



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: February 17, 2011

SUBJECT: Plan Case 2136-T-11: Omnibus Text Amendment to the Urbana Zoning Ordinance

Introduction

The Zoning Administrator is requesting an omnibus amendment to the Zoning Ordinance. The update includes such changes as updating definitions, reorganizing sections, revising allowed uses and a variety of minor changes. 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 set of changes is also meant to fix typographical errors and inconsistencies that have been identified since the ordinance was last updated. On their own, these changes would not otherwise warrant a separate text amendment.

Background

The last series of omnibus Zoning Ordinance amendments were approved in 2010. Since then some additional 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 and pending amendments to the Zoning Ordinance that are more substantive than those presented here include separating light and heavy industrial zoning districts, establishing pedestrian access standards and creation of a University District.

Discussion

The attached Zoning Ordinance (see Exhibit A) outlines all of the proposed changes using a strikethrough and underline notation system. A strikethrough is used to indicate ~~deleted language~~, while an underline is used to indicate added language.

Since the Zoning Ordinance was just republished in October, 2010, this omnibus amendment will not trigger republication. Changes from this text amendment will be noted in an addendum to the current Zoning Ordinance and will be summarized in the table which precedes the text of the Zoning Ordinance.

Below is a brief summary of the miscellaneous proposed changes organized by Zoning Ordinance article. Changes are listed in bullet points, followed by analysis in italics. Following the miscellaneous text changes are discussions of the more significant changes. The Urbana Plan Commission held a public hearing to discuss the proposed changes on February 10, 2011. At that meeting commissioners discussed specific concerns regarding allowing larger signs for institutional uses on non-arterial streets and allowing public storage garages in the CRE district. Plan Commission made specific language recommendations, which staff has incorporated into the proposed amendments. Plan Commission voted four ayes to zero nays with one abstention to forward the case to City Council with a recommendation to approve the proposed text amendment with the changes as noted.

Text Changes

Article II. Definitions

- Amend II-2.E to read “The word “shall” is mandatory and not ~~directory~~ discretionary or permissive.”
- Add definition for *Footprint: The total horizontal area measured to the outermost face of the outside walls of the main or principal building(s) exclusive of uncovered porches, terraces, and steps; awnings, marquees, nonpermanent canopies and planters.*
- Amend definition for *Parking Lot, Accessory Use: A parking lot meeting the requirements of ~~Article VIII Sections VIII-2, VIII-4.L, VIII-5.J~~ that is primarily an accessory use to a particular principal use. At least 60% of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. An accessory use parking lot may be located on a separate zoning lot from the principal use that it serves if it meets the requirements of Section VIII 4.L. If an off site accessory use parking lot which is accessory to a residential use is located within 600 feet of any property zoned R 1, R 2 or R 3, at least 90% of the total number of parking spaces in the accessory use parking lot must be dedicated to serve the principal use. (Ord. No. 2005 02 017, 02 18 05)*

- Add definition for Public Maintenance and Storage Garage: A facility for the repair and storage of maintenance equipment and vehicles owned and operated by a unit of government or taxing body.

Use of the term “Building Area” was replaced with “Footprint” in the last omnibus text amendment, the definition is being added for clarity. The definition of “Accessory Use Parking Lot” contains regulations which are already spelled out in section VIII-5.J.

Article V. Use Regulations

- Amend V-2, Principal and Accessory Uses, paragraph D.7.a to read: “If the footprint 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 for a single family dwelling or 800 square feet for a two-family dwelling.”
- Amend V-13, Regulation of Home Occupations, paragraph A as follows:
 2. There are no signs on the premises identifying the home occupation other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and

The allowance for accessory building space is proposed to be slightly increased for duplex units. This will allow for construction of two small two-car garages. Allowing a sign for Type A Home Occupations will simplify the approval for businesses required to post signs, such as realty agents.

