



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members
FROM: John A. Schneider, MPA, Director, Community Development Services Department
Lorrie Pearson, AICP, Deputy Community Development Director/Planning Manager
Lily Wilcock, Planner I
DATE: August 1, 2019
SUBJECT: **An Ordinance Amending the Urbana Zoning Ordinance (Omnibus Text Amendment II – Plan Case 2377-T-19)**

Introduction

The Zoning Administrator requests a multipart amendment to the Zoning Ordinance to correct incorrect or missing references, make several clarifications, and to amend sections regarding multiple principal structures, non-garaged parking location, and electronic signs for institutional uses in the B-4 district. This is the **FIRST** of two multipart amendments to be heard at the August 5, 2019, City Council meeting.

The proposed changes would reduce inconsistencies and update regulations to meet current professional practices, which will make daily administration of the Zoning Ordinance easier. Because each of these changes would not warrant a separate text amendment on its own, they are therefore being combined into one “omnibus” text amendment.

Discussion

The attached Zoning Ordinance Changes (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.

The following summarizes the proposed changes, organized by Zoning Ordinance article followed by a brief explanation. Staff suggests a number of grammatical corrections and organizational changes as well to improve clarity.

Plan Commission Meeting

At its July 18, 2019, meeting, Plan Commission discussed possible scenarios for allowing second principal structures. Members of the Plan Commission were concerned about any unintended consequences in business and industrial areas. After exhausting many scenarios, Plan Commission recommended a few clarifications in the proposed changes to Section V-2. Plan Commission voted unanimously to recommend approval of Plan Case 2377-T-19 with suggested changes to Section V-2. These changes have been incorporated.

Proposed Text Changes

General Change:

Replace the phrase “Board of Zoning Appeals” with “Zoning Board of Appeals” throughout the Zoning Ordinance.

Article II. Definitions

1. Changes to the definitions of “Carport” and “Garage, Private”

The current definition of “Carport” states that it must be attached to a dwelling. However, there are many examples of detached structures that would commonly be called a carport, but are not addressed explicitly in the Zoning Ordinance. Currently, these detached carports are treated as accessory structures and are regulated in the same way as detached garages. The proposed change would simply remove the requirement that carports be attached to a dwelling. There are no other substantial changes proposed in the definitions of carports and private garages, only clarifications. For example, stating that carports and garages are designed to house automobiles belonging to occupants of a dwelling is of little importance to the purpose of the zoning ordinance.

2. Add the definition of “Owner”

Adding a definition of “Owner” allows other articles of the Zoning Ordinance to refer to an owner, without having to define “owner” in each section. This is particularly important within the Historic Preservation ordinance (Article XII).

3. Rewrite the definitions for major and minor variances for clarity

The current definitions refer to “Board of Zoning Appeals.” Also, the language was unnecessarily complicated.

Article V. Use Regulations

4. Allow more than one principal structure on a lot, if the principal use of the structure is permitted by right.

Currently, an additional principal structure on a lot is only allowed with a conditional use permit, even if the use of the structure is permitted by right in the zoning district. The proposed change would allow an additional principal use on a lot as long as the additional use is permitted by right.

As shown in the table below, over the past two years, the Zoning Board of Appeals (ZBA) has approved four CUPs for more than one principal structure on a lot. All four properties are in the R-3 zoning district, and in each case the CUP was for a second dwelling unit. The R-3 district permits duplexes – two dwelling units in one building – by right, so requiring a CUP for two dwelling units in separate buildings is unnecessarily burdensome. The proposed change will save homeowner’s time and fees and the ZBA members’ and staff’s time for similar proposals in the future in the R-3 district. The homeowner will still need to apply for the necessary variances if they are converting an accessory structure to a dwelling unit, and the structure would need to meet all applicable building codes. This

change will only allow for a homeowner to build a second unit by right if it is built to meet all development regulations.

ZBA Date of Approval	Case Number	Address	Short Description
01/17/2018	ZBA-2017-C-03	1208 S. Vine St.	Allow second floor of garage to be used as an apartment.
06/20/2018	ZBA-2018-C-03	603 E. Oregon Ave.	Allow second floor of garage to be used as an apartment.
07/18/2018	ZBA-2018-C-04	504 S. Popular St.	Allow second floor of garage to be used as an apartment.
05/15/2019	ZBA-2019-C-01	812 S. Race St.	Allow second floor of garage to be used as an apartment.

