



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Mayor Laurel Lunt Prussing

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

**DATE:** December 11, 2008

**SUBJECT:** Plan Case 2063-T-08: Omnibus Text Amendment to the Urbana Zoning Ordinance

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**Introduction**

The Zoning Administrator is requesting an omnibus amendment to the Zoning Ordinance. This ordinance includes such changes as updating definitions, reorganizing sections, revising allowed uses and parking requirements, and a variety of minor changes. The majority of the changes are requested to assist the daily administration of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices. This ordinance is also intended to fix typographical errors and inconsistencies that have been identified since the ordinance was last updated. On their own, many of these changes would not otherwise warrant a separate zoning ordinance text amendment.

**Background**

The last omnibus Zoning Ordinance amendment was approved in 2006. Since then some typographical errors and inconsistencies have been found. In addition, current professional practice and policies and the City's adopted plans and policies may differ from what is permitted by the Zoning Ordinance. The more substantial of the proposed changes are the result of staff experiences while administering the Zoning Ordinance. Some changes have been previously discussed, while others are in response to new development patterns, professional practices, City policies, or specific requests by policy makers.

Future amendments to the Zoning Ordinance currently in progress include creating a design guideline overlay district for the Lincoln-Busey Corridor, further changes to the sign ordinance, establishing new lighting standards, and separating light and heavy industrial zoning districts. These more substantial changes will be presented to the Plan Commission in the next few months.

## Discussion

This memorandum discusses more significant Zoning Ordinance changes, but summarizes all minor changes. Exhibit A, Zoning Ordinance Proposed Changes, outlines all of the proposed changes using a strikethrough and underline notation system. A strikethrough indicates ~~deleted~~ language, while an underline indicates add language. Staff is suggesting a number of grammatical corrections and organizational changes. These corrections are non-substantive and address typographical or numbering errors which are not addressed in this memorandum.

Upon adoption of the Zoning Ordinance omnibus text amendment, staff will republish the Zoning Ordinance, including several text amendments adopted over the past two years, including

- An updated section on Planned Unit Developments (2020-T-06, approved by Council January 2007);
- Revision to the Historic Preservation Ordinance (2053-T-07, March 2008);
- Revised Sign Regulations (2050-T-07, October 2007);
- Changes regarding parking surface and location (2002-T-06, June 2007);
- New requirements for outdoor storage screening on industrial properties (2013-T-06, December 2006);
- A new condominium conversion ordinance (2064-T-08, June 2008); and
- The new section on Neighborhood Conservation Districts (2023-T-06, November 2007).

Many of the adopted amendments are directly related to Goals and Objectives or Implementation Strategies from the 2005 Urbana Comprehensive Plan. These adopted amendments will all be summarized in the table which precedes the text of the Zoning Ordinance upon republishing.

Below is a summary of the major proposed changes organized by Zoning Ordinance article.

### *Updated References*

Several references in the Zoning Ordinance need correction. Some references refer to sections which no longer exist. The following corrections are proposed for references in the Zoning Ordinance, as indicated in Exhibit A:

<u>Page</u>	<u>Change</u>
19	Reference to wrong section “VIII-2” now reads “VIII-3”
37	Paragraph V-3.E refers to section (VII-9) which no longer exists
38	Reference to wrong section “VIII-4.C” now reads “VIII-5.E”
49	References to wrong sections “VI-5.E.3” and “VI-5.F.1” now read “VI-5.G.3” and “VI-5.H.1”
49-77	References to Table VI-1 replaced with Table VI-3
55	Reference to Table VI-3 replaced with Table VI-1
59	Footnote 11 under R-2 and R-3 should reference footnote 13
60	References to wrong section “VI-5.E.3” and “VI-5.F.1” now read “VI-5.G.3” and

- “VI-5.H.1”
- 68 Reference to wrong section “VII-9.B.2(b)” now reads “VII-7.B.2(b)”
- 74 Reference to wrong section “VII-3” now reads “VIII-3”
- 83 Reference to wrong table “VIII-6” now reads “VIII-7”
- 87 Footnote 4 not referenced. Should be added under “Commercial Uses”
- 87 Footnote 3 should apply under “Public and Quasi Public Uses” and “Industrial Uses”
- 113 Footnote reference to wrong section “Article II” now reads “Section IX-2.K”
- 121 Removed reference to deleted section (IX-8)
- 165 References to wrong section “XII-6.C” now read “XII-6.B”

Additionally, all references to the “Development Review Board” are proposed to be changed to “MOR Development Review Board” in order to distinguish it from a new design review board proposed for the Lincoln-Busey Corridor.

## **Text Changes**

### ***Article I. General Provisions***

- Revise Section I-2 to include language as requested by legal counsel in order to clarify which takes precedence should the state zoning act be amended in conflict with the Urbana Zoning Ordinance.

### ***Article II. Definitions***

- Amend the definition of *Adjoining* to clarify when it applies.
- Amend the definition of *Athletic Training Facilities, Non-Residential* and remove definition of *Athletic Training Facility, Residential*, as no such facilities exist in Urbana.
- Amend the definitions of *Day Care Home* and *Day Care Facility* to include “dependent adults” and to reduce number of dependents allowed at a *Day Care Home* from eight to five. In order to allow these uses, the definitions were expanded to include dependent adults. The Building Code limits home day care uses to five dependents other than family members. As such, the Zoning Ordinance is proposed to be amended to be in agreement.
- Remove definition entry for *Flood Hazard Zone Permit*. This term is not used in the Zoning Ordinance. *Creekway Permit* is used instead.
- Amend the definition of *Shopping Center* to include definitions of *Convenience* and *General Shopping Centers* as included in previous versions of the Zoning Ordinance.
- Replace the following terms in an effort to modernize language for various uses
  - *Home for the Aged with Senior Housing*

- *Institution of an Educational, Philanthropic, or Eleemosynary Nature with Institution of an Educational or Charitable Nature*
- *Massage Parlor with Massage Therapist*
- *Church or Temple with Church, Temple or Mosque*

***Article IV. Districts and Boundaries***

- Revise Section IV-2 to clarify the nature of the MIC conversion zone and when a property in the district is converted to the MIC district.
- Modify Table IV-1 to spell out the full names of the zoning districts, rather than just listing their acronyms.

***Article V. Use Regulations***

- Move language more pertinent to use regulations than development regulations from Section VI-3.B to Section V-1.C.
- Revise V-2.D.7.a to remove excess verbiage left over from previous Omnibus text amendment.
- Remove paragraph V-5.C, which refers to a deleted section of code.
- Reference Section VI-3.F, which also deals with common-lot line dwellings, in Section V-9.
- Revise language to clarify the meaning (V-10.B, V-13)
- Staff had initially proposed a revision to remove automobile repair as a home occupation. At their December 4, 2008 meeting, the Urbana Plan Commission voted against removing automobile repair as a home occupation. Commissioners stated that if home automobile repair was not allowed that it would result in people operating illegal home repair businesses. The Commission agreed that it was better to give residents the opportunity to comply with regulations than to prohibit auto repair as a home business.

***Table V-1. Table of Uses***

- Replace the following terms in an effort to modernize language for various uses
  - *Home for the Aged with Senior Housing*

- *Institution of an Educational, Philanthropic, or Eleemosynary Nature with Institution of an Educational or Charitable Nature*
  - *Massage Parlor with Massage Therapist*
  - *Church or Temple with Church, Temple or Mosque*
  - *Penal or Correctional Institution with Correctional Institution or Facility*
  - *Apparel Shop with Clothing Store*
  - *Billiard Hall with Pool Hall*
  - *Automobile Washing Facility with Car Wash*
  - *Crematory with Crematorium*
- Remove “Public” from “*Public Elementary, Junior High School, or Senior High School*”, “*Public Fairgrounds*”, and “*Public Park*”.
  - Allow *School* as a Special Use in the B-4 District. This could allow for a school to be built downtown, one of the City’s most walkable areas.
  - Remove *Residential Athletic Training Facility*.
  - Permit *Shopping Centers* by right in the B-3, General Business and IN, Industrial districts, and as a Special Use in the CCD, Campus Commercial District.
  - Change *Automobile Salvage Yard (Junkyard)* to require a special use permit instead of a conditional use permit. Staff feels that junkyards require a higher level of review than is currently required.
  - Add *Recycling Center* as a Special Use in the Industrial District. The City has received inquiries regarding the zoning regulations for Recycling Centers. Adding this to the table of uses will make policy clear.

***Article VI. Development Regulations***

- Specify in Section VI-2 that maximum heights for principal uses are given in table VI-3.
- Change language in VI-4.A to provide regulations instead of definitions.
- Combine and move language in VI-5.B and VI-5.C.
- Revise language to clarify the meaning (VI-5.D.7, VI-5.D.11).
- Revise to allow solar panels in side and rear yards in section VI-5. Under the current regulations, solar panels are considered mechanical devices and are not allowed in the required yards. The new language, consistent with general practice, will allow solar panels that do not exceed six feet in height to encroach to within 18 inches of the property line.
- Add language to paragraph VI-5.F.2 to clarify that vehicles at an automobile dealership, while technically merchandise for sale, shall be allowed in the required front yard if screening requirements are met. This is consistent with a long-standing zoning interpretation.

- Add a table and reorganize section VI-6 to make buffer yard and screening requirements easier to understand.
- Amend language in paragraph VI-6.B.4 to match existing requirements set forth in Article VIII.
- Add language to require that new dumpsters and mechanical equipment be screened from adjoining properties. This requirement is common in many comparable communities, including the City of Champaign.

***Table VI-3: Development Regulations By District***

- Add footnote 3 to additional districts in which it applies.
- Add footnote 17, referencing provisions in section VI-2, to districts in which it applies.

***Article VII. Conditional and Special Uses***

- Revise language to clarify that conditional and special use permits shall be valid as long as the conditional or special use is operating, unless otherwise specified by the Zoning Board of Appeals or City Council. Also, specify that conditional and special use permits will expire one year after issuance if a certificate of occupancy is not issued. (VII-3.B and VII-5.B)

***Article VIII. Parking and Access***

- Split Section VIII-3.A.4 into two separate paragraphs, as it contained two unrelated provisions.
- Revise Table VIII-3, Widths for Access Drives, to allow a minimum width of 9 feet for duplex properties. This is consistent with other sections of the Zoning Ordinance that allow vehicles on duplex properties to back out onto the road, rather than requiring a 20 foot wide two-way drive.
- Revise language to clarify the meaning (VIII-4.F.4 and 5)
- Remove language to incorporate previously adopted text amendment from Plan Case 1756-T-00 (VIII-7.A).
- Apply bicycle parking changes recommended in the adopted Urbana Bicycle Master Plan:
  - Revise language in paragraph VIII-7.A.1.b to reduce the number of automobile parking spaces required to trigger bicycle parking requirements from 20 to 10.

- Add sample images of acceptable and unacceptable bicycle rack types in Figure VIII-7.
- Allow for bicycle parking in the required front yard of the CCD district, as it has a shallow six-foot minimum required yard. (VIII.A.2.i)
- Add applicable footnotes to appropriate cells in Table VIII-6.
- Revise Table VIII-7, Parking Requirements by Use to provide requirements for additional uses. Previous editions of the Zoning Ordinance contained entries for Day Care Facilities and Fitness Clubs. These uses are proposed to be replaced in Table VIII-7.

***Article IX. Sign Regulations***

- Revise language to incorporate new federal requirements for private traffic signs (IX-2.R).
- Amend Table IX-2 to refer to maximum area of wall sign per “building face”, rather than “frontage”.
- Amend Table IX-9. Freestanding Shopping Center Signs to make the minimum lot size consistent for General Shopping Center.
- Add applicable footnotes to appropriate cells in Table IX-7.
- Amend Tables IX-1 through IX-8 to include regulations for signs in CCD and MIC zoning districts.

***Article X. Nonconformities***

- Change incorrect reference to Section IX-8 to Section X-9. This section on non-conforming signs was moved to Article X several years ago.

***Article XI. Administration***

- Replace language inadvertently removed in a previous ordinance amendment regarding neighbor notification for public hearings. (XI-10.B)
- Amend section XI-12 regarding the MOR Development Review Board. Staff has suggested some minor changes to the MOR Development Review Board regulations that will help in administration of DRB cases and will provide more equal representation.
  - Change language in XI-12.C to require that one of the MOR DRB members is an

owner-occupant in the area, and that the other resident member need not be a “citizen”.

- Amend Section XI-12.E.1 to allow the MOR DRB to meet as needed, rather than monthly.
- Change Section XI-12.F.3 to allow site plan approval by a simple majority. Approval by simple majority will allow the MOR DRB to function more effectively. The MOR DRB has not been able to approve any applications as of yet. The reason behind the MOR is to insure high design standards in development, rather than inhibiting change. Requiring a supermajority for approval creates a barrier to reinvestment. Another reason for changing the requirements is that all other City boards and commissions approve standard business by a simple majority.
- Change Section XI-12.H.2 to allow the applicant the choice of whether or not to appeal cases denied by the MOR DRB to the Zoning Board of Appeals. Currently, cases are automatically appealed regardless of the applicant’s wishes.

### ***Article XII. Historic Preservation***

- Remove the term “Ordinance” from the section title.
- Revise language to conform to postal regulations (XII-4.D.1.a). Postal regulations require certified mail be sent to a specific individual. Certified mail cannot be sent to “resident” or “occupant”.

### ***Article XIII. Special Development Provisions***

- Amend Section XIII-4.B.2 to specify that the Boneyard Creek District boundaries are shown on the official Zoning Map and not as a separate map attached to the Zoning Ordinance.

## **Summary of Findings**

1. The proposed text amendment will assist the daily administration and enforcement of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices.
2. The proposed text amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan regarding updating various sections of the Zoning Ordinance.
3. The proposed text amendment will update the Zoning Ordinance to ensure that the regulatory environment more closely matches the goals and policies of the City, including recent text amendments to the Zoning Ordinance.



