

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

(Adding Section XI-15, "Design Review Board", to the Urbana Zoning Ordinance
- Plan Case No. 2074-T-08)

WHEREAS, the Urbana City Council on April 11, 2005 adopted Ordinance No. 2005-03-050, the Urbana Comprehensive Plan, which plan identifies the Lincoln-Busey Corridor as a sensitive area needing development protections; and

WHEREAS, the Urbana City Council on October 23, 2006 directed City staff by motion to draft design review standards for the Lincoln/Busey corridor for their consideration; and

WHEREAS, the Urbana City Council's Common Goals, adopted September 19, 2005, include a goal to study design review for the Lincoln-Busey Corridor; and

WHEREAS, the Urbana Zoning Administrator submitted a petition to amend the Urbana Zoning Ordinance to enable design review to take place in certain areas and to establish the Lincoln-Busey Corridor design review overlay district; and

WHEREAS, this petition was presented to the Urbana Plan Commission as Plan Case 2074-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 and reviewed the petition on October 9 and 23, November 20, and December 4, 2008 and January 8, 2009; and

WHEREAS, the Urbana Plan Commission voted 3 ayes and 2 nays on January 8, 2009 to forward Plan Case 2074-T-08 to the Urbana City council with a recommendation for denial; and

WHEREAS, the proposed Zoning Ordinance text amendment conforms to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to adopt the "Lincoln-Busey Corridor Design Guidelines" by Ordinance No. 2009-XX-XXX, adopted on _____, 2009; and

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. A new Section XI-15, Design Review Board, is hereby added as follows:

Section XI-15. Design Review Board

A. Creation and Purpose

1. Upon the effective date of this amendment, there is hereby created a Design Review Board to administer design review in designated areas subject to design review in conformance with the requirements of this Section.
2. The Design Review Board is created for the purpose of reviewing and approving or disapproving applications, in accordance with this section.
3. The Design Review Board has the following objectives for reviewing applications in areas subject to design review:
 - a. Review the design of new construction to ensure compatibility with the neighborhood's visual and aesthetic character through the use of the adopted design guidelines; and

- b. Determine if applications meet the intent of the district as stated in the adopted design guidelines.

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

1. The Design Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Section and the laws of the State of Illinois.
2. To hold public hearings and to review applications within areas subject to design review. The Design 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-15.G.
3. To undertake any other action or activity necessary or appropriate to implement its powers and duties and to implement the purpose of this section.
4. Although the Design Review Board is not authorized to grant variances, special use permits, or conditional use permits, an application for design review can be processed simultaneously with applications for any of the above.
5. In a decision on an application, the Design Review Board is not authorized to prohibit or deny a land use that is permitted by right in the applicable zoning district. However, the Board may deny an application based on design considerations even if the effect of doing so would be to deny development of a use permitted by right.

C. Membership

1. The Design Review Board shall be comprised of seven members. Four members shall constitute a quorum. The members of the Board shall be appointed by the Mayor with approval of City Council.

The persons filling the following positions on the MOR Development Review Board per Section XI-12.C.1 are automatically appointed to the Design Review Board:

- a. A member of the Urbana Plan Commission;
- b. A member of the Urbana Historic Preservation Commission;
- c. An architect; and
- d. A local developer.

These four members of the Design Review Board shall continue to also serve as members of the MOR Development Review Board. The three additional members of the Design Review Board shall consist of:

- e. A real estate professional; and
 - f. Two residents of Urbana. The residents shall include a representative from each design review district who owns or occupies a residence in the district. If there is only one design review district, the second resident should own or occupy a residence elsewhere in the City.
2. Design Review Board members shall serve without compensation and shall serve terms of three years. Members of the MOR Development Review Board shall be automatically reappointed to the Design Review Board if reappointed to the MOR Development Review Board. The additional three members may be reappointed at the conclusion of their respective terms.
 3. The Mayor shall declare vacant the seat of any Design 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 elected by the Design Review Board, who shall 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, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the Design 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 Design 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 Design Review Board to assist in making decisions and findings as provided herein;
 - c. Publish and distribute copies of the minutes, reports and decisions of the Design Review Board;
 - d. Give notice as provided herein or by law for all public hearings conducted by the Design Review Board;
 - e. Advise the Mayor of vacancies on the Design Review Board and expiring terms of Design Review Board members;
 - f. Prepare and submit to the Zoning Board of Appeals and the City Council a record of the proceedings before the Design Review Board on any other matters requiring Zoning Board of Appeals consideration; and
 - g. Have no vote.

