detention/retention basins, and the basic storm sewer layout; and~~
- ~~(10) A preliminary utilities plan indicating the general location of sanitary sewers, electricity, gas, telecommunications, and similar services; and~~
- ~~(11) The location of street and pedestrian lighting, including lamp intensity and height.~~
- e) ~~Conceptual elevations of all proposed commercial buildings and conceptual typical elevations of residential buildings. Scaled elevations shall identify building materials, the location, height and material for screening walls and fences, storage areas for trash and rooftop equipment.~~
- f) ~~Design, location, display area, and height of any proposed signage subject to the regulations of the Urbana Zoning Ordinance.~~
- g) ~~A development program that provides general information about the development, including desired residential and commercial tenants, housing price targets, estimated construction costs, and any other information that conveys that purpose and intent of the development.~~
- e) Any other information deemed necessary by the Secretary of the Plan Commission.

G. *Final Development Plan Submittal Requirements*

1. The applicant shall submit a completed application ~~planned unit development, permit application~~ to the Secretary of the Urbana Plan Commission, together with five copies of ~~the a final~~ development plan, and an application fee as specified in Section XI-8. The final development plan shall minimally contain the following materials:
 - a) A general location map of suitable scale which shows the location of the property within the community and adjacent parcels.
 - b) ~~A site inventory and analysis to identify site assets and constraints, such as floodplains, wetlands, soils, wooded areas, existing infrastructure and easements, existing buildings, and public lands.~~
 - c) A specific site plan with the following information:
 - (1) The location of proposed structures and existing structures that will remain, with height and gross floor area noted for each structure; and
 - (2) The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public right-of-way; transit stops; easements and other reservations of land; the location of existing and proposed curb cuts, off-street parking and loading spaces, including service drives; sidewalks and other walkways; and

- (3) A landscape plan indicating the general location of trees, shrubs, and ground cover (proposed or existing); and
 - (4) The location of any proposed open space; and
 - (5) A preliminary stormwater plan indicating the general location of impervious surfaces, detention/retention basins, and the basic storm sewer layout; and
 - (6) A preliminary utilities plan indicating the general location of sanitary sewers, electricity, gas, telecommunications, and similar services; and
 - (7) The location of street and pedestrian lighting, including lamp intensity and height.
- d) Conceptual elevations of all proposed commercial buildings and conceptual typical elevations of residential buildings. Scaled elevations shall identify building materials, the location, height and material for screening walls and fences, storage areas for trash and rooftop equipment.
 - e) Design, location, display area, and height of any proposed signage subject to the regulations of the Urbana Zoning Ordinance.
 - f) A development program that provides general information about the development, including desired residential and commercial tenants, housing price targets, estimated construction costs, and any other information that conveys that purpose and intent of the development.
 - g) A development schedule indicating:
 - (1) The approximate date when construction of the project will begin;
 - (2) The phases in which the project will be built, if applicable, and the approximate date when construction of each phase will begin;
 - (3) The approximate dates when the development of each of the stages will be completed;
 - h) Any other information deemed necessary by the Secretary of the Plan Commission.

H. Preliminary Development Plan Review

1. Plan Commission Review. Following receipt of a complete Planned Unit Development application and supporting materials, and the payment of applicable fees, the Secretary of the Plan Commission shall schedule, and the Plan Commission shall hold, a public hearing in accordance with the notification requirements of Section XI-10 of the Zoning Ordinance. Within 30 days after completing the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary development plan. The Plan Commission shall consider the proposed preliminary Planned Unit Development plan in accordance with the definitions and goals of this section, the report and recommendations of City staff, and the minimum requirements set forth in this section. The Plan Commission shall forward to the City Council the preliminary Planned Unit Development application and plan, together with its recommendation thereon. The recommendation may include revisions to, additions to, or deletions from the application and development plan submitted by the applicant.
2. City Council Review. The City Council shall review the application and Plan Commission recommendations and either approve, approve with changes, or disapprove the preliminary

Planned Unit Development plan. Approval shall not be construed as an implied waiver of any requirements. A waiver of any requirement shall be expressly written.