Table of Conditional Use Permit cases to establish a second principal structure on a lot.

Procedurally, if the text amendment is approved, when a building permit is submitted for a second principal structure, the owner will be required to work with the city to record a covenant to ensure that the lot is never illegally subdivided and each structure sold on separate illegal lots. While illegal subdivisions may be uncommon today, there have been several cases in the past that have been problematic for the city. The owner would pay the city to record the required covenant that would ultimately appear on a title search and make an illegal subdivision much less likely.

This proposed text change would also allow for multiple structures on a lot in other zoning districts besides duplex residential. Multi-family zoned lots are currently exempt from needing a Conditional Use Permit as the current Zoning Ordinance text allows multiple structures by right. The proposed change would allow business, industrial, park and school properties to build multiple structures by right, if the structures can meet all other development regulations.

5. Make minor changes to the language of permitted uses in the MIC District

This section has a few phrases not used in other areas of the Zoning Ordinance and a few grammatical errors.

Article VI. Development Regulations

6. Amend special regulations in the MOR District regarding Open Space Ratio

The intent of this section is to retain the character of the MOR District by limiting the ability to aggregate multiple parcels for larger, more massive developments. This is accomplished by capping the lot size that can be used to calculate a lot’s floor area ratio and open space ratio. However, the open space ratio is not based on the size of a lot, so including it in this section is both confusing and unnecessary.¹ The lot size limit as it pertains to floor area ratio is all that is needed. Striking open space

¹ Open space ratio is calculated by taking the total amount of open space on a lot and dividing it by the gross floor area

ratio will make this section more understandable while having no effect on the underlying regulations or intent of this section.

7. Rewrite Footnote 18 for Table VI-3.

The current footnote is oddly specific and does not identify all circumstances where buffer yards and landscape buffers are required, which is problematic. The proposed changes will clarify when buffer yards and landscape buffers may be needed, and refers readers to Tables VI-1 and VI-2 for more information.

Article VII. Standards and Procedures for Conditional and Special Uses

8. Add procedural steps to record conditional and special use approvals

Conditional and special use permits often come with conditions that must be adhered to for the life of the specific use. The proposed changes would add procedural steps to ensure that conditional and special use permit decisions, and any associated conditions, are properly recorded. The changes would also clarify the voting procedure for special use permits.

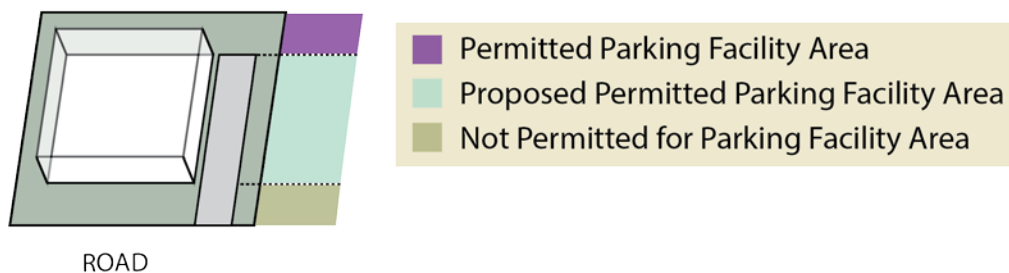
Article VIII. Parking and Access

9. Amend the Section VIII-4. F. to allow car parking behind the front face of a principal structure

Currently, parking facilities are prohibited in the required side yard unless it meets one of the exceptions listed. The exceptions allow parking areas in the side yard if built behind the rear face of the principal structure. Figure 1 below illustrates that currently parking is only allowed behind the rear face house, while the proposed change would allow parking alongside the house.

Figure 1:

Typical Residential Zoning Lot



Allowing parking behind the front face, rather than the rear face, of the principal structure would reduce the amount of pavement needed to create an accessory parking area. Requiring more pavement increases runoff and can put additional strain on storm sewers, while increasing costs to property owners. The current regulation also privileges property owners who have garages over those who do

of a building on a lot. Lot size is not included in the calculation.

not, since cars can be parked along the entire length of a driveway if it leads to a garage, but if it does not, cars must be parked behind the house.

Newer residential neighborhoods frequently have irregularly-shaped lots along curving roads. These lots often have adequate street frontage for an access drive and a garage, but behind the house there may not be enough space to either build a garage or accessory parking area. In these cases the only option may be to park alongside the house.