Table V-1. Table of Uses

- Modify the following uses and/or permissions:
 - Farm Equipment Sales & Service in AG: P
 - Public Maintenance and Storage Garage in CRE: P
 - Massage Therapist in B-1 & B-2: P
 - Taxi Service in B-3, B-4E, IN: P; in B-2, B-3U, B-4: C
 - Automobile, Truck, Trailer or Boat Sales or Rental
 - Airport in IN: C
- Add footnote “See Table VII-1 for Conditional Use Standards.” to the following uses:
 - Outdoor Commercial Recreational Enterprise
 - Camp or Picnic Area
 - Riding Stable
 - Cemetery
 - Kennel, Veterinary Hospital
 - Airport

- Heliport
- Mineral Extraction, quarrying, topsoil removal, and allied activities
- Outdoor Theater
- Truck Terminal
- Resort or Organized Camp
- Water Treatment Plant
- Fairgrounds
- Public or Commercial Sanitary Landfill
- Sewage Treatment Plant or Lagoon

The Zoning Administrator is proposing miscellaneous changes in order to allow various uses in appropriate zoning districts. For example, Massage Therapist is a low-impact use that would be appropriate for the B-1 and B-2 districts. Allowing airports with a Conditional Use Permit in the IN district makes Urbana’s current airport, Frasca Field, a conforming use, and would allow any potential expansion with proper review. Farm equipment sales should be allowed in the AG district to provide those products in rural areas. Public Maintenance Garages should be added to the CRE district to allow Park District Facilities. Also, it is proposed to add use categories for uses that do not appear in the Zoning Ordinance, such as car rentals and taxi services. Table VII-1 contains standards for several conditional uses, they should be cross-referenced here.

Article VI. Development Regulations

- Add VI-5, Yards, paragraph B.14: 14. Signs, as permitted in Article IX of this Zoning Ordinance.
- Add sentence to beginning of Section VI-6, Screening, paragraph B.1.a: Screening requirements may be met through either landscaping or a solid fence or wall four to six feet in height.
- Amend footnote 8 in Table VI-3, Development Regulations By District, as follows: “See section VI-3.ED for additional regulations regarding FAR and OSR in the MOR District.”

The first change explicitly states that signs are an allowable encroachment within a required yard, which was previously implied in Article IX. For the second change, while Section VI-6 lists minimum heights for landscape screening, it does not specify the required height for fences or walls.

Article VIII. Parking and Access

- Amend Section VIII-3, Design and Specifications of Off-Street Parking, paragraph A.3 as follows:
 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 or widened. Access drives resurfaced with additional gravel shall be contained with a curb or approved landscape edging treatment.

- Amend Table VIII-7, Parking Requirements by Use as follows:

Warehouse or Similar Use: 1 for every 2,000 square feet of ~~lot~~ floor area.

This first change clarifies that widening a driveway triggers the requirement to pave. The second change would clarify that the parking requirement for a warehouse is based on the area of the actual warehouse, not the area of the entire lot.

Article IX. Sign and OASS Regulations

- Amend Section IX-3, Measurement Standards, paragraph D as follows:

Measurement of Business Frontage: Business frontage is the lineal footage of a lot, ~~facing~~ fronting the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.

- Amend Section IX-4, General Sign Allowances, paragraph B as follows:

Institutional Signs. In all residential zoning districts, institutions may display either one monument sign or one wall sign per street frontage with a maximum ~~combined~~ sign size of 25 square feet ~~total per sign~~, except that properties on arterial road as designated in the Comprehensive Plan with a street frontage longer than 300 feet may have one 50 square foot sign per arterial frontage. Such monument signs shall have a maximum height of eight feet. Wall signs shall not project above the roofline or front building façade. Institutional signs in other zoning districts shall conform to the design standards for signs in that zoning district.