3. Approval of the Preliminary Development Plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of the applicant regarding the plan. City Council approval shall be valid for one year from the date of approval.

I. Final Development Plan Procedures.

1. Final Development Plan applications shall be submitted before the expiration of the Preliminary Development Plan. The Final Development Plan shall be reviewed in accordance with Section XIII-3.J and Section XIII-3.K.
2. The application shall demonstrate that the proposed development plan meets the criteria specified in Section XIII-3.K.1.
3. Each application for a Planned Unit Development Permit shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.

J. Final Planned Unit Development Review.

1. A public hearing shall be held by the Plan Commission, in accordance with notification requirements specified in Section XI-10 of this Ordinance.
2. The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the Planned Unit Development Permit based upon the criteria specified in Section XIII-3.K.1.
3. The Plan Commission shall make a recommendation to the City Council for or against the Final Planned Unit Development plan, and may also recommend such additional conditions as are deemed appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:
 - (1) Regulate the location, extent, and intensity of such uses;
 - (2) Require the screening of such uses by means of fences, walls, or vegetation;
 - (3) Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures;
 - (4) Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
 - (5) Require conformance to health, safety, and sanitation requirements, as necessary;
 - (6) Regulate signs and outdoor lighting;
 - (7) Any other provisions deemed necessary to effect the purposes of this Ordinance.
4. The City Council shall consider the recommendation of the Plan Commission regarding the preliminary Planned Unit Development plan. The City Council may impose any conditions or

requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

5. In the case of a valid written protest, the Planned Unit Development Permit shall not be authorized except by a favorable vote of two-thirds of the members of the City Council. Procedures for protest against any proposed Planned Unit Development Permit are specified in Section XI-11 of this Ordinance.
6. The Final Planned Unit Development plan, as approved by the City Council, shall be recorded within six months following passage of the ordinance approving said plan.
7. Once expressly authorized by the City Council pursuant to the Preliminary and Final Planned Unit Development plan procedures, the Zoning Administrator shall then issue a Planned Unit Development Permit in accordance with the approved plan. No building permit or Certificate of Occupancy (if no building permit is required) shall be issued before issuance of a Planned Unit Development Permit.

K. Final Planned Unit Development Procedures Criteria for Approval.

1. The applicant shall demonstrate that the development plan meets the following criteria:
 - a) That the proposed development is conducive to the public convenience at that location; and
 - b) That the proposed development is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the surrounding areas, or otherwise injurious or detrimental to the public welfare; and
 - c) That the proposed development is consistent with the goals, objectives, and future land uses of the Urbana Comprehensive Plan and other relevant plans and policies; and
 - d) That the proposed development is consistent with the purpose and goals of this section; and
 - e) That the proposed development is responsive to the relevant recommended design features identified in Table XIII-2.
2. If the development plan involves a Zoning Map Amendment, such a request may be submitted concurrently or subsequently to with the planned unit development permit request.
3. If the development plan involves a subdivision plat and/or subdivision code waiver request, such a request may be submitted concurrently or subsequently to with the planned unit development permit request.
4. In the case of a valid written protest, the planned unit development shall not be authorized except by a favorable vote of two-thirds of the members of the City Council. Procedures for protest against any proposed planned unit development permit are specified in Section XI-11 of this Ordinance.
5. Unless otherwise specifically stated by the City Council, the planned unit development approval shall be valid for a period of two years from the date of City Council approval. The Zoning Administrator may extend the approval for an additional year in response to a written request by the applicant detailing the reasons why the timeline set forth in the original application cannot be fulfilled. Valid planned unit development approval in the form of an ordinance is required before issuance of a building permit or Certificate of Occupancy.