4. The proposed text amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14)

## **Options**

In Plan Case 2063-T-08, City Council may:

- a. Approve the proposed amendments as presented herein;
- b. Approve the proposed amendments as modified by specific suggested changes; or
- c. Deny the proposed amendments.

## **Recommendation**

At their December 4, 2008 meeting, the Urbana Plan Commission discussed the proposed amendments. By a vote of 8 ayes to 0 nays the Commission voted to forward the proposed text amendments to City Council with a recommendation for APPROVAL with the following change:

- Maintain Section V-13.E as it currently stands, allowing vehicle repair as a home occupation.

Staff concurs with the Plan Commission's recommendation.

Prepared by:

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Jeff Engstrom, AICP, Planner I

Attachments: Exhibit A: Zoning Ordinance Proposed Changes

**ORDINANCE NO. 2008-12-147**

An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois  
(Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2063-T-08)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Urbana Zoning Ordinance has periodically been recodified and republished by the City of Urbana to incorporate the numerous amendments that have been made since Ordinance #9293-124 was adopted on June 21, 1993; and,

WHEREAS, the Urbana Zoning Administrator proposes to enact an omnibus Zoning Ordinance amendment as part of the process of editing the Ordinance to recodify and republish it; and,

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance, which includes numerous miscellaneous editorial changes as part of the recodification and republishing of the Zoning Ordinance; and,

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #2063-T-08; 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 20, 2008 which was continued to the December 4, 2008 meeting; and,

WHEREAS, the Urbana Plan Commission voted 8 ayes to 0 nays on December 4, 2008 to forward Plan Case #2063-T-08 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 amend the text of the Urbana Zoning Ordinance as described herein.

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 I-2, Relationship to State Zoning Act, is hereby amended as follows:

This Ordinance is enacted by the corporate authorities of the City of Urbana, Illinois, pursuant to its home rule powers as provided for in Article VII, Section 6, of the Constitution of the State of Illinois, 1970. It is recognized that some provisions of this Ordinance are presently inconsistent with the State Zoning Act (65 ILCS 5/11-13-1, et. seq.), and that future amendments to either the State Zoning Act or this Ordinance shall create inconsistencies between the State Zoning Act and this Ordinance; therefore, as a guide to interpretation in such instances, the following shall be applied: Where the provisions of this Ordinance, regardless of when enacted, provide differently from the State Zoning Act either when such Ordinance is enacted or because the State Zoning Act was amended after the subject Ordinance was enacted, or where such provisions cannot be reasonably interpreted to be consistent with the State Zoning Act, then the provisions of the Urbana Zoning Ordinance shall control and prevail.

Section 2. Section II-3, Definitions, is hereby amended to delete the following terms and their definitions:

Athletic Training Facility, Non-Residential  
Athletic Training Facility, Residential  
Building, Detached  
Church or Temple  
Day Care Home  
Day Care Facility  
Flood Hazard Zone Permit  
Home for the Aged  
Institution of an Educational, Philanthropic, or Eleemosynary Nature  
Massage Parlor  
Shopping Center

Section 3. Section II-3, Definitions, is hereby amended to include the following terms and their definitions:

*Adjoining:* Bordering, touching, contiguous, or adjacent. Lots separated by a public right-of-way less than 28 feet wide, but not greater, shall be considered adjoining.

*Athletic Training Facilities:* A specialized facility provided for the training needs and related activities of athletes. This use may include classrooms and meeting space, as well as specialized sports facilities, such as ball courts, gymnasiums, weight rooms, play fields, and pools. Activities may include training sessions, practices, and competitive events. Unlike a health club or private indoor recreational development, these facilities are primarily for the pre-arranged use of specific teams and programs, rather than for general public walk-in use. However, limited public use is permitted for regular training and fitness classes and public outreach.

*Building, Detached:* A building having no walls or roofs in common with any other buildings, and separated by a minimum distance as specified in Section VI-5.B.

*Church, Temple or Mosque:* A building, together with its customary accessory buildings and uses, where people regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and/or mission.

*Day Care Home:* Any facility, in a home, for the care of no more than a total of five children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age children or dependent adults. A day care home shall be considered a home occupation.

*Day Care Facility:* Any facility, other than a day care home, for the care of children or dependent adults, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school age children or dependent adults. A day care facility shall not be considered a home occupation.

*Institution of an Educational or Charitable Nature:* A private or public organization that is organized and operated for the purpose of providing an educational or philanthropic service or carrying on a trade or business without profit and for charitable purposes.

*Senior Housing:* Any age-restricted development, which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semi-private rooms.

*Massage Therapist:* Any establishment where for pay, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments or any other treatment or manipulation are practiced on the human body. This term shall not apply to adult massage parlors as defined and permitted as an adult entertainment use, nor shall it apply to a place where therapeutic massage or manipulation is conducted by a licensed physician, osteopath, chiropractor, registered or practical nurse operating under a physician's direction, registered speech pathologist, or physical and occupational therapists.

*Shopping Center:* A complex of three or more business and commercial establishments, planned, developed, and managed as a unit, sharing common parking facilities.

Shopping centers are divided into the following classifications according to building and lot size. In order to qualify for the larger classification, a development must meet both the minimum lot and building areas.

- a) *General Shopping Center.* A shopping center located on a minimum of four acres and having a combined building area of 50,000 square feet or more.
- b) *Convenience Shopping Center.* A shopping center located on a site of more than one acre, but less than four acres, and having between 12,000 and 50,000 square feet of combined building area.

Section 4. Section IV-1, Number and Designation of Districts, is hereby amended as follows:

In order to carry out the purposes of this Ordinance, as specified in Section I-1, by classifying, regulating, and restricting the location of buildings erected or structurally altered for specific uses, by regulating the use of land and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings, and by regulating off-street parking facilities for certain uses, the City of Urbana, Illinois, is hereby divided into 23 zoning districts, which are hereby established as follows:

- AG Agriculture
- B-1 Neighborhood Business
- B-2 Neighborhood Business – Arterial

B-3	General Business
B-3U	General Business – University
B-4	Central Business
B-4E	Central Business – Expansion
BYC	Boneyard Creek District
CCD	Campus Commercial District
CRE	Conservation-Recreation-Education
IN	Industrial
MIC	Medical Institutional Campus
MOR	Mixed Office Residential
OP	Office Park
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single- and Two-Family Residential
R-4	Medium Density Multiple-Family Residential
R-5	Medium High Density Multiple-Family Residential
R-6	High Density Multiple-Family Residential
R-6B	High Density Multiple-Family Residential—Restricted Business
R-7	University Residential
BDR	Business Development and Redevelopment District

Section 5. The final paragraph of Section IV-2.G, Purpose of Districts, is hereby amended as follows:

*Applicability:* The MIC District established by this ordinance shall be a conversion zoning district with unique development standards and procedures applicable to development on the properties defined as the Medical Institutional Campus as depicted on the map above. When the City of Urbana issues a building permit to the owner of a property in this area for the development of said property for a medical related use, as that term is defined in Section V-10, the property’s zoning shall convert to MIC and the development regulations of the MIC district shall apply. Until that time, the underlying zoning districts and regulations will remain in effect, will govern the permitted use or uses of such properties and will appear on the official City of Urbana Zoning. Upon the owner’s receipt of such a building permit, the subject property will automatically convert to the MIC zoning district. If the owner does not commence construction under the terms of said building permit within one year of its issuance, the MIC zoning will revert to the original zoning in effect as of the date of this Ordinance. Unless otherwise specified within these regulations all other standards and requirements of the Urbana Zoning Ordinance remain in effect. Uses in the Medical Institutional Campus District are for the purpose of definition considered nonresidential uses. Annual updates of the Official Zoning Map of the City of Urbana shall reflect the change in zoning. Additional regulations for the MIC District are located in Section V-10 of this Ordinance.

Section 6. Table IV-1, County to City Zoning Conversion, is hereby amended as follows:

<i>Former Zoning District</i> <i>Champaign County</i>	<i>New Zoning District</i> <i>City of Urbana</i>
<i>C-R Conservation-Recreation</i>	<i>CRE Conservation-Recreation-Education</i>
<i>AG-1 Agriculture</i>	<i>AG Agriculture</i>
<i>AG-2 Agriculture</i>	<i>AG Agriculture</i>
<i>R-1 Single-Family Residence</i>	<i>R-1 Single-Family Residential</i>
<i>R-2 Single-Family Residence</i>	<i>R-2 Single-Family Residential</i>
<i>R-3 Two-Family Residence</i>	<i>R-3 Single- and Two-Family Residential</i>
<i>R-4 Multiple Family Residence</i>	<i>R-4 Medium Density Multiple Family Residential</i>
<i>R-5 Manufactured Home Park</i>	<i>AG Agriculture</i>
<i>B-1 Rural Trade Center</i>	<i>B-1 Neighborhood Business</i>
<i>B-2 Neighborhood Business</i>	<i>B-1 Neighborhood Business</i>
<i>B-3 Highway Business</i>	<i>B-3 General Business</i>
<i>B-4 General Business</i>	<i>B-3 General Business</i>
<i>B-5 Central Business</i>	<i>B-4 Central Business</i>
<i>I-1 Light Industry</i>	<i>IN Industrial</i>
<i>I-2 Heavy Industry</i>	<i>IN Industrial</i>

Section 7. Section V-1, Uses Permitted by Right, Conditional Uses, and Special Uses, is hereby amended to include the following paragraph:

C. In the case of a lot which is not entirely in a single zoning district, the portion in each zoning district may be used only for uses and structures permitted by right in that district, or for uses and structures authorized by a conditional or special use permit. No structure shall be erected on the portion of the lot in one zoning district unless that portion and the structure on it complies with all development standards, including the minimum lot size, applicable to such portion of the lot.

Section 8. Paragraph V-2.D.7 is hereby amended as follows:

If such accessory structures or buildings are to be located on a lot containing a single- or two-family dwelling, the maximum permitted building area of the accessory building, regardless of the zoning district, shall be determined as follows:

- a) If the building area of the single- or two-family dwelling on the lot does not exceed 1500 square feet, the aggregate area of all accessory structures shall not exceed 750 square feet.
- b) If the building area of the single- or two-family dwelling on the lot is greater than 1500 square feet, the building area of the accessory building(s) shall not exceed 50% of the building area of that single- or two-family dwelling, or 1000 square feet, whichever is less.
- c) The gross floor area of a shed, as defined herein, shall not exceed 100 square feet.

Section 9. Paragraph V-5.C is hereby deleted.

Section 10. The first sentence of Section V-9, Regulations for Common-Lot-Line Dwelling Units, is hereby amended as follows:

Common-lot-line dwelling units, as defined in Article II and as permitted in Table V-1 of this Ordinance, shall be allowed in conformance with Section VI-3.F and the following restrictions:

Section 11. Paragraph V-10.B is hereby amended as follows:

The following uses are permitted by right in this Overlay Zoning District if constructed within the same structure as a health care-related business: professional office, institution of an educational or charitable nature; telegraph office; university or college; barber shop; beauty shop; fitness center; dry cleaning or laundry establishment; laundry and/or dry cleaning pick-up; self service laundry; mortuary; bank or savings and loan association; vocational, trade or business school; restaurant; café; photographic studio and equipment sales and service; fast-food restaurant; dairy store; confectionery store; stationery-gift shop-art supplies; florist; bookstore. The health care-related or professional medical office use must be the principal use and exceed the following percentages of the structure's net floor area as outlined below



or the property must be rezoned to MIC to allow any of these uses as a stand alone use per Section XI-7 of the Urbana Zoning Ordinance:

Section 12. The first paragraph of Section V-13, Regulation of Home Occupation, is hereby amended as follows:

Any person seeking a Home Occupation shall submit an application to be reviewed by the Zoning Administrator. Upon approval by the Zoning Administrator, Home Occupations shall be permitted as follows:

Section 13. Table V-1, Table of Uses, is hereby amended shown in Attachment A.

Section 14. Section VI-2, Height, is hereby amended as follows:

- A. Height limits for principal structures in any given district shall be set forth in Table VI-3.
- B. Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.
- C. Chimneys, towers, elevator bulkheads, monuments, stacks, tanks, spires, church steeples, antennae, and necessary mechanical devices appurtenant to the principal use, may be erected to a height in accordance with existing or hereafter adopted codes and ordinances of the City of Urbana, Illinois.
- D. In the AG, CRE, B-1, B-2, MOR, and OP Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building exceeds two stories or 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.~~EG~~.3 and Section VI-5.~~FH~~.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.
- E. Accessory buildings in the R-1, R-2, R-3, and R-4 Districts shall not exceed a height of 15 feet. Accessory buildings in the R-5, R-6, and R-7 Districts shall not exceed a height of 15 feet, or one-half the height of the principal building, whichever is greater.

Section 15. Paragraph VI-3.B is hereby deleted.

Section 16. The first sentence of Section VI-4.A is hereby amended as follows:

Floor Area shall be regulated as follows:

Section 17. Section VI-5, Yards, is hereby amended as follows:

- A. *Definition.* See Article II for the definition of the various types of yards.
- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):
1. Cornices, sills, belt courses, eaves, and other ornamental features to a distance of not more than two feet, six inches.
  2. Fire escapes to a distance of not more than five feet, or enclosed fire escapes and enclosed balconies leading from fire towers in required rear yards, when such projection is not more than ten feet and when the main structure was built prior to the November 6, 1950. The encroachment or projection shall not be permitted on new construction.
  3. Uncovered stairways and necessary landings, to a distance of not more than four feet, six inches, provided that each stair and landing shall not extend above the entrance floor of the building, except for the railing, not to exceed three feet in height, when the main structure was built prior to November 6, 1950. This encroachment or projection shall not be permitted on new construction.
  4. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided further, that in no case shall a bay window or chimney project into a required yard more than one-third of said side yard.
  5. Terraces and open unenclosed porches, that is, porches which may have roofs and mesh screening but which are not glassed in or otherwise walled or enclosed above a height of two and one-half feet above the porch floor, to an encroachment of five feet into a minimum required yard outlined in Table VI-3, regardless of the average setback, but not within five feet of the lot line. Open guardrails, when required by the Building Code, shall not be construed as a violation of this requirement. In addition, ramps or other structures for handicapped accessibility may encroach into required yards.
  6. Porte-cocheres or canopies to a distance of no more than two feet, six inches.
  7. Driveways, walks, fences, walls, and underground structures, provided that any fences or other landscape improvements comply with "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, and with all provisions of the Urbana City Code regarding fencing, and also provided that all parking and access thereto comply with Section VIII-4 of this Ordinance.
  8. Concrete, asphaltic concrete, or other all-weather surfaces; however parking is allowed only in accordance with provisions of Article VIII of this Ordinance.