- Amend Table IX-3, Standards for Projecting Signs so that the first row under Location of Sign reads “Shall not extend over any public right-of-way. Projecting signs are not allowed above the first story.”
- Amend Table IX-7, Standards for Property Sale and Rental Signs”, to clarify maximum height for signs in the bottom row: “~~25~~ 16 feet”.
- Amend Table IX-10 to revise the title to “Standards for Multi-Family Residential ~~Rental~~ Identification Signs”.

Institutional signs in residential districts have been issued several variances over the last decade, as one 25 square foot sign is not enough signage for a property that takes up an entire city block. Most of these variances were to allow signs around 40 to 50 square feet in area. Allowing more signage for larger institutional properties would correct this issue. The other changes are minor clarifications to the tables that contain standards for signage.

Article X. Nonconformities

- Add Section X-1, Continuation of Nonconformities, paragraph C as follows:

C. Uses, buildings, or structures on a nonconforming lot shall not be considered nonconforming due solely to the nonconforming lot if they meet the requirements set forth in Section VI-3.A.

This addition cross references another section of the Zoning Ordinance dealing with nonconformities.

Article XI. Administration, Enforcement, Amendments and Fees

- Amend Section XI-3, Zoning Board of Appeals, paragraph A.3 as follows:

3. The Chair of the Board shall be designated by the Mayor, with the consent of the City Council. The Chair, or in his/her absence, the Acting Chair, may administer oaths and compel the attendance of witnesses.

- Amend Section XI-3, Zoning Board of Appeals, paragraph C.2.b.9 as follows:

(9) To allow a sign to exceed the maximum height or area, as provided in ~~Section IX-4 through Section IX-6~~ Article IX by no more than 15% of the specified requirement, in keeping with the legislative intent specified in Section IX-1.

- Amend the third sentence of Section XI-10, Notification Requirements, paragraph B as follows:

Not less than ten days, but not more than 30 days before a public hearing, the Secretary shall ~~give~~ send 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.

These amendments provide some clarifications to the text.

Article XIII. Special Development Provisions

- Amend Section XIII-1, Telecommunications Facilities, Towers and Antennas, paragraph D.2 as follows:

2. A ground or building mounted citizens band radio or personal wireless internet ("wifi") antenna including any mast, if the permanent height (post and antenna) does not exceed 35 feet;

- Amend Section XIII-3, Planned Unit Developments, paragraph H.3 as follows:

3. Approval of the Preliminary Development Plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of

the applicant regarding the plan. City Council approval shall be valid for one year from the date of approval, or longer if specified in the approving ordinance.

- Amend Section XIII-3, Planned Unit Developments, paragraph J.4 as follows:
 4. The City Council shall consider the recommendation of the Plan Commission regarding the ~~preliminary~~ Final Planned Unit Development plan. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

This first change will help modernize the Zoning Ordinance to provide for antennas for wireless broadband. These antennas are similar to citizens band radio or television antennas. The second change allows City Council to extend approval of a Preliminary P.U.D. for longer than one year. This will help in large master planned projects which may take a number of construction seasons to complete.

Summary of Findings

1. The proposed 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 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 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 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

The Urbana City Council has the following options regarding Plan Case 2136-T-10:

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

Recommendation

At their February 10, 2011 meeting, the Urbana Plan Commission voted four ayes to zero nays with one abstention to forward the proposed text amendment to City Council with a recommendation for **APPROVAL**, including changes incorporated in this memo.

ORDINANCE NO. 2011-02-007

An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois
(Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2136-T-11)

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 #2136-T-11; 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 February 10, 2011; and,

WHEREAS, the Urbana Plan Commission voted four ayes to zero nays with one abstention on February 10, 2011 to forward Plan Case #2136-T-11 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. Paragraph II-3.E is hereby amended as follows:

The word "shall" is mandatory and not discretionary or permissive.

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

Footprint: The total horizontal area measured to the outermost face of the outside walls of the main or principal building(s) exclusive of uncovered porches, terraces, and steps; awnings, marquees, nonpermanent canopies and planters.