10. Add bicycle parking layout regulations in Section VIII-7. Bicycle Parking and add Figure VIII-8

While the Zoning Ordinance has standards for individual bike racks, there is currently no guidance or regulations regarding the location and layout of bike parking. The proposed regulations would ensure that when bike parking is required, it will be useable and functional. The table provides layout requirements such as the minimum distance from other bike racks and minimum distances to walls and landscaped areas. They are derived from the University of Illinois' bike parking regulations. The Urbana Bicycle Master Plan (2016) stated in 11.6.1 a summary of recommended changes to the Urbana Zoning Ordinance. This change will satisfy item seven, "location," in that it will provide layout requirements and examples.

Article IX. Signs

11. Amend the definition of Private Directional and Instructional Signs

The proposed changes delete references to the Manual of Uniform Traffic Control Devices (MUTCD). MUTCD does not regulate these types of signs, so referring to the manual is confusing and inaccurate.

12. Amend Section IX-4.C. Electronic Display

The proposed change would allow electronic signs for institutional uses only in the B-4 zoning district. Like the CRE, Conservation-Recreation-Education district where institutions such as schools and parks may have electronic signs, the B-4 zoning district includes some noncommercial institutions. The proposed change would treat those institutional uses the same way as if they were in the CRE district. The Zoning Ordinance already limits the height of institutional signs to eight feet tall.

Article XI. Administration

13. Amend Section XI.3. Zoning Board of Appeals to clarify variance procedures

The proposed changes add procedural steps to prepare a decision sheet and to record approved minor variances. Staff has followed these procedures for some time, but the change will codify the procedure and eliminate confusion. The proposed changes also clarify voting procedures for Major Variances.

14. Amend Section XI-7. Amendments to clarify voting procedures

The proposed changes clarify voting procedures for amendments to the Zoning Ordinance.

Article XII. Historic Preservation

15. Remove definitions of “Owner(s) of Record” and “Parcel Owner”

There are currently multiple definitions for “owner” in Article XII. This is confusing and redundant. With the addition of the “Owner” definition in Article II, there is no need for separate definitions in Article XII. The proposed change would remove the definitions of “owner” from Article XII.

16. Renumbering of Section XII-5.1 to XII-6 and changes correcting for the new numbering

This is the only place in the Zoning Ordinance with a Section numbered in this fashion. It is not necessary. All references to this and other affected sections have been updated.

Article XIII. Special Development Provisions

17. Amend Section XIII-2. Mobile Home Parks to clarify voting procedure for the approval of a mobile home park application

18. Amend Section XIII-3. Planned Unit Developments to clarify voting procedure for the approval of a planned unit development application

19. Amend Section XIII-5. Neighborhood Conservation Districts to clarify voting procedure for the approval of a neighborhood conservation districts

Summary of Findings

1. The proposed amendment will assist with daily administration and enforcement of the Zoning Ordinance by improving clarity and updating language 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.
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 City Council has the following options:

1. Approve the ordinance as presented;
2. Approve the ordinance as modified by specific suggested changes; or
3. Deny the ordinance.

Recommendation

At its July 18, 2019, meeting, the Plan Commission voted seven ayes to zero nays to forward to City Council a recommendation to **APPROVE** the proposed text amendment to revise a multiple parts of the Zoning Ordinance. Staff concurs with this recommendation.

Attachments: A: Zoning Ordinance Proposed Changes for Omnibus Text Amendment II
B: Plan Commission Minutes: 6/6/19 and 7/18/19 DRAFT
C: Correspondence

ORDINANCE NO. 2019-08-040

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE
(Omnibus Text Amendment II – Plan Case No. 2377-T-19)**

WHEREAS, the City Council passed Ordinance No. 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 (“City”), which is also known as the Urbana Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance from time to time is amended to assist in the daily administration of the Zoning Ordinance, reduce inconsistencies, and update regulations to meet current professional standards; and

WHEREAS, the set of proposed changes have been identified since the last update but, on their own, not warrant separate amendments; and

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

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2377-T-19; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission continued the public hearing on May 23, 2019 and held a public hearing on the petition on June 6, 2019 and July 18, 2019; and

WHEREAS, the Plan Commission voted seven ayes to zero nays on July 18, 2019, to forward Plan Case No. 2377-T-19 to the City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, the amendments described herein conform to the goals, objectives and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