6. If construction has not begun or an approved use has not been established in the planned unit development within the timeframe specified in Section XIII-3.G.6, the approval of the final development plan shall lapse and be considered void and no longer in effect.
 7. If approved, the development plan, approving ordinance and all dedications, covenants, and other such documents shall be recorded with the Champaign County Recorder's Office.
 8. Violation of the terms and conditions of the special use shall be deemed a violation of this Ordinance, subject to the revocation or cancellation of the permit and the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the planned unit development permit may be approved by the Zoning Administrator. Any such extension or change which is not so authorized shall be deemed a violation of this Ordinance as provided above.
- L. *Changes in the Approved Development Plan.* Minor changes to an adopted development plan may be approved by the Zoning Administrator, provided that the changes do not:
1. Substantially alter the overall use or character of the development, as approved by the City Council; or
 2. Significantly increase the overall lot coverage of structures, individual building height, or intensity of use, resulting in the development plan no longer meeting the approval criteria specified in Section XIII-3.G.2; or
 3. Significantly reduce approved open space, setbacks, off-street parking and loading space, or required street widths, resulting in the development plan no longer meeting the approval criteria specified in Section XIII-3.G.2; or
 4. Create problems regarding pedestrian, bicycle, and vehicular traffic circulation, public safety, emergency access, or public utilities; or
 5. Necessitate additional waivers to the Urbana Subdivision and Land Development Code.

M. *Permitted Uses*

1. In a Residential or Mixed Use Planned Unit Development, any agriculture, residential, public/quasi-public, or business use identified in Table V-1 shall may be permitted except the following uses and use categories:
 - a) Agriculture
 - (1) Agriculture, General
 - (2) Commercial breeding facility
 - (3) Farm Chemical and Fertilizer Sales
 - (4) Farm Equipment Sales and Service
 - (5) Grain Storage Elevator and Bins
 - (6) Livestock Sales Facility and Stockyards
 - (7) Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities
 - b) Public and Quasi-Public
 - (1) Penal or Correctional Institution
 - (2) Public or Commercial Sanitary Landfill
 - (3) Public Maintenance and Storage Garage

- c) Business
 - (1) Adult Entertainment Uses
 - (2) Wholesale Produce Terminal
 - (3) Ambulance Service
 - (4) Express Package Delivery Distribution Center
 - (5) Building Material Sales
 - (6) Transportation, except for personal aviation facilities
 - (7) Vehicular Sales and Service
 - (8) Cemetery
 - (9) Construction Yard
 - (10) Crematory
 - (11) Kennel
 - (12) Lawn Care and Landscaping Service
 - (13) Self-Storage Facility
 - (14) Warehouse

- d) All Industrial uses

- 2. In a Commercial Planned Unit Development, any agriculture, public or quasi-public, business, or industrial use identified in Table V-1 shall may be permitted except:

- a) Agriculture
 - (1) Commercial Breeding Facility
 - (2) Farm Chemicals and Fertilizer Sales
 - (3) Grain Storage Elevator and Bins
 - (4) Livestock Sales Facility and Stockyards
 - (5) Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities

- b) Public and Quasi-Public
 - (1) Public or Commercial Sanitary Landfill

- 3. In an Industrial Planned Unit Development, any agriculture, public or quasi-public, business or industrial use shall may be permitted

N. *Recommended Design Features.*

- 1. The following recommended design features are intended to provide guidance on how a development plan may meet the planned unit development review criteria. The recommended design features are directly based on the purpose and goals of this Section, as well as the Urbana Comprehensive Plan.

TABLE XIII-2. PLANNED UNIT DEVELOPMENT RECOMMENDED DESIGN FEATURES

General Site Design	Recommended Design Feature	Applicable PUD Type
Building Layout	Buildings should be placed in a manner that facilitates the recommended design features of this Article	All
Transition Area	The development shall incorporate general design features from the surrounding area, including street design, building configuration, landscaping and setbacks, to ensure compatibility and to provide a transition between differing land use intensities	All
Lighting	Lighting design, amount, angles, and placement should reduce excessive lighting and minimize negative impacts on nearby residential areas	All
Street Lights	Street lighting approved by the City Engineer should be provided to enhance public safety and visibility	All
Pedestrian Connectivity		
Crosswalks	Crosswalks through intersections of sidewalks and streets should be designed with clearly defined edges, either by contrasting paving materials or striping	All
Connectivity	All pedestrian facilities should connect to on-street and off-street bicycle facilities, existing and planned bicycle and shared-use paths identified in the <i>Champaign County Greenways and Trails Plan</i> , the Urbana Capital Improvements Plan, and the Comprehensive Plan	All
Transit	Adequate space for well-lit transit shelters should be provided to clearly identify bus stops. Curb cuts, bump outs, and other infrastructure should be provided as necessary to facilitate transit provision	All
Internal Connectivity	A network of sidewalks, bicycle paths and trails should be included in a development to link buildings within a site and to the surrounding neighborhood	All
Bicycle Parking	Bicycle racks should be placed convenient to building entrances, and under canopies whenever possible. The minimum amount of bicycle parking required is stipulated in Table VIII-1, and should be increased when necessary	All