E. Meetings.

1. The Design 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 Illinois Open Meetings Act. All meetings of the Design 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 Design 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 an application shall require a majority vote of those members present -and not abstaining, but in no case shall action be taken by fewer than 4 votes in total.

G. Applications.

1. With the exception of exempt projects as defined in this Section, any person, firm or corporation applying for a building permit for a property within a design review overlay district, shall submit a Design Review Board application to the Urbana Zoning Administrator if the project would:
 - a. Construct a new principal structure; or
 - b. Alter the exterior of any existing principal structure; or
 - c. Install or enlarge a parking lot.
2. Application forms, provided by the City, shall be accompanied by the required plans, and filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.

3. Submittal Requirements. The Design Review Board Secretary shall have five working days to determine whether an application is complete. If the Secretary finds the application incomplete, he/she shall notify the applicant, who shall have five working days from the date notified to submit the missing information. An application shall be considered complete if accompanied by, at a minimum, the following information:
 - a. A scaled drawing showing:
 - 1) Size and dimensions of the subject parcel drawn to scale;
 - 2) Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
 - 3) Identification of neighboring property owners listed on the application;
 - 4) Location of all existing structures on the parcel;
 - 5) Location of adjacent parcels and structures;
 - 6) Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
 - 7) Floor plans;
 - 8) Location and layout of any proposed access drives, parking area and walkways;
 - 9) Location of existing trees and shrubs and proposed landscaping;
 - 10) Relevant site details including lighting, dumpster locations, signage, and other features;
 - b. Elevation renderings of the proposed structures or additions indicating the proposed materials to be used in construction;
 - c. Detail view drawings as necessary to show key design elements;
and
 - d. 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).

Plans shall be submitted at a graphic scale of no less than one inch per ten feet.

The Design Review Board may require additional information as necessary.

4. Upon receipt of a complete Design Review Board application, and in conformance with the following guidelines, the Zoning Administrator shall determine whether applications require review by the Design Review Board, administrative review, or are exempt projects.
 - a. Design Review Board Review. The Design Review Board shall review applications required by Section XI-15.G.1 for building permit applications involving:
 - (1) Construction of a new principal structure; or
 - (2) Increasing the building footprint of an existing principal structure greater than 15%; or
 - (3) Increasing the floor area ratio of an existing principal structure by more than 15%; or
 - (4) Installing or enlarging a parking lot; or
 - (5) Substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board chair.

Determinations that the application is to be reviewed administratively should be made in writing and signed by both the Zoning Administrator and the Chair.

- b. Administrative Review. The Zoning Administrator or designee may conduct administrative design review of applications not to be reviewed by the Design Review Board per Section XI-15.G.4.a. The Zoning Administrator may approve, approve conditionally, or deny an application. Applicable design guidelines shall be the basis for administrative design review. Administrative approval or

denial shall be in writing and should be accompanied by findings of fact. The Zoning Administrator should report the outcome of any administratively-reviewed applications by listing on subsequent Design Review Board agendas.

c. Exempt Projects. Within design review overlay districts, construction or alteration:

- (1) Requiring no building permit; or
- (2) Including no exterior construction or alteration;

shall be exempt from design review.

H. Design Review Board Review Procedures

1. Once a complete application has been submitted, the Secretary shall schedule a meeting to consider and act on the application request. The meeting, which shall include a public hearing, shall be scheduled within 45 working days after the completed application has been received. Notification shall be given per Section XI-10.
2. At the Design Review Board meeting during which an application is to be considered, City staff will give a presentation evaluating the application. Following the presentation, the Design Review Board will hold a public hearing. After the public hearing, the Design Review Board will review the application 1) according to the criteria in Section XI-15.I; 2) using the adopted design guidelines; and 3) considering testimony given at the public hearing. The Design Review Board shall then vote on whether to approve the proposed application, according to the voting requirements as outlined in Section XII-15.F.3.

The Board may:

- a. Approve the application. If the proposed application conforms to the requirements of this Ordinance and the intent of the adopted design guidelines, the Design Review Board shall make the appropriate findings and approve the application.