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

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

- A. Article II, "Definitions," Section II-3, "Definitions."
- B. Article V, "Use Regulations," Section V-2, "Principal and Accessory Uses," Section V-3, "Table of Permitted Uses, by District," Section V-5, "Additional Use Regulations in the R-6B District," Section V-10, "Additional Regulations in the MIC District."
- C. Article VI, "Development Regulations," Section VI-3. "Lot Area and Width," Table VI-3, "Development Regulations by District."
- D. Article VII, "Standards and Procedures for Conditional and Special Uses," Section VII-2, "Conditional Use Procedures," Section VII-4, "Special Use Procedures," Table VII-1, "Standards for Specific Conditional Uses."

- E. Article VIII, “Parking and Access,” Section VIII-3, “Design and Specifications of Off-Street Parking,” Section VIII-4, “Location of Parking Facilities,” Section VIII-7, “Bicycle Parking,” Figure VIII-8, “Bicycle Parking Layout Examples and Requirements,” Figure VIII-9, “Standards for Circular Drives.”
- F. Article IX, “Sign and OASS Regulations,” Section IX-2, “Sign and OASS Definitions,” Section IX-3, “Measurement Standards,” Section IX-4, “General Sign Allowances,” and the creation of Table IX-10, “Standards for Temporary Signs.”
- G. Article X, “Nonconformities,” Section X-8, “Reconstruction of Nonconformities.”
- H. Article XI, “Administration, Enforcement, Amendments and Fees,” Section XI-1, “Zoning Administrator,” Section XI-3, “Zoning Board of Appeals,” Section XI-7, “Amendments,” Section XI-11, “Protest Procedures.”
- I. Article XII, “Historic Preservation,” Section XII-2, “Definitions,” Section XII-3, “Historic Preservation Commission,” Section XII-4, “Historic Districts,” Section XII-5, “Historic Landmarks,” Section XII-6, “District and Landmark Designation Protests,” Section XII-7, “Certificates of Appropriateness & Economic Hardship,” Section XII-8, “Affirmation of Existing Zoning,” Section XII-9, “Building Permits Previously Issued,” Section XII-10, “Penalties,” Section XII-11, “National Register of Historic Places.”
- J. Article XIII, “Special Development Provisions,” Section XII-3, “Planned Unit Developments.”

Section 2.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 3.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council. **PASSED BY THE CITY COUNCIL** this ___ day of _____, 2019.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ___ day of _____, _____.

Diane Wolfe Marlin, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Charles A. Smyth, 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 _____, 2019, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled “An Ordinance Approving a Text Amendment (Omnibus Text Amendment / Plan Case 2377-T-19)” 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 _____, 2019, 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 _____, 2019.

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ARTICLE II. DEFINITIONS

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Section II-3. Definitions

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Carport: A structure, with one or more open sides-designed to shelter vehicles.

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Garage, Private: A detached accessory building, or a portion of a principal building, designed to house vehicles on the lot on which the garage is located, or other specified dwelling. The term shall also include carports.

...

Owner: A person having a legal or equitable interest in personal property or real property. The terms "person," "personal property," and "real property" have the meanings set forth in Urbana City Code Section 1-3, as amended.

...

Variance, Major: A deviation from the regulations or standards of the Urbana Zoning Ordinance, other than a minor variance, that does not vary the use regulations. (Ord. No. 8990-65, § 2, 1-16-90)

Variance, Minor: A deviation from the regulations or standards of the Urbana Zoning Ordinance that the Zoning Board of Appeals may grant for specific and selected purposes. (Ord. No. 8990-65, § 2, 1-16-90)

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ARTICLE V. USE REGULATIONS

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Section V-2. Principal and Accessory Uses and Structures