Vehicular Connectivity	Recommended Design Feature	Applicable PUD Type
Access	Roads and Access drives that connect to major roads should be spaced in accordance with the <i>Champaign County Access Management Guidelines</i> . The number of access points drives shall be minimized, and all access points are subject to approval by the City Engineer.	All
Internal Connectivity	The internal street system of a development should promote efficient traffic movement and be generally consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan.	All
External Connectivity	The internal street system of a development should connect to adjacent roadways to promote an efficient citywide transportation system consistent with the Mobility Map of the 2005 Urbana Comprehensive Plan.	All
Parking Areas		
Permeable Parking	Where appropriate and feasible, parking areas should utilize permeable materials to minimize stormwater runoff. Any such material is subject to approval by the City Engineer	All
Maximum Parking	The amount of parking provided should be reduced to the minimum amount required by the use, as identified in Table VIII-3, or by additional data related to parking demand.	All
Rear Parking	Parking areas should be located behind the principal structure whenever possible to encourage a more pedestrian-friendly environment.	Commercial Mixed Use Industrial
Parking Area Landscaping	The corners of parking lots, tree islands, and all other areas not used for parking or vehicular circulation should be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs, or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking	Commercial Mixed Use Industrial
Shared Parking		All

Landscaping and Screening	Recommended Design Feature	Applicable PUD Type
Landscape Identity	Distinct landscaping, such as prairie plantings or large caliper trees, should be used to link signage, pedestrian facilities, parking areas, drainage areas, and buildings together in order to distinguish the site. A listing of approved materials is provided in Table VI-1 and Table VI-2. Additional materials may be approved by the City Arborist	All
Tree Preservation	Significant trees, as identified by the City Arborist, should be protected and incorporated into the development to the greatest extent possible	All
Street Trees	Deciduous canopy street trees shall be provided along all streets in a development. Trees need not be evenly spaced, and should be placed in the landscaped area of a boulevard, or in tree wells	All
Screening	Screening shall be required in accordance with Section VI-6 and Section VIII-3.F	All
Open Space		
Open Space Provision	Open space uses, such as environmental corridors, protected natural areas, community parks, water bodies, and stormwater facilities, should be either retained or created and incorporated into the development plan as appropriate, and in accordance with the Comprehensive Plan	All
Open Space Purpose	Open space uses should protect significant natural, cultural, and historical resources such as wooded and other natural areas, natural detention areas, vistas, drainage ways, and historic structures or properties	All
Greenways and Trails	Provide connections to existing and planned bicycle, shared-use paths, and greenways identified in the <i>Champaign County Greenways and Trails Plan</i> , the Capital Improvements Plan, and the Comprehensive Plan	Residential Commercial Mixed Use
Drainage Areas	Drainage areas may count as open space, but should not constitute the majority of open space. Drainage areas should be permanently accessible to the public and link to other such areas within a development	All
Passive Recreation	Provide passive recreation areas that appeal to a wide demographic, such as off-street nature trails, sculpture gardens, community garden plots, and covered picnic areas, where appropriate in the development.	Residential Commercial Mixed Use