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.
  10. Flagpoles, decorative lights, lattices, bird baths, bird houses, and other landscape features.
  11. Balcony which is open, as defined in Article II of this Ordinance, provided that they do not occupy in the aggregate more than one-third of the length of the building wall per floor on which they are located. In no case shall any private open balcony be located within five feet of the property line.
  12. See Section VIII-4 for allowable parking uses in required yards.
  13. Ground-mounted solar panels up to a height of six feet in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts are permitted in required side and rear yards, but shall not extend nearer than 18 inches as measured from the closest part of the structure to the property line.
- C. In the B-1, B-2, B-3, B-4, B-4E, OP or IN District, any yard which adjoins, abuts, or is situated across a dedicated right-of-way of 100 feet or less in width from the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 District shall be the same as that required in the latter District. In the B-4E District, this provision shall apply only to yards on lots that are directly adjoining and not to any yards on lots that are separated by a public right-of-way of any kind.
- D. *Multiple Frontage Lots*
1. Lots having frontage on two or more streets shall have a required front yard on each street frontage, as provided in Table VI-3 and in Section VI-5, except that neither the buildable width nor depth of the lot shall be reduced to less than 30 feet, except for common-lot-line dwelling units where the buildable width may be reduced to 20 feet as provided in Section V-9 of this Ordinance. On lots having frontage on two or more streets in the R-6 and R-6B Districts, the front yard on each street frontage shall not be less than the minimum required in relation to the height of the building, as provided in Table VI-3. (Ord. No. 9596-58, 11-20-95)
  2. Except for common-lot-line dwelling units, which may have a buildable width of 20 feet as provided in Section V-9 of this Ordinance, the provision of required side yards shall not reduce the buildable width of a lot to less than 30 feet, except that a required relation to the height of the building, as provided in Table VI-3 and in Section VI-5, the buildable width of the lot may be reduced to less than 30 feet, as may be necessary in order to provide the yards as required in relation to the building height.
  3. The rear line of the rectangular or generally rectangular lot with frontage on two intersecting streets shall be the line parallel or approximately parallel to the narrower of the two street frontages.
  4. In addition to all requirements of this Ordinance, all provisions of "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, shall apply. In the case of any inconsistency between said Ordinance and this Ordinance, the more restrictive provision shall apply.
- E. *Front Yards*
1. In the R-1, R-2, R-3, R-4, R-5, R-7, and MOR Districts, where lots comprising more than 40% of the frontage in a block are improved with buildings, not less than the average depth of the front yards of all lots in the block shall be maintained by all new buildings and by all alterations of

existing buildings in the block, except that this provision shall not require a front yard of more than 60 feet, in the R-1 zone and 25 feet in the R-2, R-3, R-4, R-5, R-7, and MOR Districts nor less than the minimum required in the district in which they are located, nor shall it reduce the buildable dimension of the lot to less than 30 feet. For the purpose of computing such an average depth, vacant lots within such frontage shall be considered as having the minimum front yard required in that district.

2. No display of merchandise shall be placed in any required front yard except for vehicles at an automobile sales lot, when screened in compliance with Section VI-6.B.2.

F. *Side Yards*

1. For the purpose of side yard regulations, a duplex dwelling or a multiple-family dwelling shall be deemed one building occupying one lot.
2. Common-lot-line dwelling units shall conform to the side yard regulations as provided in Section V-9 of this Ordinance.
3. In the AG, CRE, Residential, B-1, B-2, OP, and MOR Districts, and for residential uses in the B-3 and B-4 Districts, each required side yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in building height, whichever is greater.
4. The side yard of a lot which immediately adjoins or is directly opposite property in another district which requires a greater side yard shall not be less than that required in the adjoining or opposite district. In the B-4E District, this provision shall apply only to yards on lots that are directly adjoining and not to any yards on lots that are separated by a public right-of-way of any kind.
5. When two or more principal structures are located on a single zoning lot in the MOR District, the buildings shall be separated by a minimum of 14 feet.

G. *Rear Yards*

1. In the AG, CRE, R, B-1, B-2, OP, and MOR Districts, and for residential uses in the B-3 and B-4 Districts, the required rear yard shall be increased by three feet for each ten feet or fraction thereof over 25 feet in height.
2. Unenclosed and uncovered off-street parking spaces are permitted in a required rear yard.
3. In the AG and CRE Districts, the required rear yard shall be reduced to 20% of the lot depth if the lot is less than 125 feet deep, provided that the rear yard shall be at least 15 feet deep.

Section 18. Section VI-6, Screening, is hereby amended as follows:

A. *Buffer and Landscape Yards*

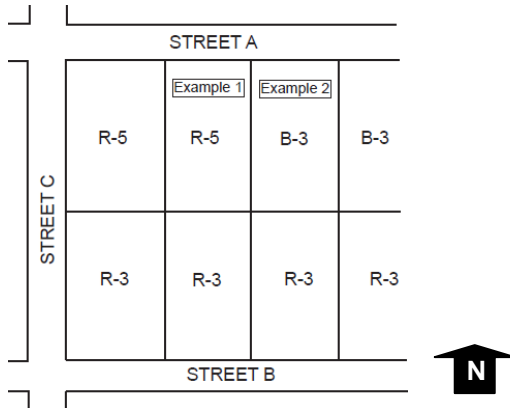
1. *Applicability.* This section shall be applicable when a building permit is required for new construction of a principal building or where the square footage of an addition to an existing building exceeds the existing square footage of the building on the zoning lot.

2. In order to minimize the impacts between uses of varying intensity, to create a more attractive community, and to provide a greener edge to our urban environment, the following requirements shall apply:

a) Buffer Yards

- 1) If Table VI-3 requires greater minimum yards than this subsection, the greater yard shall apply and a landscaping buffer will be required per Table VI-2.
- 2) Yards per Table VI-1 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent. (See Following Example)

**EXAMPLE**



Example 1: Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property zoned R-3. All other yards required to meet setback requirements in Table VI-3.

Example 2: West side yard required to have a minimum depth of ten feet because adjacent to property zoned R-5 to the west. Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property zoned R-3. All other yards required to meet setback requirements in Table VI-3.

**TABLE VI-1. BUFFER YARDS**

		SUBJECT PROPERTY													
		R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E	IN	OP	
ADJACENT PROPERTY	R-1	SIDE YARD: shall have a minimum depth of <b>ten feet</b> .*					SIDE YARD: as required by Table VI-3.					REAR YARD: shall have a minimum depth of <b>ten feet</b> .			
	R-2	REAR YARD: shall have a minimum depth of <b>ten feet</b> .					REAR YARD: shall have a minimum depth of <b>ten feet</b> .								
	R-3														
	R-4	See Table VI-3 for required setback.					SIDE YARD: shall have a minimum depth of <b>ten feet</b> .*								
	R-5														
	R-6														
	R-6B														
	R-7														
	MOR														

\* In these instances, no access drive may encroach into the required side yard unless the Zoning Administrator determines that there is no feasible alternative to access parking on the site.

b) Landscaping Buffer

- 1) A landscaping buffer per Table VI-2 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent.

**TABLE VI-2. LANDSCAPING BUFFER**

		SUBJECT PROPERTY																										
		R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E*	IN	OP														
<b>ADJACENT PROPERTY</b>	R-1	SIDE YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .						SIDE YARD: shall provide a solid <b>six-foot high</b> wood or masonry <b>fence</b> .			SIDE YARD: shall provide a solid <b>six-foot high</b> wood or masonry <b>fence</b> .			REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .														
	R-2																REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .						REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .			REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .		
	R-3																											
	R-4	No screening required.						REAR YARD: shall provide a solid <b>six-foot high</b> wood or masonry <b>fence</b> .			SIDE YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .			REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .														
	R-5																											
	R-6																											
	R-6B																											
	R-7																											
	MOR																											

\* See Section VI-6.A.2.b.2 for additional requirements for the B-4E zoning district.

- 2) The following additional landscaping requirements apply to the B4-E zoning district:
  - a) In the B-4E District, the required front yard, except for allowed access for access drives and sidewalks, shall be landscaped with a combination of grass or other suitable ground cover, flowers, shrubs, and trees or decorative pavement, walls, or fences in conformance with this Section and other provisions of this ordinance.

- b) In the B-4E District, a decorative wall no more than two feet in height may be located within the required front yard setback. It shall consist of landscaping timbers, stone, brick or finished masonry materials. Said wall may be provided as a supplement to the landscaping required herein but shall not be considered as a substitution for the type or amount of landscaping required herein.
- 3) Shrubs and trees shall be provided in the amount of one tree and three shrubs for every 40 linear feet or fraction thereof along the applicable required landscaped buffer yard of the zoning lot.
- 4) The shade trees and shrubs required shall be among the species listed in Table VI-4 and Table VI-5, except where alternative species may be approved by the Zoning Administrator upon the recommendation of the City Arborist and in conformance with the Urbana Arboricultural Specifications Manual.
- 5) All shrub species, except boxwood, shall be spaced at least three feet apart, as measured from center to center at planting grade, and have a minimum initial planting height of 18 inches. The boxwood species shall be spaced at least 30 inches apart and have a minimum initial planting height of 15 inches.
- 6) A ground cover with living grass or other ground cover type plant material shall be required on a minimum of 75% of the square footage in the applicable required landscaped yard excluding the access drives that may be allowed. The remaining 25% of the applicable required yard area may be non-living landscaping materials including bark or wood chips, rock, stone, decorative pavement, landscaping timbers, or other similar material.
- 7) A retaining wall to support a raised planting area for landscaping shall be no more than four feet in height and the width of such a raised planting area shall be greater than its height.
- 8) All plant materials required by this Section shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Such notice shall be provided in writing to the owner of the property by the Zoning Administrator upon the recommendation of the City Arborist.

**B. Screening of Off-Street Parking and Loading Areas**

- 1) All off-street parking lots shall be screened with an adequate screen fence or screen planting as required in Section VIII-3.F.
- 2) In the B-2, B-3, B-3U, CCD and IN Zoning Districts, parking or storage of vehicles for sale is permitted to encroach ten feet into the required 15 foot front yard setback if the encroachment conforms to the regulations set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8.
- 3) When off-street parking is provided in the B-4E District, the parking lot(s) shall be screened with an adequate screen fence or screen planting in conformance with the provisions of Section VIII-3.F.
- 4) When parking is provided at ground level below any part of a principal structure in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Districts or the MOR District, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing,

landscaping, or other suitable screening around the perimeter of the structure in accordance with the provisions of Section VIII-3.F.

- 5) Loading areas and non-refuse storage areas which adjoin a residential district or use, or which are separated by a public right-of-way from a residential district or use, shall be screened to meet the requirements for the screening of off-street parking areas, as specified in Section VIII-2.F.
- B. Trash containers and trash collection areas for all non-residential and multi-family uses shall be screened so that no portion of such container or area is visible from public rights-of-way or adjacent properties. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.
- C. Ground-mounted mechanical equipment for all non-residential uses shall be screened from view at ground level from public rights of way and adjacent residential districts. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.
- E. Outdoor Storage Screening.
1. The requirements of this section apply to outdoor storage areas (as defined in Article II) existing on any parcel in use as a construction yard, warehouse, automobile salvage yard, automobile-truck repair, towing service, electrical substation, or any other industrial use as listed in Table V-3. Outdoor storage in these areas shall be screened from view of all public rights-of-way and adjacent properties that are in residential use or are zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, or MOR.
  2. Areas subject to this section shall be effectively screened through any combination of fences, walls, berming, or landscaping, as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator and in conformance with the following standards:
    - a) The screen shall be at least six feet but not more than eight feet in height and shall provide a permanent, opaque, year-round visual barrier to ensure that outdoor storage areas are not visible from public rights-of-way or adjacent residential property as identified above. Additional height and/or security measures shall be approved if security provisions are warranted and subject to the review and approval of the Zoning Administrator.
    - b) Materials and colors of fences and walls shall be compatible with surrounding development and shall be durable and intended for outdoor usage.
    - c) Acceptable fencing materials include wood, masonry, pre-cast decorative concrete panel, aluminum and vinyl. Corrugated sheet metal and "Jersey" style concrete barriers shall be prohibited as fencing or screening materials. Alternative materials may be allowed upon review and approval by the Zoning Administrator.
    - d) Any wall or fence extending more than forty feet in length shall be landscaped on its exterior in accordance with the planting species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.
    - e) Masonry or concrete walls shall have a column or other design variation every twenty feet.
    - f) When the height of items to be stored is greater than eight feet, trees of a minimum three-inch caliper shall be planted in addition to the eight-foot high maximum screening required



by this section. Plantings shall be in accordance with the species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.

g) If landscaping is to be used as the primary screen, it shall be no less than four feet in height at time of planting and upon maturity shall be maintained at a minimum of six feet. Planting species, spacing, and care shall be in accordance with the requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.

h) Fence construction is also subject to the requirements set forth in Chapter 7 of the City of Urbana Code of Ordinances.

i) Parking lot screening requirements are as set forth in Section VI-6.A-G and Section VIII-3.F.

3. All existing outdoor storage areas made non-conforming by the adoption of Section VI-6-E shall be brought into conformance with this section within twenty-four months from the effective date of the amending ordinance unless an extension is approved in writing by the Urbana Zoning Administrator, or unless a special use, conditional use, or other specific site plan approval has been previously granted by the City which incorporates an alternate screening treatment under which the property remains in compliance.