- A. The uses listed in Table V-1 are principal uses.
- B. As indicated by Table V-1, a use may be permitted by right, as a conditional use, or as a special use in the various zoning districts.
- C. In any zoning district, more than one principal structure per lot may be permitted as follows:
 1. The use of each structure is allowed per Section V-2.B.
 2. The lot does not qualify as a residential, commercial, or industrial PUD.
 3. Before issuing the building permit, the Zoning Administrator shall require the owner to sign a covenant running with the land stating the lot cannot be subdivided if the resulting subdivision would not meet the subdivision requirements of the City. The Zoning Administrator shall record this covenant at the owner's expense.
 4. Exceptions:
 - a) In the R-1 or R-2 zoning district, a Conditional Use Permit is required to establish a second principal structure;
 - b) In the R-3 zoning district, no more than two principal structures and no more than two dwelling units are allowed per lot.
- D. An accessory use or structure is permitted to accompany the principal use it is subordinate to, provided that:
 1. It is located on the same lot as the principal use, or on another lot under the provisions of Section V-3.D.
 2. It is compatible in character and extent with the principal use and district where located;
 3. It does not dominate the principal use or structure in area, height, extent, or purpose;
 4. It conforms with all applicable other regulations;
 5. It is not established before the principal use is established, except as authorized by the Zoning Administrator;
 6. It is customarily incidental to the principal use or structure;
 7. If accessory structures will be located on a lot containing a single- or two- family dwelling, the maximum combined area for all accessory structures shall be:
 - a) 750 square feet, if the lot contains a single-family home of 1,500 square feet or less¹;

¹ (Ord. No. 2011-02-007, 2-21-2011)

b)800 square feet, if the lot contains a two-family home of 1,500 square feet or less¹;

c)1,000 square feet, or 50 percent of the floor area of the dwelling, whichever is less, if the dwelling is greater than 1,500 square feet;

In addition, the maximum area for a shed shall be 120 square feet.

8. It is not a principal use parking lot as defined in Article II of the Urbana Zoning Ordinance.

Section V-5. Additional Use Regulations in the R-6B District

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B. The requirements of Section V-2.C shall apply in the R-6B District except that the restriction requiring a conditional use permit for more than one principal use per building shall not apply.

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Section V-10. Additional Regulations in the MIC District

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All development regulations of the B-4E zoning district shall apply during the review of a development proposal for a building permit in the MIC District with the following exceptions or additions:

- A. The following uses are permitted by right in this special zoning district: medical related uses, drugstore, day care facility, hospital or clinic, ambulance service, medical carrier service, home for the aged, nursing home, fitness center; guest house for patient families/support members, and health care-related business or professional medical office building and methadone treatment facility. (Ord. No. 2001-10-117, 1792-T-01) (No. 2002-08-083, 1824-T-02)
- B. The following uses are permitted by right in this special 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:
 - 1. If the structure is 0 to 20,000 square feet, the health care-related or professional medical office use must exceed 60% of the building's net floor area.
 - 2. If the structure is 20,001 square feet to 50,000 square feet, the health care-related or professional medical office use must exceed 70% of the building's net floor area.
 - 3. If the structure is 50,001 square feet or more, the health care-related or professional medical office use must exceed 80% of the building's net floor area.
- C. Uses in this special district must provide 100% of the required off-street parking per Table VIII-7 "Parking Requirements by Use."
- D. The maximum floor area ratio (FAR) for the MIC district is 9.0. (Ord. No. 9596-48, § 4, 12-4-95).

Ordinance Attachment A
Omnibus II

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ARTICLE VI. DEVELOPMENT REGULATIONS

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Section VI-3. Lot Area and Width

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- D. In the MOR District, the maximum area of a zoning lot shall be 8,500 square feet for the purpose of calculating the floor area ratio. The objective of this Section is to keep new structures compatible with the scale and density of existing development in the MOR District by preventing the use of one large parcel for the purpose of erecting a single large structure. In the case of zoning lots which contain between 8,500 and 17,000 square feet, the amount of square feet in excess of 8,500 square feet may be used for parking, landscaping, open space or other uses in accordance with the site plan review procedure in Section XI-12. In the case of zoning lots that exceed 17,000 square feet, the lot may contain two or more principal structures based on a ratio of one structure for each 8,500 square feet of area in the lot in accordance with this Section. (Ord. No. 8283-52, § 1, 3-7-83; Ord. No. 8687-15, § 1,2, 8-4-86; Ord. No. 8990-65, § 5, 1-16-90; Ord. No. 9091-59, § 9, 11-19-90)