Open Space	Recommended Design Feature	Applicable PUD Type
Active Recreation	Provide areas for active recreation that appeal to a wide demographic, such as playlots and sports fields, where appropriate in the development.	Residential Commercial Mixed Use
Connected Open Space	Open space throughout the development should be linked by sidewalks, trails, or across public right-of-way in order to avoid separate isolated open space areas	All
Architectural Design		
Architectural Consistency	Incorporate common patterns and architectural characteristics found throughout the development and the surrounding area, such as porches, roof types, and building massing	Residential Commercial Mixed Use
Architectural Identity	Utilize a number of architectural features, landscaping, public art, and other methods to ensure buildings create an identity for the development	Residential Commercial Mixed Use
Articulated Design	Buildings should look "complex and engaging," including varying roof heights and pitches, forward and back progressions, exterior trim details, outdoor living space and other decorative details and exterior materials	Residential Commercial Mixed Use
Openings	Windows, doors and other openings should be in scale and proportionate with each other. Openings should display a consistent pattern and rhythm in order to "break up" large wall spaces	Residential Commercial Mixed Use
Exterior Surfaces	Exterior treatment, such as brick, or siding should protect the integrity of the structure and provide an enhanced visual aesthetic to the block	Residential Commercial Mixed Use
Fences	Walls and fences should be compatible with the architecture of the site and surrounding properties	All
Building-Street Relationship	The principal entrance of a building should be oriented towards the street. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements should be used to define the principal entrance of a building	Residential Commercial Mixed Use
Garages	Garages may be located within the principal building or as an accessory building provided that the accessory building conforms to Section V-2. When possible, garages should be accessed from behind the front façade of a building	Residential Mixed Use

Architectural Design	Recommended Design Feature	Applicable PUD Type
Energy Efficient Construction	Whenever possible, a development should utilize building construction and site design that incorporate innovative and effective techniques in energy conservation. A development that achieves at least enough points to attain LEED "Certified" status is highly recommended.	All
Materials	Utilize exterior treatments or siding that protect the integrity of a structure and provide an enhanced visual aesthetic for the development consistent with other architectural features	Residential Commercial Mixed Use
Accessibility / Visitability	Individual buildings should incorporate design features that encourage accessibility and visitability, such as wide doorways, bathrooms on the main floor, and "zero step" entryways	All
Signage		
General Signage	The amount and type of signage in a development should be architecturally compatible with the building design and development in general, including materials, scale, colors, lighting and general character in order to promote better recognition of a specific business	Commercial Mixed Use Industrial
Freestanding Signs	Freestanding signs should incorporate design elements, such as landscaping, strategic placement, and compatible materials, to draw attention. Monument signage (as opposed to pylon signs) is strongly encouraged when appropriate, especially near residential areas	Commercial Mixed Use Industrial
Group Signage	Multiple businesses or shopping centers shall group signage near main access drives and utilize landscaping or other means to visually link signs to the site and building	Commercial Mixed Use Industrial

ARTICLE V. Use Regulations

Section V-3. Table of Permitted Uses, by District

- A. In Table V-1, the use listed in a horizontal row with the letter “P” is permitted by right as a principal use in the district listed at the head of the vertical column in which the letter “P” appears, except as provided in paragraph B. below; similarly, the letter “C” indicates that the use is permitted as a conditional use in that district, and the letter “S” indicates that the use is permitted as a special use in that district, subject to the regulations and procedures specified in Article VII of this Ordinance. The letter “D” indicates that the use is permitted as a planned unit development, subject to the regulations and procedures specified in Article XIII of this Ordinance.