F. Screening shall be well maintained and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair; walls and fences shall be maintained in an upright condition; deteriorated or damaged masonry and wood fences shall be replaced within a period of thirty days, or as soon as weather permits; plant material shall be maintained in accordance with Section VI-6.A.2.b.8. If the screen is destroyed by any force majeure, the replacement period may be extended by the Zoning Administrator upon written application.

G. Screening and landscaping, whether or not required by this Ordinance, shall not obstruct or interfere with the visibility triangle specified in Section VI-5.E.4.

Section 19. Table VI-1, Shade Tree Species, is hereby deleted.

Section 20. Table VI-2, Shrub Species, is hereby deleted.

Section 21. Table VI-3, Development Regulations by District, is hereby amended as follows:

**TABLE VI-3. DEVELOPMENT REGULATIONS BY DISTRICT**

Zoning District	Minimum Lot Size (In square feet unless otherwise indicated)	Minimum or Average Lot Width (In feet)	Maximum Height of Principal Structure (In feet)	Maximum Floor Area Ratio	Minimum Open Space Ratio	Required Yards (In Feet) <sup>1</sup>		
						Front	Side	Rear
AG	1 acre <sup>2</sup>	150	35 <sup>3</sup>	0.25	0.55	25	15	25
B-1	6,000	60	35 <sup>3</sup>	0.30	none	15	7	10
B-2	6,000	60	35 <sup>3</sup>	1.50 <sup>4</sup>	0.15	15	10	15
B-3	6,000	60	none <sup>3</sup>	4.00	none	15	5	10
B-3U	6,000	60	none	4.00	0.10	15	5	5
B-4	2,000	20	none <sup>3</sup>	9.00	none	none	none	none
B-4E	4,000	40	none	6.00	none	6	5	5
CCD	6,000	60	none	4.0	0.10 <sup>5</sup>	6	5	5
CRE	1 acre	150	35 <sup>3</sup>	0.25	0.55	25	15	25
IN	10,000	90	none	1.00	none	25	none	none
MIC <sup>6</sup>	4,000	40	none	9.00 <sup>7</sup>	none	6	5	5
MOR	6,000	60	35 <sup>3</sup>	0.70 <sup>8</sup>	0.30 <sup>8</sup>	15 <sup>9</sup>	7 (17) <sup>10</sup>	10
OP	1 acre	150	50 <sup>3</sup>	0.5	0.55	25	15	25
R-1	9000 <sup>11</sup>	80	35	0.30 <sup>11</sup>	0.50 <sup>11</sup>	25 <sup>9</sup>	5 (15) <sup>12</sup>	10
R-2	6,000 <sup>13</sup>	60 <sup>13</sup>	35 <sup>17</sup>	0.40	0.40	15 <sup>9</sup>	5	10
R-3	6,000 <sup>13</sup>	60 <sup>13</sup>	35 <sup>17</sup>	0.40	0.40	15 <sup>9</sup>	5	10
R-4	6,000	60	35 <sup>17</sup>	0.50 <sup>14</sup>	0.35	15 <sup>9</sup>	5	10
R-5	6,000	60	35	0.90	0.30	15 <sup>9</sup>	5	5
R-6	6,000	60	See Note 15	1.40	0.25	15	5	10
R-6B	6,000	60	See Note 15	1.50 <sup>16</sup>	none	15	5	10
R-7	6,000	60	35	0.50	0.35	15 <sup>9</sup>	5	10

## Footnotes

Note: In addition to the footnotes below, please refer to Article V for use regulations, Article VII for conditional and special use procedures, Article VIII for parking regulations, Article IX for sign regulations, Article XII for historic preservation regulations, and Article XIII for special development provisions.

1. See Section VI-5 and Section VIII-4 for further information about required yards.
2. The minimum lot size for cropping in the AG, Agriculture Zoning District is five acres.
3. In the AG, CRE, B-1, B-2, MOR, and OP Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.G.3 and Section VI-5.H.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.
4. See Section V-7.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the B-2 District.
5. The Open Space Ratio (OSR) in the CCD, Campus Commercial District shall be applied as follows:
  - a) The open space ratio requirement in the CCD, Campus Commercial District shall only be applied for the residential square footage of the development.
  - b) In the CCD, Campus Commercial District the first floor of residential development may be considered the ground level area for development for applying the open space ratio requirement.
  - c) There shall be no minimum requirement for permeable ground cover and no maximum requirement for paved recreation areas in the open space requirement for development in the CCD Zoning District (Ord. No. 2003-02-017, 02-17-03).
6. The following regulations shall apply during the review of a development proposal for a building permit in the MIC District, with exceptions as noted in Section V-10 of the Zoning Ordinance.
7. In the MIC District, the minimum floor area that shall be devoted to health care-related or professional medical office uses is outlined in Section V-10.B of this Ordinance.
8. See Section VI-3.E for additional regulations regarding FAR and OSR in the MOR District.
9. In the R-1 District, the required front yard shall be the average depth of the existing buildings on the same block face, or 25 feet, whichever is greater, but no more than 60 feet, as required in Sec. VI-5.D.1. In the R-2, R-3, R-4, R-5, R-7, and MOR Districts, the required front yard shall be the average depth of the existing buildings on the same block face (including the subject property), or 15 feet, whichever is greater, but no more than 25 feet, as required in Sec. VI-5.D.1. (Ord. No. 9596-58, 11-20-95)(Ord. No. 9697-154) (Ord. No. 2001-03-018, 03-05-01)
10. In the MOR District, the sum of the two required side yards shall not be less than 17 feet.
11. In the R-1 District, any lot platted and of public record before November 6, 1950 and presently having a lot width of 65 feet or less and a lot area of less than 7,500 five hundred square feet may be developed in accordance with the development regulations for the maximum FAR and the

minimum OSR of the R-3 District as specified above. (Ord. No. 8384-25, sec. 5; Ord. No. 8586-53, sec. 2, 1-20-86; Ord. No. 9091-16, 8-6-90; Ord. No. 9091-59, sec. 14, 11-19-90; Ord. No. 9091-60, sec. 11, 11-19-90; Ord. No. 9091-61, sec. 8, 11-19-90; Ord. No. 9091-62, sec. 8, 11-19-90; Ord. No. 9091-132, sec. 1, 5-20-91; Ord. No. 9091-133, 5-20-91)

12. In the R-1 District, the sum of the two required side yards shall not be less than 15 feet.
13. In the R-2 and R-3 Districts, any lot platted and recorded after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 9,000 square feet, and have an average width of not less than 80 feet. A lot platted and recorded before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than 6,000 square feet, and have an average width of not less than 60 feet.
14. In the R-4 District, the maximum floor area ratio may be increased to 0.70, provided that there is a minimum of 2,000 square feet of lot area per dwelling unit.
15. In the R-6 and R-6B Districts, the maximum height is twice the distance from the street centerline to the face of the building.
16. See Section V-5.A of the Zoning Ordinance for further information about the required floor areas of residential and business uses in the R-6B District.
17. Public buildings, schools, or institutions of an educational, religious, or charitable nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed 75 feet, if the building is set back from the building line at least one foot for each one foot of additional building height above the height limit otherwise applicable.

Section 22. Table VI-4, Shade Tree Species, is hereby adopted as part of Article VI as follows:

**TABLE VI-4. SHADE TREE SPECIES**

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Amur Maple	Hackberry
Hedge Maple	Sugar Hackberry
State Street Miyabei Maple	Ginkgo
Pacific Sunset Maple	Goldenrain Tree
Paperbark Maple	Kentucky Coffee Tree
Black Maple	European Larch
Amur Corktree (only male clone varieties)	Japanese Tree Lilac
Apple Serviceberry	Silver Linden
Bald Cypress	American Sentry Linden
Cornelian Cherry Dogwood	Regal Prince (Long) Oak
Crabapple (only disease free / improved cultivars)	Swamp White Oak
Lacebark Elm	Sawtooth Oak
Triumph Elm	Bur Oak
Turkish Filbert	Limber Pine

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Section 23. Table VI-4, Shrub Species, is hereby adopted as part of Article VI as follows:

**TABLE VI-5. SHRUB SPECIES**

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Chinese Juniper (recommend intermediate cultivars)
Savin Juniper
Swiss Mountain Pine
Eastern Arborvitae
Western Arborvitae
Brown's Anglo-Japanese Yew (recommend intermediate cultivars)
Japanese Barberry (requires well drained soil)
Mentor Barberry
Korean Boxwood "Wintergreen"
Spreading Cotoneaster
Compact Winged Euonymus
Fragrant Sumac
Compact European Cranberry Bush

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Section 24. Paragraph VII-3.B is hereby amended as follows:

Unless otherwise specifically stated by the Zoning Board of Appeals, a conditional use shall be valid until the conditional use is discontinued. Valid conditional use approval is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year or approval the conditional use permit shall no longer be valid.

Section 25. Paragraph VII-5.B is hereby amended as follows:

Unless otherwise specifically stated by the City Council, the special use approval shall be valid until the special use is discontinued. Valid special use approval in the form of an ordinance is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year of approval the special use permit shall no longer be valid.

Section 26. Section VIII-3, Design and Specifications of Off-Street Parking, Subsection A, is hereby amended as follows:

A. *Design and Construction Requirements*

1. Adjacent residential uses shall be screened in accordance with Section VIII-3.F from direct rays of light from the illumination of any off-street parking areas.
2. All off-street parking lots, access drives, off-street loading areas, and parking spaces shall be paved with a hard surface, including oil-and-chip, concrete, asphalt, brick, permeable asphalt, permeable pavers or other suitable surface including new environmentally friendly technologies, as approved by the Zoning Administrator so that the environment created is dust free and conforms to the following criteria:
  - a) The pavement design shall be such that any material composing the pavement and the soil underneath is not displaced by traffic movement in a manner that generates pollution in the air due to flying particles and causes damage, injury, or nuisance to the people/vehicles which use the facility.
  - b) The design and construction of the pavement shall be such that the physical appearance, characteristics, performance, and rigidity of the surface that comes into direct contact with vehicles does not change with varying weather conditions. The form and texture of the surface shall be conducive to safe flow of traffic.
  - c) Notwithstanding normal wear and tear, the surface and appearance of the parking lot shall be maintained to perform as originally designed.
3. Driveways and access drives existing as of March 1, 1990 which are not improved with a surface specified above shall not be required to be paved unless a new structure intended to be occupied by a principal use is constructed or the driveway is reconstructed. Access drives resurfaced with additional gravel shall be contained with a curb or approved landscape edging treatment.
4. Where a garage is not provided in new construction of single- or two-family dwellings, a paved driveway and access drive shall be provided to accommodate a minimum of two off-street parking

spaces per dwelling unit which will not encroach on the public right-of-way. (See Section VIII-3.H for drainage requirements)

5. The 2001 Champaign-Urbana Urbanized Area Transportation Study (CUUATS) Access Management Guidelines shall be generally followed to determine the location and number of access drives.

Section 27. Table VIII-3, Widths for Access Drives, is hereby amended as follows:

**TABLE VIII-3. WIDTHS FOR ACCESS DRIVES**

	<i>Minimum Width (in feet)</i>		<i>Maximum Width (in feet)<sup>1</sup></i>	
	One-Way	Two-Way	One-Way	Two-Way
Single Family and Duplex Buildings	9	9	Primary drive - 35 feet; Secondary drive - 15 feet	
Three or More Dwelling Units	12	20	24 feet or one-third of the minimum lot width for the zoning district, (as specified on Table VI-3) whichever is greater  If a zoning lot has a linear street frontage greater than 150 feet, the maximum width shall be 50 feet	
Commercial or Industrial Uses	12	22		

Notes: 1) Per VIII-4.F.1, access drives serving single-family homes, duplexes and individual townhomes shall not exceed 45% of the total lot width.

Section 28. Paragraph VIII-3.F.3(f), is hereby amended as follows:

As required in Section VI-6.B.4, when parking is provided at ground level below any part of a principal structure in the Residential Districts, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping or other suitable screening around the perimeter of the structure in accordance with the provisions of this Section VIII-3.F.

Section 29. Section VIII-4, Location of Parking Facilities, Subsection F, is hereby amended as follows:

*Parking in a Required Yard is Prohibited Except as Follows:*

1. Access drives clearly serving single-family dwelling units, individual townhouses or duplex dwelling units may contain required parking for licensed passenger vehicles in the required front or side yard except that such area devoted to parking and access thereto shall not exceed 45% of the total lot width. Such spaces may be stacked. Accessory spaces provided pursuant to Section VIII.4.J shall not be located in a required front yard.
2. Accessory off-street parking may locate in the required side yard and rear yard, provided that the parking is located behind the rear face of the principal structure. In the case of a lot with no principal structure on which a principal use parking lot is to be located, parking may be located in the rear or side yard. (Ord. No. 9697-154, 6-16-97) (Ord. No. 1999-06-045, 06-11-99)
3. Off-street parking in a required rear yard is prohibited in the MOR District unless it is determined by the MOR Development Review Board that a combination of fencing and/or vegetation have been installed and maintained to meet the requirements of Section VIII-3.F and which can reasonably be expected to shield such parking from view from adjacent residential structures within five years of the date on which such parking is allowed.
4. In the B-2 and B3-U Zoning Districts, parking is permitted to locate in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and if the adjacent area is also used for parking.
5. In the B-3 Zoning District, parking may locate in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-1, B-2, B-3, B-3U, B-4, B-4E, IN, MIC or OP and if the adjacent area is also used for parking.
6. Parking in the B-2, B-3, B-3U, CCD, and IN Zoning District shall be permitted to encroach ten feet into the required 15 foot front yard but no closer than five feet from the property line if the requirements set forth in Section VI-6.B.2 are met.