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TABLE VI-3. DEVELOPMENT REGULATIONS BY DISTRICT

Zoning District	Minimum Lot Size (In square feet)	Minimum Lot Width	Maximum Height of Principal Structure	Maximum Floor Area Ratio	Minimum Open Space Ratio	Required Yards (In Feet) ¹		
						Front	Side	Rear
AG	1 acre ²	150	35 ³	0.25	0.55	25	15	25
B-1	6,000	60	35 ³	0.30	none	15	7 ¹⁸	10 ¹⁸
B-2	6,000	60	35 ³	1.50 ⁴	0.15	15	7 ¹⁸	10 ¹⁸
B-3	6,000	60	none ³	4.00	none	15	5 ¹⁸	10 ¹⁸
B-3U	6,000	60	none	4.00	0.10	15	5 ¹⁸	5 ¹⁸
B-4	2,000	20	none ³	9.00	none	none	None ¹⁸	None ¹⁸
B-4E	4,000	40	none	6.00	none	6	5 ¹⁸	5 ¹⁸
CCD	6,000	60	none	4.0	0.10 ⁵	6	5	5
CRE	1 acre	150	35 ³	0.40	0.55	25	15	25
IN-1	6,000	60	none	2.00	none	15	5 ¹⁸	10 ¹⁸
IN-2	10,000	90	none	1.00	none	25	None ¹⁸	None ¹⁸
MIC ⁶	4,000	40	none	9.00 ⁷	none	6	5	5
MOR	6,000	60	35 ³	0.70 ⁸	0.30 ⁸	15 ⁹	7 (17) ¹⁰	10
R-1	9000 ¹¹	80	35	0.30 ¹¹	0.50 ¹¹	25 ⁹	5 (15) ¹²	10
R-2	6,000 ¹³	60 ¹³	35 ¹⁷	0.40	0.40	15 ⁹	5	10
R-3	6,000 ¹³	60 ¹³	35 ¹⁷	0.40	0.40	15 ⁹	5	10
R-4	6,000	60	35 ¹⁷	0.50 ¹⁴	0.35	15 ⁹	5 ¹⁸	10 ¹⁸
R-5	6,000	60	35	0.90	0.30	15 ⁹	5 ¹⁸	5 ¹⁸
R-6	6,000	60	See Note 15	1.40	0.25	15	5 ¹⁸	10 ¹⁸
R-6B	6,000	60	See Note 15	1.50 ¹⁶	none	15	5 ¹⁸	10 ¹⁸
R-7	6,000	60	35	0.50	0.35	15 ⁹	5 ¹⁸	10 ¹⁸

Footnotes

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18. In the Multiple-Family Residential, Business, or Industrial B-4, B-4E, and IN-2 Districts, a buffer yard and/or landscaping buffer may be required if the property is adjacent to the MOR Zoning District or any a-residential district, a ten foot rear buffer yard is required, in accordance with Table VI-31 Buffer Yards, and Table VI-2 Landscaping Buffer.

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ARTICLE VII. STANDARDS AND PROCEDURES FOR CONDITIONAL AND SPECIAL USES

...

Section VII-2. 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:

...

- G. The Secretary to the Zoning Board of Appeals shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested conditional use for the Board Chair's signature.
- H. The Zoning Administrator shall notify the petitioner in writing of the Board's decision regarding a conditional use. If the Board approves the conditional use, the Secretary to the Board shall record a copy of the decision sheet approving the conditional use with the Champaign County Recorder's Office, and forward a copy of the decision sheet to the petitioner.

...

Section VII-4. Special Use Procedures

The standards and procedures for the consideration of mobile home parks and planned unit developments are specified in Article XIII. All other special uses, as designated in Table V-1, are subject to the procedures and standards stipulated herein. Except as otherwise provided, the Zoning Administrator shall not issue a special use until expressly authorized by the City Council and the following procedure has been completed:

...

- F. The City Council shall consider the recommendation of the Plan Commission regarding the special use, and may authorize the Zoning Administrator to issue the special use by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. 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.
- G. In the case of a valid written protest, the special use shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office. Procedures for protest against any proposed special use permit are specified in Section XI-11 of this Ordinance.
- H. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding a special use. If the Council approves the special use, the City Clerk shall record a copy of the ordinance approving the special use with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner.

...

TABLE VII-1. STANDARDS FOR SPECIFIC CONDITIONAL USES

Use	Required Fencing	Setbacks (in feet) ¹			Minimum Lot Size ¹	Other Provisions
		Front	Side	Rear	(acres)	
Sanitary Landfill *	8 foot solid	200	200	200	40.0	
Sewage Lagoon **	8 foot solid	200	200	200	40.0	
Sewage Disposal Plant **	8 foot solid	100	100	100	4.0	

...