Parking Lot, Accessory Use: A parking lot meeting the requirements of Sections VIII-2, VIII-4.L, VIII-5.J that is primarily an accessory use to a particular principal use.

Public Maintenance and Storage Garage: A facility for the repair and storage of maintenance equipment and vehicles owned and operated by a unit of government or taxing body.

Section 3. Paragraph V-2.D.7a is hereby amended as follows:

If the footprint 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 for a single family dwelling or 800 square feet for a two-family dwelling.

Section 3. Paragraph V-13.A.2 is hereby amended as follows:

There are no signs on the premises identifying the home occupation other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and

Section 4. Table V-1, Table of Uses, is hereby amended to change the uses listed in the following table as follows:

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	IN	MOR	OP
Agriculture																				
Farm Equipment Sales & Service									P			P							C	
Public and Quasi-Public																				
Public Maintenance and Storage Garage												P					P	P		
Business																				
<i>Personal Services</i>																				
Massage Therapist										P	P	P	P	P	P					P
<i>Transportation</i>																				
Airport									C										C	
Taxi Service											C	P	C	C	P				P	
<i>Vehicular Sales and Service</i>																				
Automobile, Truck, Trailer or Boat Sales or Rental												P							P	

Section 5. Table V-1, Table of Uses, is hereby amended to add the footnote "See Table VII-1 for Conditional Use Standards." for the following uses:

- Outdoor Commercial Recreational Enterprise
- Camp or Picnic Area
- Riding Stable
- Cemetery
- Kennel, Veterinary Hospital
- Airport
- Heliport
- Mineral Extraction, quarrying, topsoil removal, and allied activities
- Outdoor Theater
- Truck Terminal
- Resort or Organized Camp

- Water Treatment Plant
- Fairgrounds
- Public or Commercial Sanitary Landfill
- Sewage Treatment Plant or Lagoon

Section 6. Paragraph VI-5.B.14 is hereby added as follows:

Signs, as permitted in Article IX of this Zoning Ordinance.

Section 7. Paragraph VI-6.B.1.a is hereby amended as follows:

Screening requirements may be met through either landscaping or a solid fence or wall four to six feet in height. Landscaped screening shall be no less than three feet in height; except that in order to enhance visibility along the right-of-way, shrub planting adjacent to an access driveway shall not exceed three feet in height along the lot line adjacent to the right-of-way. The requirements of the visibility triangle set forth in Article VI of Chapter 20 of the Urbana City Code shall supersede the provisions of this Article. Species and planting size for such hedge plantings shall conform with Table VI-5. The Zoning Administrator may approve landscape berms or types of plant material other than those specified in Table VI-5 upon recommendation of the City Arborist.

Section 8. Footnote 8 of Table VI-3 is hereby amended as follows:

See section VI-3.D for additional regulations regarding FAR and OSR in the MOR District.

Section 9. Paragraph VI-6.B.1.a is hereby amended as follows:

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 or widened. Access drives resurfaced with additional gravel shall be contained with a curb or approved landscape edging treatment.

Section 10. Table VIII-7, Parking Requirements by Use, is hereby amended to include the following uses and requirements as follows:

Use	Number of Spaces Required
Miscellaneous Business	
Warehouse or Similar Use	1 for every 2,000 sq. ft of floor area

Section 11. Paragraph IX-3.D is hereby amended as follows:

Measurement of Business Frontage: Business frontage is the lineal footage of a lot, fronting the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.

Section 12. Paragraph IX-4.B is hereby amended as follows:

Institutional Signs. In all residential zoning districts, institutions may display either one monument sign or one wall sign per street frontage with a maximum sign size of 25 square feet per sign, except that properties on arterial road as designated in the Comprehensive Plan with a street frontage longer than 300 feet may have one 50 square foot sign per arterial frontage. Such monument signs shall have a maximum height of eight feet. Wall signs shall not project above the roofline or front building façade. Institutional signs in other zoning districts shall conform to the design standards for signs in that zoning district.