EXHIBIT B: TABLE V-1

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	IN	MOR	OP
Agriculture																				
Agriculture, Cropping	P	P	P	P	P	P	P		P								P	P		
Agriculture, General									P								P			
Artificial Lake of one (1) or more acres	C	C	C	C	C	C			C								C	C		
Commercial Breeding Facility									P										C	
Farm Chemicals and Fertilizer Sales Including Incidental Storage and Mixing of Blending Fertilizer																				P
Farm Equipment Sales and Service												P								C
Feed and Grain (Sales only)									C			P	P	C	C					
Garden Shop									C	P	P	P	P	P	P					P
Grain Storage Elevator and Bins									C											C
Livestock Sales Facility and Stockyards									C											C
Mineral Extraction, Quarrying, Topsoil Removal and Allied Activities									S									S	C	
Plant Nursery or Greenhouse									P	C	C	P	C	P	P			S		P
Roadside Produce Sales Stand									P			P	P							
Public and Quasi-Public																				
Church or Temple	S	S	S	P	P	P	P	S	S	P	P	S	P	P	P		S		P	S
Electrical Substation	S	S	S	C	C	C	C		S	C	C	P		P	P				P	
Hospital or Clinic					S	P			S			P	P	P	P					P
Institution of an Educational, Philanthropic, or Eleemosynary Nature	S	S	S	P	P	P	P		S	P	P	P	P	P	P		S		P	
Methadone Treatment Facility					S	P			S			P	P	P	P					P
Municipal or Government Building	C	C	C	P	P	P	P		C	P	P	P	P	P	P		P	P	P	P
Nonprofit or Governmental, Educational and Research Agencies												C	C	C	C	S	P	P		P
Penal or Correctional Institution												S		S	S				S	
Police Station or Fire Station			S	S	S	S	S		S	P	P	P	P	P	P	S			P	
Principal Use Parking Garage or Lot				S	S	S	S				P	P	P	P	P				P	S
Public or Commercial Sanitary Landfill									S											C
Public Elementary, Junior High School, or Senior High School	P	P	P	P	P	P			P								P			
Public Fairgrounds									S											
Public Library, Museum or Gallery	S	S	S	P	P	P	P			P	P	P	P	P	P		P		P	
Public Maintenance and Storage Garage												P								P
Public Park	P	P	P	P	P	P	P		S	P	P	P	P	P	P		P	P	P	P
Radio or Television Tower and Station									S			C	C	S	S					C
Sewage Treatment Plant or Lagoon									S									S	C	
University/College												P	P	P	P	P	P			P
Utility Provider											S	P	P	P	P					P
Water Treatment Plant									S											C
Business																				
Adult Entertainment																				
Adult Entertainment Uses												P		P						
Food Sales and Service																				
Bakery (Less than 2,500 square feet)							P			P	P	P	P	P	P	S				C
Café or Deli							C			C	P	P	P	P	P	S			P	C
Confectionery Store							P			P	P	P	P	P	P	S				P
Convenience Store							C			S	P	P	P	P	P	S				P
Fast-food Restaurant										C	C	P	P	P	P					
Meat and Fish Market										P	P	P	P	P	P	S				S
Restaurant							C			C	P	P	P	P	P	S				C
Liquor Store											C	P	P	P	P					

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	IN	MOR	OP
Food Sales and Service (continued)																				
Supermarket or Grocery Store							C			P/S**	P	P	P	P	P					
Tavern or Night Club												P	P	P	P					
Wholesale Produce Terminal																			P	
Personal Services																				
Ambulance Service												P	P	P	P				P	
Barber/Beauty Shop							P			P	P	P	P	P	P	S			P	P
Dry Cleaning or Laundry Establishment										S	P	P	P	P	P	S		C		C
Health Club/Fitness							C			P/C*	P	P	P	P	P	S			P	P
Laundry and/or Dry Cleaning Pickup							P			S	P	P	P	P	P	S				P
Massage Parlor												P	P	P	P					P
Medical Carrier Service												P	P	P	P				P	
Mortuary					C	C	C			C	P	P	P	P	P					P
Pet Care/Grooming							P			P	P	P	P	P	P					P
Self-Service Laundry							C			P	P	P	P	P	P					
Shoe Repair Shop							P			P	P	P	P	P	P	S				P
Tailor and Pressing Shop							P			P	P	P	P	P	P	S				P
Professional and Financial Services																				
Bank/Savings and Loan Association							P			P	P	P	P	P	P	S			P	P
Check Cashing Service							P			C	P	P	P	P	P				P	P
Copy and Printing Service							P			P	P	P	P	P	P	S				P
Express Package Delivery Distribution Center																			P	
Packaging/Mailing Service										C	P	P	P	P	P	S				P
Professional and Business Office				S	C	C	P			P	P	P	P	P	P	S			P	P
Vocational, Trade or Business School									C			P	P	P	P				C	P
Retail Trade																				
Antique or Used Furniture Sales and Service										P/C*		P	P	P	P	S				P
Apparel Shop							P			P/C*	P	P	P	P	P	S				P
Art and Craft Store and/or Studio							C-P			P/C*	P	P	P	P	P	S				P
Bicycle Sales and Service							C			P/C*	P	P	P	P	P	S				P
Bookstore							P			P	P	P	P	P	P	S				P
Building Material Sales (All Indoors Excluding Concrete or Asphalt Mixing)												P	P	P	P				P	
Department Store												P	P	P	P					
Drugstore							P			S	P	P	P	P	P	S				P
Appliance Sales and Service										P	P	P	P	P	P					
Electronics Sales and Service							P			P	P	P	P	P	P	S				P
Florist							P			P	P	P	P	P	P	S				P
Office Supplies/Equipment Sales and Service												P	P	P	P					P
Hardware Store										P	P	P	P	P	P					P
Heating, Ventilating, Air Conditioning Sales and Service										C	P	P	P	P	P				P	
Jewelry Store							P			P	P	P	P	P	P	S				P
Monument Sales (Excluding Stone Cutting)												P	P	P	P					
Music Store							P			P	P	P	P	P	P	S				P
Pawn Shop													P	P	P					
Pet Store										P/C*	P	P	P	P	P					P
Photographic Studio and Equipment Sales and Service							P			P/C*	P	P	P	P	P	S			P	P
Shoe Store							P			P/C*	P	P	P	P	P	S				P
Sporting Goods							C			P/C*	P	P	P	P	P	S				P
Stationery, Gifts, or Art Supplies							P			P	P	P	P	P	P	S				P