** Applications for sewage disposal facilities shall include plans for such facilities prepared by a registered professional engineer. All plans shall include assurances that the proposed facilities will not be subject to flooding, will not contaminate ground water resources, and other assurances that may be required by the Zoning Board of Appeals. All sewage disposal facilities shall be constructed in accordance with the rules and regulations of the State of Illinois, and of this Ordinance.

ARTICLE VIII. PARKING AND ACCESS

...

Section VIII-3. Design and Specifications of Off-Street Parking

...

E. Access Drives

...

2. No zoning lot shall have more than two driveways per frontage, unless the City Engineer approves additional driveways. The Urbana City Engineer approves all driveway locations within the public right-of-way as provided for in Chapter 20 of the Urbana City Code. Circular drives shall conform to minimum standards as shown in Figure VIII-9, or as approved by the Zoning Administrator.

Section VIII-4. Location of Parking Facilities

...

F. Parking in a Required Yard is Prohibited Except as Follows:

...

2. Accessory off-street, when not in a structure, parking may be located in the required side yard and rear yard, provided that the parking is located behind the front 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)

...

Section VIII-7. Bicycle Parking

- 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:

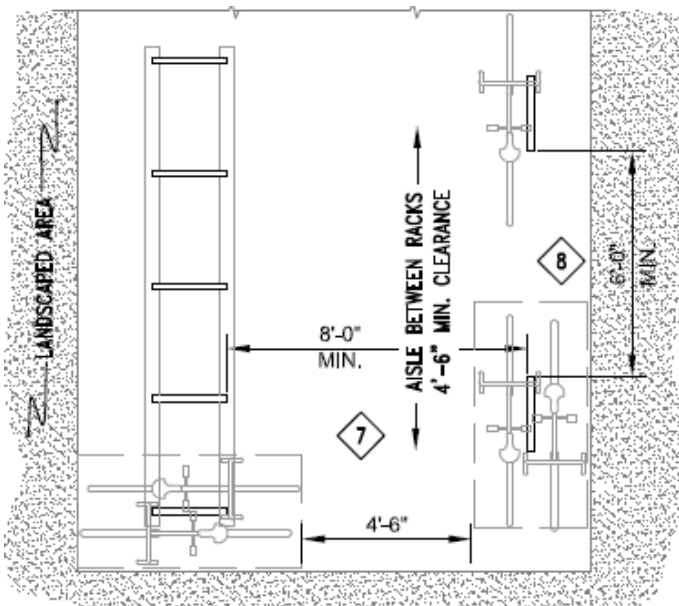
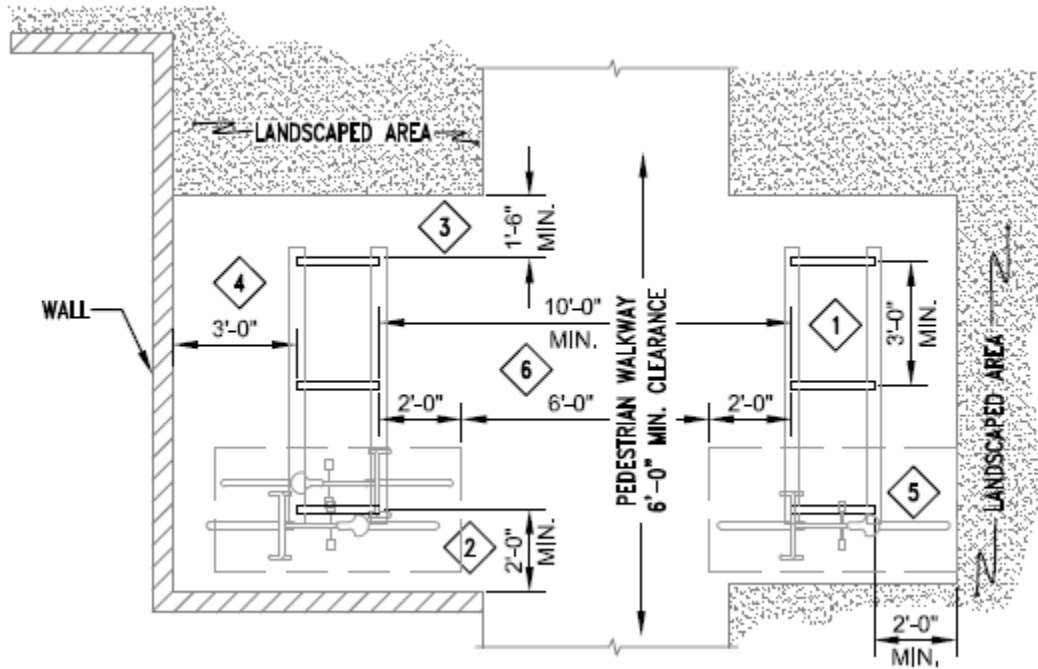
...