- b. Approve the application with conditions. In approving an application, the Board may prescribe appropriate conditions and safeguards in conformity with the adopted design guidelines and this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the application is approved, shall be deemed a violation of this Ordinance and punishable under the provisions of the Urbana Zoning Ordinance.
- c. Invite the applicant to resubmit. If the application does not conform to the requirements of this Ordinance or to the adopted design guidelines, the Design Review Board may invite the applicant to resubmit the application, giving recommendations to the applicant on ways to improve the design of the proposal and achieve conformity with this Ordinance and the intent of the adopted design guidelines.
- d. Deny the application. The Board may disapprove the proposed application, making findings stating the inadequacies of the proposal. The Board shall state its reasons for denial in writing and should make recommendations to the applicant on to how to bring the proposal into compliance with the design guidelines.

Within five working days of the Board's decision, the Secretary shall send written notice to the applicant of the Board's decision. The notification shall address the relevant and applicable reasons for the decision as well as any recommendations given by the Board.

If the application is denied, the applicant shall have the opportunity to amend the application to conform to the recommendations. The applicant shall be heard at a meeting of the Design Review Board within 30 days of receipt of the amended application at which time a vote will be taken to according to the voting requirements as outlined in Section XII-15.F.3.

- 3. Application approval is required prior to the issuance of a related building permit or Certificate of Occupancy.

4. Any order, requirement, decision or condition of approval made by the Zoning Administrator or Design 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 Design 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 an application.
5. 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.
6. The procedure for amending an application already approved by the Design Review Board, or for a request to change conditions attached to the approval of an application, shall be the same procedure as a new application request.
7. Approval of an application pursuant to Section XI-15 shall become null and void unless a related building permit or Certificate of Occupancy is issued within one year after the date on which the Board approves the application. A one-year extension may be granted by the Zoning Administrator when a written request with substantial basis is submitted prior to the expiration of the one-year term.
8. Any building permit or Certificate of Occupancy issued pursuant to an approved application may be revoked by the City for failure to comply with the conditions of approval.

I. Application Review Criteria.

1. Applications must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance.
2. Applications shall be reviewed and considered by the Design Review Board according to the criteria listed in the design guidelines enacted

by the Urbana City Council for the specific geographic area in which the subject parcel is located. In reviewing development proposals, the Design Review Board shall determine conformance with the intent of the design guidelines as contained in the adopted design guidelines manual, as well as the overall compatibility of the proposal with the character of the neighborhood.

J. Design Review Overlay Districts and Adopted Design Guidelines

1. Design review overlay districts with their associated design guidelines shall be adopted under separate ordinances. The City of Urbana's Community Development Services Department shall make design guidelines available for public review and distribution. A design review overlay district shall be created by adopting a design guidelines manual for a specific geographic area.

"Adopted design guidelines" as referred to herein are the design guidelines associated with a design review overlay district, as adopted by ordinance.

The following, adopted under separate ordinances, are the design overlay districts in the City of Urbana and have adopted design guidelines manuals:

Lincoln-Busey Corridor Overlay District. Bounded by Illinois Street to the north, Busey Avenue to the east, Pennsylvania Avenue to the south, and Lincoln Avenue to the west. The Lincoln-Busey Corridor Design Overlay District was created under Ordinance No. _____, on _____. The Lincoln-Busey Corridor Design Guidelines were adopted, on _____, under Ordinance No. _____.

2. Any new design guidelines, as well as proposed amendments to adopted 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.

K. Compliance with Regulations.

Except in compliance with the provisions of this Section, it shall be unlawful for any person, firm, or corporation to construct upon or alter the exterior any real property subject to this Section prior to obtaining a valid design review permit, in writing, from the Zoning Administrator, and making payment of any fees required by this Section. Any violation of this Section is subject to penalties and fines as provided in Article XI of the Urbana Zoning Ordinance.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

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

PASSED by the City Council this ____ day of _____, 2009.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2009.

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 _____, 2009, the corporate authorities of the City of Urbana passed and approved "AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Adding Section XI-15, "Design Review Board", to the Urbana Zoning Ordinance - Plan Case No. 2074-T-08)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2009, 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 _____, 2009.