Section 30. Section VIII-7, Bicycle Parking, is hereby amended as

follows:

- A. Provisions for the convenient and accessible parking of bicycles shall be made in accordance with Table VIII-6. In addition the following provisions shall also apply:
  1. *Zoning Administrator Review*
    - a) The Zoning Administrator shall determine whether proposed developments are subject to the bicycle parking requirements set forth in Table VIII-6, based upon demand generated by the use, the locations of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.
    - b) For non-residential uses, bicycle parking spaces shall be required only for those developments requiring 10 or more automobile parking spaces per Table VIII-7.
    - c) The Zoning Administrator shall have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.
  2. *Type and Location of Bicycle Parking Racks*



- a) Provisions regarding type and location of bicycle parking racks shall apply to new development as well as to changes in use or intensity of use in existing development.
- b) Bicycle parking rack types shall be designed so as to accommodate standard bicycle models and lock types and shall be subject to the approval of the Zoning Administrator as part of the building permit review process. Examples of acceptable and unacceptable bicycle rack types are provided in Figure VIII-7.
- c) Bicycle parking areas shall not obstruct walkways or other pedestrian areas.
- d) Bicycle parking areas shall be allowed in the same location as automobile parking on a site.
- e) For non-residential uses, bicycle parking racks may be placed within the area of up to two automobile parking spaces on a site. These spaces may be credited toward the total number of off-street automobile parking spaces required by Section VIII-5 and Table VIII-7.
- f) Bicycle parking areas shall be placed on an approved dust-free surface, subject to the review and approval of the Zoning Administrator. Acceptable surfaces include, but are not limited to, concrete, asphalt, bricks, rock chips, recycled asphalt, and wood chips.
- g) For non-residential uses in the AG, B-1, B-2, B-3, B-3U, CRE, IN, and MIC zones, bicycle parking areas may encroach into the required front yard setback, but in no case shall be closer than five feet to the front property line.
- h) For non-residential uses in the B-4 zoning district, bicycle parking areas may be permitted in the right-of-way subject to City Engineer approval.
- i) For non-residential uses in the B-4E and Campus Commercial District (CCD) zones, bicycle parking areas may encroach into the required front yard.
- j) Bicycle parking areas are prohibited within the front yard setback in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Zoning Districts.
- k) Bicycle parking areas shall be permitted within the side and rear yard setbacks in all zoning districts.
- l) The amount of off-street automobile parking required by Section VIII-5 for non-residential uses may be reduced by up to two spaces when bicycle racks occupy the automobile parking spaces, and where the spaces occupied by the bicycle racks are located in a convenient and accessible manner.

Section 31. Table VIII-6, Bicycle Parking Requirements By Use, is hereby amended as follows:

**TABLE VIII-6. BICYCLE PARKING REQUIREMENTS BY USE<sup>1</sup>**

Use	Number of Spaces Required
<b>Multi-family, Boarding or Rooming House, or Dormitory<sup>2</sup></b>	1 for every 2 dwelling units
<b>Public and Quasi Public Uses<sup>2,3</sup></b>	
<b>All schools</b>	4 for every classroom
All other uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
<b>Commercial Uses<sup>2,3,4</sup></b>	
All uses	10% of required automobile parking up to a maximum of 25 bicycle parking spaces
<b>Industrial, Transportation &amp; Related Uses<sup>2,3</sup></b>	
All uses	4% of required automobile parking up to a maximum of 25 bicycle parking spaces
<ol style="list-style-type: none"> <li>1. The Zoning Administrator shall determine whether proposed developments are subject to these bicycle parking requirements based upon demand generated by the use, the location of the development, the proximity to other uses with bicycle parking demand, and other relevant factors.</li> <li>2. The Zoning Administrator shall further have the ability to reduce the number of required bicycle parking spaces by up to 50% in response to evidence regarding expected bicycle use submitted by the petitioner.</li> <li>3. For non-residential uses, bicycle parking spaces shall be required only for developments with 10 or more automobile parking spaces required.</li> <li>4. Commercial uses include the following categories from Table VIII-7: Office and Related Uses, Service Business Uses, Retail Business Uses, and Commercial Recreational Uses.</li> </ol>	

Section 32. Table VIII-7, Parking Requirements By Use, is hereby amended as shown in Attachment B.

Section 33. Figure VIII-7, Bicycle Parking Rack Types, is hereby added to Article VIII as shown in Attachment C.

Section 34. Section IX-2, Sign and OASS Definitions, Paragraph B, is hereby amended as follows:

*Community Event Sign:* A sign displayed for a special community event or activity conducted by or sponsored by or on behalf of a unit of local government, institution of an educational or charitable nature, a charitable organization, or a not-for-profit corporation. A special community event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, customers, or an audience throughout the community.

Section 35. Section IX-2, Sign and OASS Definitions, Paragraph R, is hereby amended as follows:

*Private Traffic Directional and Instructional Signs:* Any on premise sign designed to direct and instruct motorists to access and circulate onsite in an orderly and safe manner. Per Code of Federal Regulations Title 23, Part 655.603, internal traffic control signs shall conform to the Manual on Uniform Traffic Control Devices.

Section 36. Section IX-4, General Sign Permit Requirements, Paragraphs B and C, are hereby amended as follows:

- B. *Permit Requirements.* It shall be unlawful for any person to display, install, construct, erect, alter, reconstruct, or relocate any sign without first obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by this ordinance, unless such signs are permitted without a permit by Section IX-5.
- C. *Permit Exceptions.* The following operations shall not be considered as “installing, constructing, erecting, altering, reconstructing, relocating,” or creating a sign and shall not require a permit, notwithstanding the requirements of Section IX-4.B:
  - 1. The changing of the advertising copy, face panel or panels on an outdoor advertising sign structure; on a painted, printed, or electronic sign; or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.
  - 2. Painting, repainting, cleaning and other normal maintenance and repair of a sign, sign structure, or outdoor advertising sign structure.

Section 37. Tables IX-1, IX-2, IX-4, IX-6, IX-7, IX-8 and IX-9 are hereby amended as shown in Attachment D.

Section 38. Section X-6, Termination of a Nonconforming Use of Land, is hereby amended as follows:

A. Except as otherwise provided in Section XIII-2 and Section X-9, any nonconforming use of land, as herein defined, may be continued only for a period of five years from the effective date of this Ordinance, or from the date on which this Ordinance becomes effective with regard to such land, whichever date is later. Any lawful use of land which hereafter becomes nonconforming may be continued for a period of five years from the date upon which such use becomes nonconforming. The Zoning Board of Appeals may postpone the date of the required termination of a nonconforming use of land by a specified period of no more than five years. The term "use of land" includes both principal and accessory uses, and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure other than a building, or involves an accessory building or buildings but no main building.

Section 39. Section XI-10, Notification Requirements, Paragraph B, is hereby amended as follows:

Any applicant for any public hearing under this Zoning Ordinance shall furnish the Secretary of the body conducting the hearing with a complete list of names and last known addresses of owners of properties subject to the petition. Documentation of ownership in the form of an owner's policy or title insurance, warranty deed evidencing ownership of title, trust agreement certified by trustee with evidence of all current ownership of beneficial interest, purchase contract, or records from the County Recorder of Deeds, shall also be submitted. Not less than ten days, but not more than 30 days before a public hearing, the Secretary shall give written notice by first class mail to the owners of the subject property as identified herein, concerning the place and time for the first hearing of the petition. Said notification letter shall state the name and address of the petitioner, the name and address of the owner of the property, the location of the property, and a brief statement of the nature of the requested action. Said letter shall be sent to the last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet in each direction of the property for which the application for action is requested. The measurement of all public roads, streets, alleys, and other public ways shall be excluded in determining the two hundred fifty foot requirement. If any part of a condominium property is located within 250 feet of the subject property, the name of each taxpayer of record of the condominium shall also be submitted to the Secretary. If after a bona fide effort to serve such written notice, there are returned notices, the notice requirements of this section shall be deemed satisfied.

Section 40. Section X-12, MOR Development Review Board, is hereby amended as follows:

A. Creation and Purpose

1. Upon the effective date of this amendment, there is hereby created a MOR Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.
2. The MOR Development Review Board is created for the purpose of reviewing and approving or disapproving all site plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.
3. The MOR Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:
  - a. Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area; and

- b. Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines; and
- c. Determine if proposed development plans meet the intent of the district as stated in Section IV-2.H.

B. Powers and Duties. The MOR Development Review Board shall have the following powers:

- 1. The MOR Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
- 2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.A.2. The MOR Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in Section XI-12.G.
- 3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. Membership

- 1. The MOR Development Review Board shall consist of seven members. A quorum of the MOR Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:
  - a. A member of the Urbana Plan Commission;
  - b. A member of the Urbana Historic Preservation Commission;
  - c. A licensed architect;
  - d. An owner-occupant\_ of property in the MOR, Mixed-Office Residential Zoning District;
  - e. A resident living inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;
  - f. A local developer;
  - g. An owner of a local small business with fewer than 40 employees.
- 2. MOR Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.
- 3. The Mayor shall declare vacant the seat of any MOR Development Review Board member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for

resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. Officers.

1. There shall be a Chair and a Vice-Chair elected by the MOR Development Review Board, who shall each serve a term of one year and shall be eligible for re-election. Elections shall be held annually.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the MOR Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
  - a. Take minutes of each MOR Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;
  - b. Provide administrative and technical assistance to the MOR Development Review Board to assist it in making the decisions and findings as provided herein;
  - c. Publish and distribute to the MOR Development Review Board copies of the minutes, reports and decisions of the MOR Development Review Board;
  - d. Give notice as provided herein or by law for all public hearings conducted by the MOR Development Review Board;
  - e. Advise the Mayor of vacancies on the MOR Development Review Board and expiring terms of MOR Development Review Board members;
  - f. Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the MOR Development Review Board on all appeals from decisions of the MOR Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
  - g. Have no vote.

E. Meetings.

1. The MOR Development Review Board shall hold at least one meeting per year. Meetings shall be called as needed.
2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the MOR Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the MOR Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. Decisions.

1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.

2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
3. Approval of a site plan shall require a simple majority vote and shall be calculated on the basis of those voting members present and not abstaining.

#### G. Application and Site Plan Submittal Requirements

1. A request for site plan approval by the MOR Development Review Board shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the required plans, and shall be filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.
2. Site Plans must contain the following information:
  - a. Size and dimensions of the parcel to be developed drawn to scale;
  - b. Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
  - c. Identification of neighboring property owners listed on the site plan;
  - d. Location of all existing structures on the parcel;
  - e. Location of adjacent parcels and structures;
  - f. Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
  - g. Location and layout of any proposed access drives, parking area and walkways;
  - h. Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;
  - i. Elevations or perspectives of adjacent existing structures;
  - j. Floor plans indicating the interior layout of the proposed structure or addition;
  - k. Location of existing trees and shrubs and proposed landscaping;
  - l. Detail view drawings as necessary to show key design elements;
  - m. Relevant site details including lighting, dumpster locations, signage, and other features;
  - n. Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).
3. Site Plans shall be submitted at a graphic scale of no less than one inch per ten feet.
4. The MOR Development Review Board may require additional information necessary to consider applications.

#### H. MOR Development Review Board Review Procedures

1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the MOR Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.
2. After reviewing the proposed site plan according to the criteria in Section XI-12.I, the MOR Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the MOR Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the MOR Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision

within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall, upon request of the applicant, cause the Secretary of the Board to appeal the request to the Zoning Board of Appeals in accordance with Section XI-3.

3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.
  4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the MOR Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Article VII. The MOR Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
  5. Any order, requirement, decision or condition of approval made by the MOR Development Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the MOR Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove a proposed site plan.
  6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.
  7. The procedure for amending a site plan already approved by the MOR Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.
  8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless a building permit or Certificate of Occupancy is issued within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
  9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.
- I. Site Plan Review Criteria. Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the MOR Development Review Board according to the criteria listed below.
1. Compatibility with Surrounding Neighborhood. Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2.H. In reviewing proposals the MOR Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.
  2. Parking and Access. Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Zoning Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic



conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

3. **Screening and Landscaping.** Proposals shall demonstrate the preservation of existing natural features where practical. The MOR Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and screening requirements identified in the Urbana Zoning Ordinance. The MOR Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.
  4. **Site Details.** Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The MOR Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.
  5. **Design Guidelines.** The MOR Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in Section XI-12.J.
- J. **Design Guidelines Review.** In reviewing development proposals in the M.O.R., Mixed-Office Residential Zoning District, the MOR 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 Section 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 41. Article XII is hereby renamed "Historic Preservation".

Section 42. Section XII-4, Paragraph D.1.a, is hereby amended as follows:

The address of the property affected;

Section 43. Section XII-6, Subsection B, is hereby amended as follows:

**B. Review Criteria for Certificate of Appropriateness**

1. In making a determination whether to issue or deny a Certificate of Appropriateness, if the proposed activities cannot be considered "minor works" as identified in Table XII-1 and Table XII-2, the Preservation Commission shall consider, among other things, the effect of the proposed alteration, relocation, construction, removal or demolition upon the exterior architectural features and upon the historic value, characteristics and significance of the landmark or of the historic district.
2. The criteria to be used by the Preservation Commission in making its determination shall include, but not be limited to:
  - a) The maintenance of the significant original qualities or character of the buildings, structures, sites or objects including, if significant, its appurtenances. The removal or alteration of any historic or distinctive architectural features should be avoided whenever possible.
  - b) The compatibility of proposed new additions and new construction to the original architecture or the landmark or styles within the historic district shall be evaluated against the following general guidelines:
    - i) *Height:* The height of the proposed building or structure or additions or alterations should be compatible with surrounding buildings or structures.
    - ii) *Proportions of structure's front façade:* The proportion between the width and height of the proposed building or structure should be compatible with nearby buildings or structures.
    - iii) *Proportions of openings into the facility:* The proportions and relationships between doors and windows should be compatible with existing buildings and structures.
    - iv) *Relationship of building masses and spaces:* The relationship of a building or structure to the open space between it and adjoining buildings or structures should be compatible.
    - v) *Roof shapes:* The design of the roof should be compatible with that of adjoining buildings and structures.
    - vi) *Appurtenances:* Use of appurtenances should be sensitive to the individual building or structure, its occupants and their needs.
    - vii) *Scale of building or structure:* The scale of the building or structure should be compatible with that of surrounding buildings or structures.