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	IN	MOR	OP
Retail Trade (continued)																				
Tobacconist							P			P	P	P	P	P	P					P
Variety Store							P			P	P	P	P	P	P	S				P
Video Store							P			P/S**	P	P	P	P	P	S				P
Recreation																				
Athletic Training Facility, Non-residential							C					P	P	P	P					P
Athletic Training Facility, Residential				C	C	C	C			C	C	P	P	P	P		C			C
Bait Sales									C			P		P	P		C			
Billiard Hall												P	P	P	P	S				P
Bowling Alley												P	P	P	P					
Camp or Picnic Area									P								C			
Commercial Fishing Lake									C								C			
Country Club or Golf Course	P	P	P	P	P	P	P		P								C			
Dancing School										P/C*		P	P	P	P	S				P
Driving Range									P			P					C			
Lodge or Private Club	C	C	C	C	P	P			C	C	C	P	P	P	P		C			C
Miniature Golf Course									P			P					C			
Outdoor Commercial Recreation Enterprise (Except Amusement Park)									C			P	P	P	P		C			
Private Indoor Recreational Development									C			P	P	P	P	S	C			P
Resort or Organized Camp									C								C			
Riding Stable									P								C			
Theater, Indoor										S		P	P	P	P					P
Theater, Outdoor									C		C									
Transportation																				
Airport									C											
Air Freight Terminal									S											C
Helipoint									C											S
Motor Bus Station												P		P	P					P
Railroad Yard and Freight Terminal																				P
Truck Terminal/Truck Wash																				P
Vehicular Sales and Service																				
Automobile Accessories (New)							C			C	C	P	P	P	P					
Automobile Salvage Yard (Junkyard)																				C
Automobile, Truck, Trailer or Boat Sales												P								P
Automobile/Truck Repair												P								P
Automobile Washing Facility												P	P							C
Gasoline Station										S	C	P	C	C	C					P
Mobile Home Sales												P								
Towing Service												S								P
Truck Stop												S								P
Miscellaneous Business																				
Auction Sales (Non-Animal)												P	P	P	P					
Aviation Sales, Service or Storage									C											P
Cemetery									C								C			
Shopping Center - Convenience							S			S	S	S	S	S	S				S	S
Shopping Center - General												S	S	S	S					S
Commercial Planned Unit Development											D	D	D	D	D	D			D	D
Construction Yard									C											P
Contractor Shop and Showroom (Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops)										C		P	P	P	P					P
Crematory									C			C	C							
Day Care Facility (non-home based)	C	C	C	C	C	C	C			C	C	C	C	C	C				C	P

Proposed Planned Unit Development Application Process

(March 20, 2007)