Section 13. Table IX-3, Standards for Projecting Signs is hereby amended so that the first cell of the final column, "Location of Sign" reads as follows:

Shall not extend over any public right-of-way. Projecting signs are not allowed above the first story.

Section 14. Table IX-7, Standards for Property Sale and Rental Signs is hereby amended so that the fourth cell of the fourth column, "Maximum Height of Freestanding Sign" reads "16 feet".

Section 15. The title of Table IX-10 is hereby amended to read "Standards for Multi-Family Residential Identification Signs".

Section 16. Paragraph X-1.C is hereby added as follows:

Uses, buildings, or structures on a nonconforming lot shall not be considered nonconforming due solely to the nonconforming lot if they meet the requirements set forth in Section VI-3.A.

Section 17. Paragraph XI-3.A.3 is hereby amended as follows:

The Chair of the Board shall be designated by the Mayor, with the consent of the City Council. The Chair, or in his/her absence, the Acting Chair, may administer oaths and compel the attendance of witnesses.

Section 18. Paragraph XI-3.C.2.b(9) is hereby amended as follows:

To allow a sign to exceed the maximum height or area, as provided in Article IX by no more than 15% of the specified requirement, in keeping with the legislative intent specified in Section IX-1.

Section 19. Paragraph XI-10.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 send 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 20. Paragraph XIII-1.D.2 is hereby amended as follows:

A ground or building mounted citizens band radio or personal wireless internet ("wifi") antenna including any mast, if the permanent height (post and antenna) does not exceed 35 feet;

Section 21. Paragraph XIII-3.H.3 is hereby amended as follows:

Approval of the Preliminary Development Plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of the applicant regarding the plan. City Council approval shall be valid for one year from the date of approval, or longer if specified in the approving ordinance.

Section 22. Paragraph XIII-3.J.4 is hereby amended as follows:

The City Council shall consider the recommendation of the Plan Commission regarding the Final Planned Unit Development plan. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

Section 23. 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 21st day of February, 2011.

PASSED by the City Council this _____ day of _____, 2011.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2011.

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 _____, 2011, 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. 2136-T-11)" 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 _____, 2011, 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 _____, 2011.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: February 10, 2011

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Andrew Fell, Ben Grosser, Dannie Otto, Michael Pollock

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Corey Addison, Rodolfo Barcenas, Eric Van Buskirk, Latonya Hazelwood, Latonya Jones, Jean McManis, Jourdan Nash, Katie Romack, Gabriel Wright

NEW PUBLIC HEARINGS

Plan Case No. 2136-T-11: Omnibus Text Amendment to the Urbana Zoning Ordinance

Jeff Engstrom, Planner II, presented this case to the Plan Commission. He gave a brief explanation of the changes. He then reviewed the more substantial changes being proposed, which are as follows:

1. Article II. Definitions – Add definition for “*Footprint*”.
2. Article II. Definitions – Amend Definition for “*Parking Lot, Accessory Use*”.
3. Article V. Use Regulations – Amend V-2, Principal and Accessory Uses, paragraph D.7.a to allow for a larger area for accessory structures for duplex dwellings.
4. Article V. Use Regulations – Amend V-13, Regulation of Home Occupations, paragraph A to allow home occupations to have a one-square foot in area nameplate.
5. Table V-1. Table of Uses
 - A. Modify certain uses and/or permissions
 - B. Add the footnote, “*See Table VII-1 for Conditional Use Standards*” to certain uses.
6. Article IX. Sign and OASS Regulations – Amend Section IX-4, General Sign Allowances, paragraph B to allow institutions with a street frontage longer than 300 feet to have one 50 square foot sign per frontage.

7. Article X. Nonconformities – Add Section X-1, Continuation of Nonconformities.
8. Article XIII. Special Development Provisions – Amend Section XIII-1, Telecommunications Facilities, Towers and Antennas, paragraph D.2 to allow WI-FI antennas on residential homes.
9. Article XIII. Special Development Provisions – Amend Section XIII-3, Planned Unit Developments, paragraph H.3 to all the City Council to extend the approval period of a preliminary planned unit development.