- viii) *Directional expression of front elevation:* Street façades should blend in with other buildings and structures with regard to directional expression when adjacent buildings or structures have a dominant horizontal or vertical expression.
- c) The Secretary of the Interior's "Standards for Historic Preservation Projects," as revised from time to time, as follows:
- i) Every reasonable effort shall be made to use a property for its originally intended purpose, or to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment.
  - ii) The distinguishing historic qualities or character of a building, structure, site or object and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - iii) All buildings, structures, sites and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - iv) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, site or object and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  - v) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, site or object shall be treated with sensitivity.
  - vi) Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings, structures, sites or objects.
  - vii) The surface cleaning of buildings, structures, sites or objects shall be undertaken utilizing the gentlest means possible. Sandblasting and other cleaning methods that may damage the historic building materials shall not be undertaken.
  - viii) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
  - ix) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
  - x) Wherever possible, new additions or alterations to buildings or structures shall be done in such manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would remain unimpaired.

Section 44. Section XII-6, Paragraph C.4, is hereby amended as

follows:

If the Preservation Commission determines that the work proposed in the application is consistent with the review criteria in Section Section XII-6.B with or without certain conditions, they may approve a Certificate of Appropriateness with or without conditions by means of a resolution to be passed by a majority vote of those Commissioners currently holding office. Copies of the resolution shall be sent to the owner(s) of record, the Building Safety Division, and the Urbana City Council.

Section 45. Section XII-6, Paragraph C.5, is hereby amended as

follows:

If the Preservation Commission finds that the proposed work is not consistent with the review criteria listed in Section XII-6.B, it shall disapprove the application by resolution passed by a majority vote of those Commissioners currently holding office and shall so advise the applicant and the Building Safety Division in writing within 10 days following this decision, and in accordance to the following:

Section 46. Section XIII-4, Paragraph B.2, is hereby amended as

follows:

The provisions of this section are applicable to the area within the Boneyard Creek District, the boundaries of which are shown as an overlay district on the official zoning map of the City.

Section 47. Section VII-2, Conditional Use Procedures, is hereby

amended as follows:

## **Conditional Use Procedures**

Except as otherwise provided herein, the Zoning Administrator shall not permit a conditional use until expressly authorized by the Zoning Board of Appeals and the following procedure is completed:

- A. A written application for a conditional use shall be submitted to the Secretary of the Zoning Board of Appeals by the owners of more than 50% of the ownership of the subject property involved. The application shall demonstrate:
  1. That the proposed use is conducive to the public convenience at that location;
  2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare; and
  3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-6 of this Ordinance.

- B. Each application for a conditional use shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.
- C. The public hearing shall be held by the Zoning Board of Appeals, in accordance with its established procedures and the requirements of the Urbana City Code. The public hearing shall meet notification requirements specified in Section XI-10 of this Ordinance.
- D. The Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use based upon the criteria specified in Section VII-2.A.
- E. The Zoning Board of Appeals shall authorize or deny the requested conditional use, and may also impose 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. Regulation of the location, extent, and intensity of such uses;
  - 2. Requirement of the screening of such uses by means of fences, walls, or vegetation;
  - 3. Stipulation of required minimum lot sizes;
  - 4. Regulation of vehicular access and volume;
  - 5. Conformance to health, safety, and sanitation requirements, as necessary;
  - 6. Increases to the required yards; and
  - 7. Any other conditions deemed necessary to effect the purposes of this Ordinance (see Section VII-6).
- F. In the case of a valid written protest, the conditional use shall not be authorized except by a favorable vote of two-thirds of the members of the Zoning Board of Appeals. Procedures for protest against any proposed conditional use permit are specified in Section XI-11 of this Ordinance.

Section 48. 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 17th day of April, 2006.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_, 200\_.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
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 \_\_\_ day of \_\_\_\_\_, 200\_, 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 (Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2063-T-08)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, 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 \_\_\_\_\_, 2008.

TABLE V-1. TABLE OF USES

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
<b>Agriculture</b>																				
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							
<b>Public and Quasi-Public</b>																				
Church, Temple or Mosque	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 or Charitable 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
Correctional Institution or Facility												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	
Elementary, Junior High School, or Senior High School	P	P	P	P	P	P			P					S				P		
Fairgrounds									S											
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	
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	
<b>Business</b>																				
<b>Adult Entertainment</b>																				
Adult Entertainment Uses												P		P						
<b>Food Sales and Service</b>																				
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	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
<b>Food Sales and Service (continued)</b>																				
Supermarket or Grocery Store							C			P/S**	P	P	P	P	P					
Tavern or Night Club												P	P	P	P					
Wholesale Produce Terminal																		P		
<b>Personal Services</b>																				
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 Therapist												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	
<b>Professional and Financial Services</b>																				
Bank/Savings and Loan Association							P			P	P	P	P	P	P	S		P	P	P
Check Cashing Service							P			C	P	P	P	P	P			P	P	P
Copy and Printing Service							P			P	P	P	P	P	P	S			P	P
Express Package Delivery Distribution Center																		P		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	P
Vocational, Trade or Business School									C			P	P	P	P			C	P	P
<b>Retail Trade</b>																				
Antique or Used Furniture Sales and Service										P/C*		P	P	P	P	S			P	
Clothing Store							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	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	P
Office Supplies/Equipment Sales and Service												P	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 or Consignment Shop														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	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
<b>Retail Trade (continued)</b>																				
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	S
<b>Recreation</b>																				
Athletic Training Facility							C					P	P	P	P				P	
Bait Sales									C			P		P	P		C			
Pool 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									
<b>Transportation</b>																				
Airport									C											
Air Freight Terminal									S										C	
Heliport									C										S	
Motor Bus Station												P		P	P				P	
Railroad Yard and Freight Terminal																			P	
Truck Terminal/Truck Wash																			P	
<b>Vehicular Sales and Service</b>																				
Automobile Accessories (New)							C			C	C	P	P	P	P					
Automobile Salvage Yard (Junkyard)																			S	
Automobile, Truck, Trailer or Boat Sales												P							P	
Automobile/Truck Repair												P							P	
Car Wash												P	P						C	
Gasoline Station										S	C	P	C	C	C				P	
Mobile Home Sales												P								
Towing Service												S							P	
Truck Stop												S							P	
<b>Miscellaneous Business</b>																				
Auction Sales (Non-Animal)												P	P	P	P					
Aviation Sales, Service or Storage									C										P	
Cemetery									C								C			
Commercial Planned Unit Development												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	
Crematorium									C			C	C							
Day Care Facility (non-home based)	C	C	C	C	C	C	C			C	C	C	C	C	C				C	P
Kennel									C										P	
Lawn Care and Landscaping Service										C		P	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
<b>Miscellaneous Business (continued)</b>																				
Mail Order Business (less than 10,000 square feet of gross floor area)										C	P	P	P	P	P			P		P
Mail Order Business (greater than 10,000 square feet of gross floor area)												P	S					P		P
Mixed-Use Planned Unit Development				D	D	D	D	D		D	D	D	D	D	D	D			D	D
Radio or TV Studio									C	C	C	P	P	P	P			P		
Shopping Center - Convenience							S			S	S	P	S	S	S	S		P		S
Shopping Center - General												P	S	S	S	S		P		
Self-Storage Facility																		P		
Warehouse																		P		
Wholesale Business												P	P	C	C			P		
Veterinary Hospital - Large Animal									C									C		
Veterinary Hospital - Small Animal									C			C	C					C		
<b>Residential</b>																				
Bed and Breakfast Inn										P	P	P	P	P	P				P	
Bed and Breakfast, Owner Occupied	C	C	C	C	C	C	C	C		P	P	P	P	P	P				P	
Boarding or Rooming House				P	P	P	P	P			P		P	P	P				P	
Dormitory				P	P	P	P	P			P		P	C	C				P	
Dwelling, Community Living Facility, Category I	P	P	P	P	P	P	P	P	P	C	P		P						P	
Dwelling, Community Living Facility, Category II		C	P	P	P	P	P	P		C	P	P	P	P	P				P	
Dwelling, Community Living Facility, Category III				P	P	P	P	P		C	P	P	P	P	P				P	
Dwelling, Duplex***		C	P	P	P	P	P			C	P		P						P	
Dwelling, Duplex (Extended Occupancy)***		C	P	P	P	P	P			C	P		P						P	
Dwelling, Home for Adjustment				S	P	P	P	S			P	P	P	P	P				S	
Dwelling, Loft							P			P	P	P	P	P	P	S			P	
Dwelling, Multifamily				P	P	P	P			C	P	S	P	P	P	S			P	
Dwelling, Multiple-Unit Common-Lot-Line***				P	P	P	P	P		S	C		P	P	P			P		P
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	C	P		P						P	
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P		P	C	P		P						P	
Dwelling, Two-Unit Common-Lot-Line***		C	P	P	P	P	P				P								P	
Home for the Aged				C	P	P	P				P	C	P	C	C				P	
Hotel or Motel									C			P	P	P	P					
Mobile Home Park (See Section VII-4)									S											
Mobile Home in Mobile Home Park									S											
Nursing Home				C	P	P	P				P	C	P	C	C					
Residential Planned Unit Development		D	D	D	D	D	D	D								D			D	
<b>Industrial</b>																				
Bookbinding											C	C	C	C	C				P	
Building Paper, Paper Containers and Similar Products Manufacturing																			P	
Confectionery Products Manufacturing and Packaging											C	C	C	C	C				P	
Electrical and Electronic Machinery, Equipment and Supplies Manufacturing																			P	
Electronics and Related Accessories - Applied Research and Limited Manufacturing												C	P	C	C				P	C
Engineering, Laboratory, Scientific, and Research Instruments Manufacturing												C	C	C	C				P	
Grain Mill Products Manufacturing and Packaging																			P	
Household and Office Furniture Manufacturing																			P	
Industrial PUD																			D	D

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
<b>Industrial (continued)</b>																				
Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing and Processing																			P	
Light Assembly Manufacturing, 50,000 gross square feet or less																			P	C
Light Assembly Manufacturing, more than 50,000 gross square feet																			P	S
Manufacturing and Processing of Athletic Equipment and Related Products															C				P	
Manufacturing and Processing Apparel and Related Finished Products Manufacturing																			P	
Mechanical Measuring and Controlling Instruments Manufacturing																			P	
Miscellaneous Finished Products Manufacturing Including Home Products, Canvas Products, Decorative Textiles, Luggage, Umbrellas, and Similar Products																			P	
Motion Picture Production Studio										S	C	C	C	C	C				P	S
Musical Instruments and Allied Products Manufacturing																			P	
Office and Artists Materials Manufacturing (Except Paints, Inks, Dyes and Similar Products)																			P	
Optical Instruments and Lenses Manufacturing																			P	
Photographic Equipment and Supplies Manufacturing																			P	
Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing													C	C	C	P			P	
Recycling Center																			S	
Signs and Advertising Display Manufacturing															C	C			P	
Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing													C	C	C	C			P	
Theoretical and Applied Research, Development and Prototype Light Manufacturing of the Following: Drugs, Chemicals Food Products, Rubber and Petroleum Products, Light Fabricated Metal Products, Electrical Products, Physical and Aerospace Sciences, Wood and Wood Products, Non-electrical Machinery, Textiles, Glass Ceramic Products																			P	S
Watches, Clocks and Clockwork Operated Devices Manufacturing																			P	
Wool, Cotton, Silk and Man-made Fiber Manufacturing																			P	
All Other Industrial Uses																			S	

\* Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Conditional Use when the gross square footage is greater than 3,500 square feet per floor.

\*\* Use permitted by Right when the gross square footage of the use is 3,500 square feet or less per floor, and by Special Use when the gross square footage is greater than 3,500 square feet per floor.

\*\*\* See Section VI-3 for lot area and width regulations for duplex and common-lot line dwelling units

**Table VIII-7. Parking Requirements by Use**

Use	Number of Spaces Required
<b>Agriculture</b>	
Feed and Grain Store Plant Nursery Roadside Produce Sales Stand	1 per every 400 sq. ft. of sales area
All Other Agriculture Uses	None
<b>Public and Quasi-Public</b>	
Church or Temple	1 for every 5 seats in the principal assembly area
Day Care Facility	3 for every 2 employees plus drive-in facility for drop off of children
Hospital or Clinic	1 space for each bed based on permitted bed occupancy and 1 space for each employee on regular work day shift (beds do not include bassinets)
Institution of an Educational or Charitable Nature	Based on specific uses within a facility and the corresponding parking requirements
Municipal or Government Building	1 for every 300 sq. ft. of floor area
Police or Fire Station	1 per employee on maximum shift
Public or Private Parochial Elementary, Junior High School, or Senior High School	1 for every 8 auditorium seats, or 1 for every 30 classroom seats, whichever is greater
Public Library, Museum or Gallery	1 for every 500 sq. ft. of floor area
Public Utility Plants (not including offices)	None
<b>Food Sales and Service</b>	
Restaurant or Similar Uses	1 for every 100 sq. ft. of floor area, including outdoor seating areas
All Other Food Sales and Service Uses	1 for every 250 sq. ft. of floor area
<b>Personal Services</b>	
Ambulance Service	0.75 per employee on maximum shift
Laundry and/or Dry Cleaning	1 for every 300 sq. ft. of floor area
Medical Carrier Service	0.75 per employee
Mortuary	1 for every 8 seats
All Other Personal Services Uses	1 for every 250 sq. ft. of floor area
<b>Professional and Financial Services</b>	
Bank/Savings and Loan Association	1 for every 250 sq. ft. of floor area
Copy and Printer Service or Similar Uses	
Medical Clinic or Office	1 for every 250 sq. ft. of floor area
Professional and Business Office	1 for every 300 sq. ft. of floor area
Vocational, Trade or Business School	1 for every 400 sq. ft. of floor area
All Other Professional and Financial Services Uses	1 for every 250 sq. ft. of floor area
<b>Retail Trade</b>	
Antique or Used Furniture Sales and Service (Home or Office)	1 for every 400 sq. ft. of floor area
Art and Craft Store and/or Studio	1 for every 500 sq. ft. of floor area
Bicycle Sales and Service	1 for every 300 sq. ft. of floor area
Building Material and Garden Sales or Similar Uses	1 for every 300 sq. ft. of floor area
Shopping Center (excluding Restaurants)	1 for every 250 sq. ft. of floor area
All Other Retail Trade Uses	1 for every 250 sq. ft. of floor area

<b>Use</b>	<b>Number of Spaces Required</b>
<b>Recreation</b>	
Bowling Alley	2 for every lane, and 1 for every 2 employees
Country Club	Based on specific uses within a facility and the corresponding parking requirements
Driving Range or Miniature Golf	1 for every tee, plus 1 for every four employees
Golf Course	4 for every tee
Indoor Movie Theater	1 for every 5 seats
Lodge or Private Club	1 for every 2 bedrooms and 1 for every 50 sq. ft. of area used for assembly, dancing or dining
Outdoor Commercial Recreation Enterprises	1 for every 2,000 sq. ft. of lot area
Private Indoor Fitness/Recreational Development or Similar Uses	1 for every 400 sq. ft. of floor area
<b>Transportation</b>	
Motor Bus Station	1 for every 400 sq. ft. of leasable floor area
<b>Vehicular Sales and Service</b>	
Automobile Accessories	1 for every 400 sq. ft. of floor area
Gasoline Station	1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces
All Other Vehicular Sales and Service Uses	1 for every 400 sq. ft. of floor area, and 1 for every 3 employees
<b>Miscellaneous Business</b>	
Animal Hospital or Kennel	1 for every 400 sq. ft. of floor area
Contractor Shop and Showroom	1 for every 400 sq. ft. of floor area
Self-Storage Facility	1 for every 100 storage units, no less than 2; must be located next to main office
Warehouse or Similar Uses	1 for every 2,000 sq. ft. of lot area
<b>Residential</b>	
Bed and Breakfast	1 for every living or sleeping room, plus 2 if owner-occupied
Boarding or Rooming House or Similar Uses	1 for every 2 residents
Community Living Facility (any type) or Home for Adjustment	1 for every employee on maximum shift, and one for every 4 members of the service dependant population
Dormitory	1 for every 3 residents
Hotel or Motel	1 for every living or sleeping room
Nursing Home	1 for every 6 beds, and 1 for every 3 employees on maximum shift
Mobile Home	2 for every mobile home
Efficiency, One or Two Bedroom Multiple-Family Dwelling Unit	No less than 1 for every dwelling unit
Three Bedroom Multiple-Family Dwelling Unit	1.5 for every dwelling unit
Four Bedroom Multiple-Family Dwelling Unit	2 for every dwelling unit
More Than Four Bedroom Multiple-Family Dwelling Unit	2.5 for every dwelling unit
Single and Two-Family or Similar Uses	2 for every dwelling unit
<b>Industrial</b>	
All Industrial Uses	1 for every 1,000 sq. ft. of floor area

Notes: The intent for multi-family dwellings is to provide parking at a rate of one-half space per person. However, in no case shall a dwelling unit have less than one parking space.

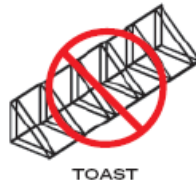
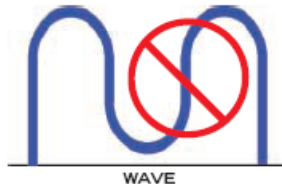
Accessory off-street parking may be located on a lot other than on the same zoning lot where the principal use is located as provided for in Section V-3.G.

## FIGURE VIII-7. Bicycle Parking Rack Types

### Acceptable Designs



### Unacceptable Designs







**TABLE IX-1. STANDARDS FOR FREESTANDING SIGNS<sup>1</sup>**

<b>Districts Permitted</b>	<b>Maximum Number Permitted</b>	<b>Maximum Area Of Sign</b>	<b>Maximum Height Of Sign</b>	<b>Location of Sign</b>
B-1 Neighborhood Business	One per business except that no freestanding sign is permitted if a projecting or roof sign exists on the lot. If a lot has two frontages, one sign per frontage is permitted provided the cumulative square footage of both does not exceed 32 square feet in area.	32 square feet	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-2 Neighborhood Business Arterial	One per business frontage up to 300 feet, and one additional sign for each additional 300 feet of business frontage thereafter; except that no free-standing sign is permitted if a projecting or roof sign exists on the same frontage.	32 square feet	15 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 25 maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-3 General Business		50 square feet if combined or monument	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 35 feet maximum	
B-4 Central Business		75 square feet if combined or monument		
IN Industrial		100 square feet	25 feet at minimum setback line and 1 foot per 2 feet additional setback, up to 40 feet maximum	
B-4E Central Business Expansion	One per business frontage up to 300 feet, and one additional sign for each additional 300 feet of frontage thereafter; except that no freestanding sign is permitted if a projecting or roof sign exists on the same frontage.	50 square feet	5 feet within front setback; 19 feet at minimum setback line and 1 foot per 2 feet additional setback up to a maximum of 30 feet.	Signs shall not extend over the public right-of-way. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
MIC Medical Institutional Campus		75 square feet if combined or monument		
B-3U General Business -University	One per business frontage, except that no free-standing sign is permitted if a projecting sign exists on the same frontage.	32 square feet	8 feet	Signs shall not extend within 5 feet of any property line.
CCD Campus Commercial District			5 feet	Signs shall not extend within one foot of any property line nor constitute a traffic hazard as determined by the MOR Development Review Board or any city ordinance.
MOR Mixed Office Residential				

NOTE: If a sign in the B-3, General Business, or IN, Industrial, zone is: (1) directed primarily toward the users of an interstate highway; (2) within 2,000 feet of the center line of an interstate highway; and (3) more than 500 feet from the boundary of any residential zoning district, school, park, hospital, or nursing home, it may rise only to such a height as to be visible from within one-half mile away along the highway, but not to exceed a height of 75 feet and an area of 150 square feet.

<sup>1</sup>For buildings with multiple businesses, refer to Table IX-1. Freestanding Shopping Center Signs.

<sup>2</sup>Combined Sign: If a property has two business frontages, a single sign may be constructed with a larger maximum area as defined in Table IX-1.

Monument Sign: If a monument sign (as defined in Article II Section IX-2.K) is proposed, said sign may be constructed with a larger maximum area as defined in Table IX-1.

**TABLE IX-2. STANDARDS FOR WALL SIGNS AND WALL-MOUNTED SIGNS**

District Permitted	Maximum Number Permitted	Total Maximum Area Of Wall Signs per Building Face	Maximum Height and Location of Signs
<p>R-6B Restricted Business</p> <p>B-1 Neighborhood Business</p> <p>B-2 Neighborhood Business-Arterial</p> <p>B-3U General Business – University</p> <p>CCD Campus Commercial District</p>	<p>No Limit</p>	<p>8% of wall area, not to exceed 300 sq. ft. maximum</p>	<p>Signs shall not project beyond the top or ends of the wall surface on which they are placed.</p> <p>In the B-1, Neighborhood Business Zoning District, no wall signs are permitted when the wall immediately faces a residential use or zoning district and is not separated by a right-of-way.</p>
<p>B-3 General Business</p> <p>B-4 Central Business</p> <p>B-4E Central Business Expansion</p> <p>MIC Medical Institutional Campus</p>		<p>10% of wall area, not to exceed 350 sq. ft. maximum</p>	
<p>IN Industrial</p>		<p>10% of wall area, not to exceed 400 sq. ft. maximum</p>	
<p>MOR Mixed Office Residential</p>		<p>8% of wall area, not to exceed 150 sq. ft. maximum</p>	

**TABLE IX-3. STANDARDS FOR PROJECTING SIGNS**

<b>Districts Permitted</b>	<b>Maximum Number Permitted</b>	<b>Maximum Area of Sign</b>	<b>Maximum Height and Projection of Sign</b>	<b>Location of Sign</b>
<p align="center">B-1 Neighborhood Business</p> <p align="center">B-2 Neighborhood Business - Arterial</p> <p align="center">B-3U General Business - University</p> <p align="center">B-3 General Business</p> <p align="center">B-4E Central Business Expansion</p> <p align="center">MIC Medical Institutional Campus</p> <p align="center">CCD Campus Commercial</p> <p align="center">MOR Mixed Office Residential</p>	<p>One per business frontage, except that no projecting sign is permitted if a free-standing sign, roof sign, or canopy sign exists on the same frontage. Projected signs are not allowed above the first story.</p>	<p align="center">32 square feet</p>	<p>8-foot minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than 5 feet from the face of the building to which it is attached.</p>	<p>Not to extend over any public right-of-way.</p>
<p align="center">B-4 Central Business</p>	<p>See Note 1 regarding spacing requirements for projecting signs extending over the right-of-way in the B-4 District.</p>	<p>32 square feet: 12 square feet if any portion extends over public right-of-way</p>		<p>In the B-4 District, projecting signs with a maximum area of 12 square feet may project a maximum of 5 feet from the face of the building to which it is attached, or to within two feet from the curb face, whichever dimension is smaller.<sup>1</sup></p>

Note 1: Projecting signs extending over the right-of-way shall not be lit internally; the dimension between the two principal faces (i.e., the thickness or depth) shall not be greater than six inches; and a minimum separation of 20 feet must be maintained between such signs; however in no case should more than one such sign per business frontage be permitted. (Ord. No.2002-09-111, 06-17-02)

**TABLE IX-4. STANDARDS FOR ROOF SIGNS**

District Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
B-3 General Business	One per premise, except no roof sign is permitted if a freestanding sign or projecting sign exists on the same frontage.	50 square feet	9 feet as measured from that part of roof immediately below sign, but in no case shall the height exceed maximum height authorized in zoning district.	Sign must be located wholly within the roof area of structure.
B-4 Central Business  B-4E Central Business Expansion  MIC Medical Institutional Campus		50 square feet		
IN Industrial		75 square feet	11 feet as measured from that part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.	

**TABLE IX-5. (Reserved)**

**TABLE IX-6. STANDARDS FOR SIGNS ATTACHED TO CANOPIES AND ENTRANCE STRUCTURES**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Height of Sign
<p>R-6B Restricted Business</p> <p>B-1 Neighborhood Business</p> <p>B-2 Neighborhood Business Arterial</p> <p>B-3U General Business University</p> <p>CCD Campus Commercial District</p> <p>MOR Mixed Office Residential</p>	<p>One per business frontage up to 100 feet. One additional sign for each 100 feet thereafter.</p>	<p>15 square feet</p>	<p>9 foot minimum clearance to ground</p>
<p>B-3 General Business</p> <p>B-4 Central Business</p> <p>B-4E Central Business Expansion</p> <p>MIC Medical Institutional Campus</p>		<p>25 square feet</p>	
<p>IN Industrial</p>		<p>25 square feet</p>	

**TABLE IX-7. STANDARDS FOR PROPERTY SALE AND RENTAL SIGNS**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Free-standing Sign (See Note 2)	Location of Sign
R-1 and R-2 Single-Family & R-3 Single & Two-Family Residential	One per dwelling	3 square feet	5 feet	10-foot minimum setback from curb line but wholly upon the premises.
R-4, R-5, & R-6 Multiple Family Residential R-6B Restricted Business R-7 University Residential	One per apartment building or dwelling (See Note 1)	10 square feet	10 feet	10-foot minimum setback from curb line but wholly upon the premises.
AG Agriculture	One per 660 foot frontage	32 square feet	15 feet	Signs shall conform to the setback requirements for structures in the applicable districts.
B-1 Neighborhood Business B-2 Neighborhood Business Arterial B-3U General Business University CCD Campus Commercial District MOR Mixed Office Residential	One per frontage (See Note 1)			
B-3 General Business B-4 Central Business B-4E Central Business Expansion MIC Medical Institutional Campus	One per frontage (See Note 1)	50 square feet	25 feet	
IN Industrial		100 square feet		

Notes: 1. An apartment complex, shopping center, highway plaza, or industrial complex is permitted one sign per frontage, up to 200 feet, and one additional sign for each 300 feet thereafter.

2. Wall signs shall not extend beyond the top or ends of the wall surface on which they are placed.

**TABLE IX-8. STANDARDS FOR SUBDIVISION SIGNS**

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
R-1 & R-2 Single-Family & R-3 Single- & Two-Family Residential	One sign per major road providing direct access to the subdivision	25 square feet	6 feet	10-foot minimum setback wholly upon the premises.
R-4, R-5, R-6 Multiple Family Residential R-6B, Restricted Business & R-7, University Residential				
<p style="text-align: center;">AG Agriculture</p> <p style="text-align: center;">B-1 Neighborhood Business</p> <p style="text-align: center;">B-2 Neighborhood Business Arterial</p> <p style="text-align: center;">B-3 General Business</p> <p style="text-align: center;">B-3U General Business University</p> <p style="text-align: center;">CCD Campus Commercial District</p> <p style="text-align: center;">MOR Mixed Office Residential</p>				Signs shall conform to the setback requirements for structures in applicable district.
<p style="text-align: center;">B-4 Central Business</p> <p style="text-align: center;">B-4E Central Business Expansion</p> <p style="text-align: center;">MIC Medical Institutional Campus</p>	25 square feet	15 feet		
<p style="text-align: center;">IN Industrial</p>	25 square feet	15 feet		

**TABLE IX-9. FREESTANDING SHOPPING CENTER SIGNS**

<b>Class of Shopping Center</b>	<b>Districts Permitted</b>	<b>Maximum Number Permitted</b>	<b>Maximum Area<sup>1</sup></b>	<b>Maximum Height</b>	<b>Location</b>	<b>Individual<sup>3</sup> Business May List</b>
Shopping Center – General  (minimum four acres and 50,000 square feet of building area)	R-6B B-2 B-3 B-3U B-4 B-4E IN	Two signs per frontage	150 square feet, for shopping center located on lots greater than four acres  In addition, 50 square feet may be permitted for use as a directory	30 feet at minimum setback line plus one additional foot per 2 feet additional setback thereafter up to 40 feet maximum	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.	Yes
Shopping Center - Convenience  (between one and four acres and 12,000 – 50,000 square feet of building area)	R-6B B-1 B-2 B-3 B-3U B-4 B-4E IN		100 square feet <sup>2</sup>			

Notes:

<sup>1</sup>Maximum area refers to combined area of both signs, or of one sign if there is only one.