Mr. Engstrom read the options of the Plan Commission and presented staff's recommendation.

Ms. Stake wondered if a Planned Unit Development would be approved for an unlimited number of years. Mr. Engstrom explained that staff would make a recommendation for about two years or five years. Then, City Council would make a final decision on it. Robert Myers, Planning Manager, added that a Planned Unit Development case would come before the Plan Commission prior to going to City Council, so the Plan Commission could weigh in on the recommendation for the time period as well as the rest of the approval.

Ms. Stake read an excerpt from an article "Billboards: The Case for Control" which was published in the Planning Commissioners Journal Winter 2011. She is concerned that Article IX, Section IX-4, paragraph B could allow billboard-type institutional signs near residences. She suggested only allowing larger institutional signs along arterial streets. Mr. Engstrom stated that City staff could change into the proposed text amendment prior to presenting it to the City Council.

Ms. Stake asked what the "P" and "C" stands for in Table V-1. Mr. Engstrom replied that "P" means permitted by right, and "C" means that the use is permitted with the approval of a conditional use permit.

Ms. Stake felt the proposed changes were acceptable except for allowing storage permitted by right in the CRE, Conservation/Recreation/Education Zoning District. Mr. Engstrom replied that all of the Urbana Park District properties are zoned CRE, and their equipment is stored in a public storage or maintenance garage. Ms. Stake believes that this change would enable other people to rezone their properties to CRE so they could build a storage building by right. Mr. Myers recalled that there have been two cases in the last five years requesting permission to construct maintenance facilities for vehicles in CRE Zoning Districts, including the Urbana Park District and Champaign County. Ms. Stake commented that the CRE Zoning District is for conservation, recreation and education. The City already has trouble providing enough open space. She does not feel that allowing storage by right would be appropriate. Mr. Engstrom noted that the use is a public maintenance garage, so it would be for a public entity and not for other uses.

Mr. Hopkins questioned if in the definition for "footprint", does "uncovered" refer to porches only? Mr. Engstrom answered by saying that it refers to porches, terraces and steps. Mr. Hopkins asked if in Article V, Section V-2, paragraph D.7 refers to 1,500 square feet for the footprint or the lot size. Mr. Engstrom replied that it refers to the footprint. Mr. Hopkins wondered why the accessory footprint is contingent upon the principal footprint. Mr. Myers said it is to ensure that it remains an accessory use and that the accessory use does not overwhelm the primary use. Mr. Hopkins asked if there was language in the Zoning Ordinance limiting the aggregate area of all accessory structures if the footprint exceeds 1,500 square feet. Mr. Engstrom stated that the next paragraph addresses this.

Mr. Hopkins stated that in Article V, Section V-13, paragraph A, it's unclear why we are deleting "on the premises identifying the home occupation." The nameplate which we are talking about is restricted to that. He does not feel that they want to say that there are no signs permitted other than a nameplate when we are trying to permit something in addition rather than restrict something. The way to address this issue is to keep the crossed out language. Mr. Engstrom agreed.

In Table V-1, Mr. Hopkins feels that Farm Equipment Sales might have conditions other than AG zoning, such as proper roads for commercial traffic. It's not obvious to him that Farm Equipment Sales & Service should be allowed by right in the AG, Agriculture Zoning District.

Mr. Hopkins mentioned that he did not understand the proposed changes to Table IX-1. Mr. Engstrom stated that in the B-4, Central Business District, buildings have no front yard setback requirements. So for buildings set back less than eight feet from the front property line, the current ordinance would not allow those properties to have a freestanding sign.

Mr. Hopkins did not understand the amendment to Table IX-7. Mr. Myers explained that two years ago the City lowered the maximum height of signage overall from 35 feet to 16 feet, this is one place in the Zoning Ordinance that the change was missed. So this is a housekeeping amendment to bring "for sale/for lease" sign heights in line with all other freestanding sign heights.