<sup>2</sup>Size of sign may be increased to 150 square feet under special use procedures.

<sup>3</sup>Individual businesses may list, but an individual listing may not exceed 50% of the area of any face of the sign.



**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** December 4, 2008

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Jane Burris, Tyler Fitch, Ben Grosser, Lew Hopkins, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, Don White

**MEMBERS EXCUSED:** There were none.

**STAFF PRESENT:** Robert Myers, Planning Manager; Jeff Engstrom, Planner I; Rebecca Bird, Associate Planner; Teri Andel, Planning Secretary

**OTHERS PRESENT:** Dick Brazee, Merl and Phyllis Mennenga, Susan Taylor, Jane Tigan

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**COMMUNICATIONS**

- ✚ Memo from Jack Waaler regarding Plan Case No. 2063-T-08
- ✚ Revised Table VIII-3, Widths for Access Drives (Plan Case No. 2063-T-08)
- ✚ Revised Section XI-15, Design Review Board (Plan Case No. 2074-T-08)

**CONTINUED PUBLIC HEARINGS**

**Plan Case No. 2063-T-08: A request by the Zoning Administrator for an omnibus text amendment to the Urbana Zoning Ordinance.**

Jeff Engstrom, Planner I, began presenting the staff report for the proposed text amendment. He reviewed the proposed major changes to the Zoning Ordinance. They are as follows:

**Article IV. Districts and Boundaries**

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

## Article V. Use Regulations

1. *Section VI.3.E* – Remove vehicle repair from the list of allowed home occupations. There are several caveats in the Zoning Ordinance that people who have home occupation permits allowing them to perform vehicular repairs are suppose to follow, but the regulations are very hard to follow. Therefore, it generally creates a nuisance for the adjacent neighbors. Many other cities in the State of Illinois do not allow vehicular repair as a home occupation use.

Mr. Myers added that City staff has received numerous complaints about zoning violations occurring at residences regarding vehicular repair. Many times, the property owners do not have home occupation permits to perform this type of service.

Mr. Grosser wondered if by removing automobile repair as a home occupation use, would it get rid of the option for someone to do an occasional minor or small repair for someone else in their garage and make money. If he wants to help a friend fix their motorcycle in his garage, will this change prohibit that? Mr. Engstrom replied that if he was planning to apply for a home occupation permit to be able to fix motorcycles in his garage at home, then yes it would.

Mr. Engstrom continued with his staff presentation.

### Article V-1. Table of Uses

1. Replace older terms with more modern terms
2. Add schools as a special use under Public and Quasi-Public in the B-4 Zoning District. This is currently not permitted at all.
3. Under Miscellaneous Business, permit shopping centers by right in the B-3 Zoning District and as a special use in the Campus Commercial District (CCD) Zoning District.

Mr. Hopkins did not feel it is that simple to permit shopping centers by right in the B-3 Zoning District and as a special use in the CCD Zoning District. He feels it would depend on parking requirements and other things associated with parking in a shopping center. Mr. Engstrom stated that City staff has taken this into consideration. Parking issues are usually easy to work out.

Mr. Hopkins recommended putting the list of uses in alphabetical order to make it easier to look them up.

Mr. Engstrom continued with his presentation by discussing the following:

4. Add “*recycling center*” as a special use in Industrial zoning districts.
5. Move “automobile salvage yard (junkyard)” to require a special use permit instead of a conditional use.

Chair Pollock questioned whether staff plans to include a definition of “*recycling center*” in the Zoning Ordinance. Mr. Engstrom replied no. Mr. Myers stated that there is currently a definition for “*junk*” but not “*recycling center*.”

Mr. White inquired as to the difference between a “junkyard” and a “recycling center.” Mr. Engstrom read the definition of “salvage yard” for clarification.

Mr. Engstrom continued pointing out the major changes being proposed, which are as follows:

## **Article VI. Development Regulations**

*Section VI-5.B.13 Yards* - Revise to add ground mounted solar panels as an exception to be allowed within side and rear yards. These are currently considered a mechanical device and therefore currently not allowed in required yards.

Mr. Fitch asked if there is a width limit for the solar panels. Someone could conceivably install a wall of solar panels in a side yard, for instance. Mr. Engstrom stated that when he was researching solar panels, he did not find any other cities that have a width limit. One is not proposed here.

*Section VI-5.E.2 Yards* – Mr. Engstrom stated that staff is proposing to clarify a long-standing interpretation regarding vehicles for sale being allowed to encroach up to five feet into the required front yard if they are properly screened. This is what the City allows for any other parking area. Mr. Myers added that this revision specifically has to do with cars. Basically, a business owner is not allowed to store or display merchandise outdoors in the front yard setback. However, what is the difference between a parked car for sale and a parked car for a customer in terms of visually? This is the reason why they are proposing to change this.

*Section VI-6.A Screening* – Staff is proposing to convert most of the text into tables to make it easier to understand and use.

*Section VI-6.C and D Screening* – Add proposed language to require screening for new trash containers and for ground mounted mechanical equipment.

Mr. Grosser recommended spelling out OSR (Open Space Ratio) and FAR (Floor Area Ratio) to City staff.

Mr. Hopkins commented that in Footnote 17, seventy-five feet seems high for a building or structure. Is this building height limit new? Mr. Engstrom explained that it is only a verbatim transposition of Section VI-2.B. This is not new language being proposed.

Mr. Hopkins stated that the wording in Footnote 17 is odd in that it refers to uses permitted, and yet most of the uses, except schools, require a special use permit in the R-2, R-3 and R-4 Zoning Districts. Seventy-five feet equals six or seven stories. A six or seven-story building in an R-2 Zoning District, where a large portion is usually single-family houses, would be a pretty big building.

Chair Pollock inquired as to whether schools are subject to zoning regulations. Mr. Myers replied that in terms of building codes, there is a state building code that schools are required to

follow. The City does not issue building permits for schools because the State of Illinois does that. In terms of zoning, the City's position is that any structure or building constructed by a government agency must comply with the City's zoning.

Mr. Hopkins commented that he was not proposing to make a change to the proposed text amendment. However, the City might want to research this issue and make a change to it in the future. He does not want to hold the proposed case up for this issue.

Mr. Engstrom continued with the staff presentation by talking about the following:

### **Article VII. Standards and Procedures for Conditional and Special Uses**

There were no major changes. With no questions from the Plan Commission members regarding changes to this Article, Mr. Engstrom continued with staff presentation.

### **Article VIII. Parking and Access**

*Table VIII-3. Widths for Access Drives* – Staff is proposing to add duplexes to the category that would allow a minimum of 9 feet wide driveways. This would be consistent with the provision that allows duplexes and single-family homes to have vehicles back out onto the streets rather than have to turn around and have a two-way drive.

*Section VIII-7. Bicycle Parking* – Includes some changes that were recommended in the Bicycle Master Plan.

Mr. Fitch asked about the change to daycare facilities. Does the change alter the meaning of “*daycare facility*” or is it simply adding “*daycare facility*” to Table VIII-7. Parking Requirements by Use? Mr. Engstrom replied that it would be simply add it back into the table. He explained that it was previously in the table but inadvertently removed.

### **Article IX. Comprehensive Sign Regulations and Article X. Nonconformities**

There were no major changes. With no questions from the Plan Commission members regarding changes to these Articles, Mr. Engstrom continued with staff presentation.

### **Article XI. Administration, Enforcement, Amendments and Fees**

*Section XI-10.B* – City staff proposes to add the notification requirement back into the Zoning Ordinance.

Mr. Myers pointed out that this is the essential notice performed for all zoning cases. City staff has been following this procedure for years. About two years ago when the Zoning Ordinance was last republished, this language was inadvertently struck. Regardless, City staff has continued to do the same noticing and meeting all the state requirements. Staff realized during this text amendment process that the language had been removed and will be reinserting it exactly as it was before.

*Section XI-12.C* – Make some minor word substitutions.

Chair Pollock asked if “*owner-occupant*” refers to owner or occupant or to someone who owns and occupies. Mr. Engstrom stated that it is intended to mean someone who owns and occupies a property in the MOR (Mixed Office Residential) Zoning District.

*Section XI-12.E* – Change language to allow the MOR DRB (Development Review Board) to meet as needed, rather than monthly.

*Section XI-12.F* – Change language to allow site plan approval by a simple majority.

Mr. Myers pointed out that the current voting requirements, which requires a two-thirds majority vote in favor of approval, have made it impossible to get site plans approved. Since denied cases automatically get appealed to the Zoning Board of Appeals, all the applications have gone to the ZBA. None of the other boards and commissions require a two-thirds majority vote to approve applications. There needs to be a process in place where the MOR DRB can actually improve plans that are being proposed. If the process is setup so the Board can never pass anything, then have we really improved anything?

Ms. Stake wondered if this is because people do not come to the meetings or is it because of this rule. Mr. Myers stated that it is because of the two-thirds majority rule. There have been times when a majority of the Board members have voted to approve site plans, but because they did not receive a two-thirds majority vote in favor of approval, the site plan request was denied.

*Section XI-12.H* – Make an appeal of a site plan that is not approved by the MOR DRB to be optional to the applicant. A site plan denied by the ZBA should not automatically be appealed to the Zoning Board of Appeals.

## **Article XII. Historic Preservation and Article XIII. Special Development Provisions**

There were no major changes.

Mr. Engstrom stated that this was the end of staff presentation.

Mr. Grosser asked if City staff has ever received any complaints about a home occupation auto repair business that met all of the conditions of the Zoning Ordinance. Mr. Engstrom replied that during his tenure with the City of Urbana, there has never been an active home occupation automobile repair business. All of the home businesses of this type that he knows about are operating without a home occupation permit.

Mr. Grosser wondered what City staff’s rationale is for removing auto repair as a home occupation use. Mr. Engstrom stated that property owners would not be able to comply with the current regulations. Some of the regulations include the following: 1) only allowed to work on one vehicle at a time and 2) cannot have any other vehicles on their property or on the street.

Mr. Myers added that practically speaking, a vehicle repair business in a residential area is not compatible. Constant problems are revving of engines, cars being worked on outdoors instead of

in a garage, car parts outdoors, extra cars parked on the street – that’s a common complaint – engine oil, etc. The last home car repair in Urbana the City dealt with turned out to be a drug house, but in fairness that’s not necessarily due to the type of home occupation.

With no further questions from the Plan Commission for City staff, Chair Pollock opened the hearing for public input. With no comments or concerns from the audience, Chair Pollock closed the public input portion of the hearing and opened it up for Plan Commission discussion and/or motion(s).

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2063-T-08 to the City Council with a recommendation for approval. Ms. Upah-Bant seconded the motion.

Mr. Grosser did not feel it made sense to remove the auto repair home occupation permit use. At best, it would only penalize anyone who would like to do something that follows all of the rules. City staff has only told them about examples of when people were not following the rules and in fact were not permitted at all. It makes sense to make this a permitted use that could then be enforced than to strike the option entirely. So, he moved to amend the main motion to restore the language in Article V.13.E. Ms. Stake seconded the motion to amend.

Ms. Stake stated that it seems like it would be a chance for some people to have a small business as long as they stay within the rules.

Mr. Hopkins could not envision how a person could come out ahead in such a business and stay within the rules. No major automobile repairs are permitted. He would assume this would exclude most of the repairs that one could make any significant money on in a small shop. No queuing of vehicles outside, which means an auto repair shop owner would have to get rid of the vehicle he just finished working on prior to getting another vehicle to work on. So, he believes that if a person is only going to make \$500 a year doing these types of repairs, then that person is not going to bother to apply for a permit or cause a nuisance. The only people who will bother applying for home occupation permits are the ones who plan to make more than a few hundred dollars per year.

Mr. White agreed with Mr. Hopkins. He added that getting the City to enforce the rules is another issue. If they allow a home auto repair, he would not trust the City to enforce that the rules are being followed. The reason he says this is because there are other ordinances that are not enforced to some extent or another. So, he would assume to take it out altogether.

Mr. Fitch read the definition of major automobile repair. Many of the repairs mentioned remind him more of a body shop service. Mr. Engstrom then read the definition of minor automobile repair.

Mr. Grosser commented that on the viability of this kind of activity, there are different levels of viability depending on what someone does for a living or has available for time. He could envision someone having an interest in this as a hobby. Regarding enforcement, of course City staff is not going to go all over the City looking for violations. This is something that would be triggered by a neighbor who would call and complain. One reason he would prefer the language to be left in allowing automobile repair as a home occupation use rather than what is being

suggested, which is for people to go ahead and do it against the law, is that a neighbor could use knowledge of a fellow neighbor's activity (repairing automobiles out of their garage) to harass that neighbor.

Ms. Upah-Bant inquired as to how much a home occupation permit costs. Mr. Engstrom said \$25 which is a one-time fee.

Ms. Upah-Bant wants to know what the City will do if someone fixes her car in their garage for pay. Mr. Engstrom stated that City staff would consider it a use violation. Staff would send out a letter and try to keep an eye on the property. If it happened again, then staff might issue some fines. Mr. Hopkins added that there is still a way to enforce, because it would be illegal. Mr. Grosser agreed that there is a way to enforce even if the auto repair use is allowed as a home occupation. He remarked that this is why he is suggesting that it be added back in, because by removing it, no one would be able to work on vehicles in their garages or driveways. They have not heard about people who are following the law, so he did not understand why the City would want to take away their option. Ms. Upah-Bant and Ms. Burris both agreed with Mr. Grosser.

Chair Pollock called for a hand vote on the motion to amend. The motion to amend passed by a 6-2 vote.

Roll call on the main motion as amended was as follows:

Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Upah-Bant	-	Yes	Mr. White	-	Yes'

The motion was approved by unanimous vote.

Mr. Myers noted that this case would go before the City Council on December 15, 2008.