Mr. Fitch asked if City staff would give examples of variances that have been requested for larger institutional signs. Mr. Engstrom recalled several variances including Stone Creek Commons Church monument sign, Clark-Lindsey Village monument sign, Vineyard Church, the church located on the northwest corner of Philo and Windsor Roads, a church further north on Philo Road and St. Patrick's Church requested a variance as well.

Mr. Fitch noticed that most of the churches were located on arterial streets. Mr. Engstrom said yes, except for St. Patrick Church.

Mr. Fitch felt that there is a triple negative going on in the amended language for Article X, Section X-1, paragraph C. He suggested that it read as such, "C. Uses, buildings, or structures on a non-conforming lot shall be considered conforming if they meet the requirements."

With no further questions for the Plan Commission, Acting Chair Fitch opened the hearing for public input. There was none, so he closed the public input portion of the hearing and opened it for Plan Commission discussion.

Regarding Farm Equipment Sales & Service use being permitted by right in the AG Zoning District, Mr. Hopkins inquired if a specific case brought about the proposed changes. Mr. Engstrom said no. There is one farm equipment sales business, Arends Bros, LLC on Cottonwood Road, in an agricultural area although it's not currently in the City. This type of business needs a larger lot to have all the tractors. This type of business is most likely to be found in the AG District. Mr. Hopkins stated that if there is not a certain case that the proposed changes are about, then he is not worried about the proposed language. He did not feel it would be an issue.

Acting Chair Fitch asked if there is a definition for "*public maintenance garage*" in the Urbana Zoning Ordinance. Mr. Engstrom replied that there is not a definition, but in cases where

something is not defined it is up to the Zoning Administrator's interpretation. Mr. Fitch suggested that City staff add a definition for this.

Ms. Stake commented that she did not feel that the larger institutional signs should be allowed unless they are located on arterial streets. Mr. Fitch stated that the real concern is that the signs do not disturb the residential neighborhoods.

Mr. Hopkins stated that he was not clear about whether the specifics apply to each frontage or the aggregate of frontages. Does Stone Creek Church get a big sign because they have two 300-foot frontages or because they have one 300-foot frontage or do they get two big signs because they have two 300-foot frontages? Mr. Myers explained that it is based on the feet of each frontage. He feels that adding the arterial distinction would be good because where the larger signs are useful is where there are higher speed limits and longer stopping distances for vehicles.

Mr. Hopkins suggested that the proposed language in Article IX, Section IX-4, General Sign Allowances, paragraph B, read as such, "...one wall sign per street frontage with a maximum sign size of 25 square feet per sign, except that properties with an arterial street frontage longer than 300 feet may have one 50 square foot sign per arterial 300-foot frontage. Such monument signs shall ...". Ms. Stake feels this could work most of the time; however, they may be residential homes across the street that would not like it.

Ms. Burris wondered how long a City block is in feet. Mr. Myers responded that in an older neighborhood, a block may be 320 to 350 feet. In a newer developed area, a block could be 600 feet.

Mr. Fitch wondered how many feet in length is the frontage of the Twin City Bible Church on Lincoln Avenue. Mr. Hopkins stated that it is not 300 feet long; however, he would understand if they wanted a bigger sign. On the other hand, given the new street dieting on Lincoln Avenue, traffic would not be going 45 mph like on Windsor Road.

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2136-T-11 to the Urbana City Council with a recommendation for approval subject to editorial corrections by City staff and changed language by Plan Commission to Section IX-4 to restrict larger signs to arterial streets. Ms. Burris seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. Stake	-	Abstain	Ms. Upah-Bant	-	Yes
Ms. Burris	-	Yes			

The motion was approved by a vote of 4 ayes to one abstention. Mr. Myers pointed out that this case would be forwarded to the City Council on March 7, 2011.