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, placement, and layout 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, and examples and requirements for bicycle parking layout are in Figure VIII-8.

...

FIGURE VIII-8. BICYCLE PARKING LAYOUT EXAMPLES AND REQUIREMENTS



- 1 DIMENSION SHALL BE A MINIMUM OF 36" BETWEEN SIDES OF LOOPS.
- 2 DIMENSION SHALL BE A MINIMUM OF 24" FROM WALL TO SIDE OF LOOP.
- 3 DIMENSION SHALL BE A MINIMUM OF 18" FROM LANDSCAPED AREA TO SIDE OF LOOP.
- 4 DIMENSION SHALL BE A MINIMUM OF 36" FROM WALL TO END OF LOOP.
- 5 DIMENSION SHALL BE A MINIMUM OF 24" FROM LANDSCAPED AREA TO END OF LOOP.
- 6 DIMENSION OF AISLE SHALL BE A MINIMUM OF 10'-0" FROM END OF LOOP TO END OF LOOP. (CLEARANCE FOR DESIGNATED PEDESTRIAN WALKWAY SHALL BE A MINIMUM OF 6'-0")
- 7 DIMENSION OF AISLE SHALL BE 8'-0" BETWEEN SIDE OF LOOP AND END OF LOOP. (AISLE CLEARANCE BETWEEN BIKES SHALL BE A MINIMUM OF 4'-6")
- 8 DIMENSION OF AISLE SHALL BE 6'-0" BETWEEN END OF LOOP AND END OF LOOP.
- 9 DIMENSION OF AISLE SHALL BE 8'-0" BETWEEN ROADWAY AND END OF LOOP. (CLEARANCE FOR DESIGNATED PEDESTRIAN WALKWAY SHALL BE A MINIMUM OF 6'-0")
- 10 DIMENSION OF AISLE SHALL BE 8'-6" BETWEEN END OF LOOP AND END OF LOOP. (AISLE CLEARANCE BETWEEN BIKES SHALL BE A MINIMUM OF 4'-6")

FIGURE VIII-8. BICYCLE PARKING LAYOUT REQUIREMENTS (CONT.)

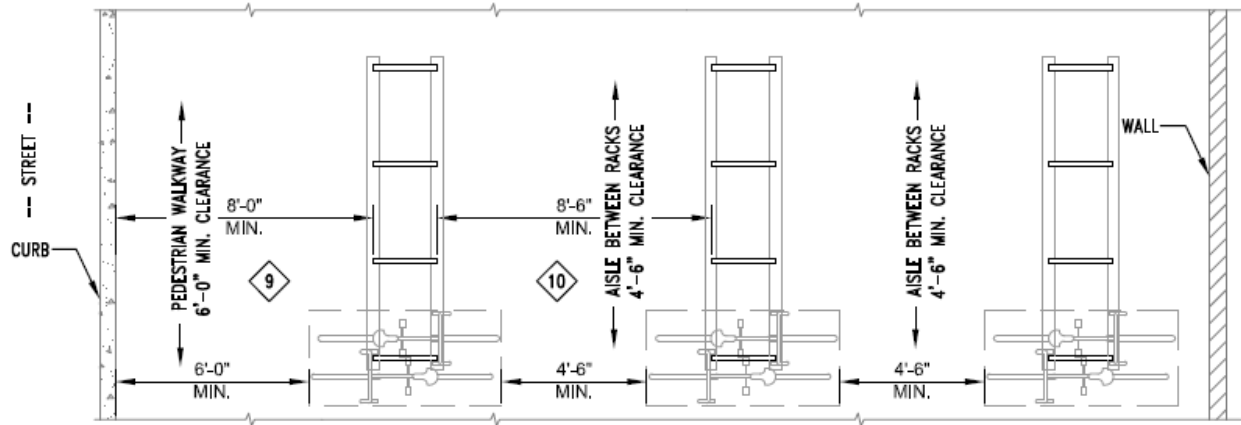
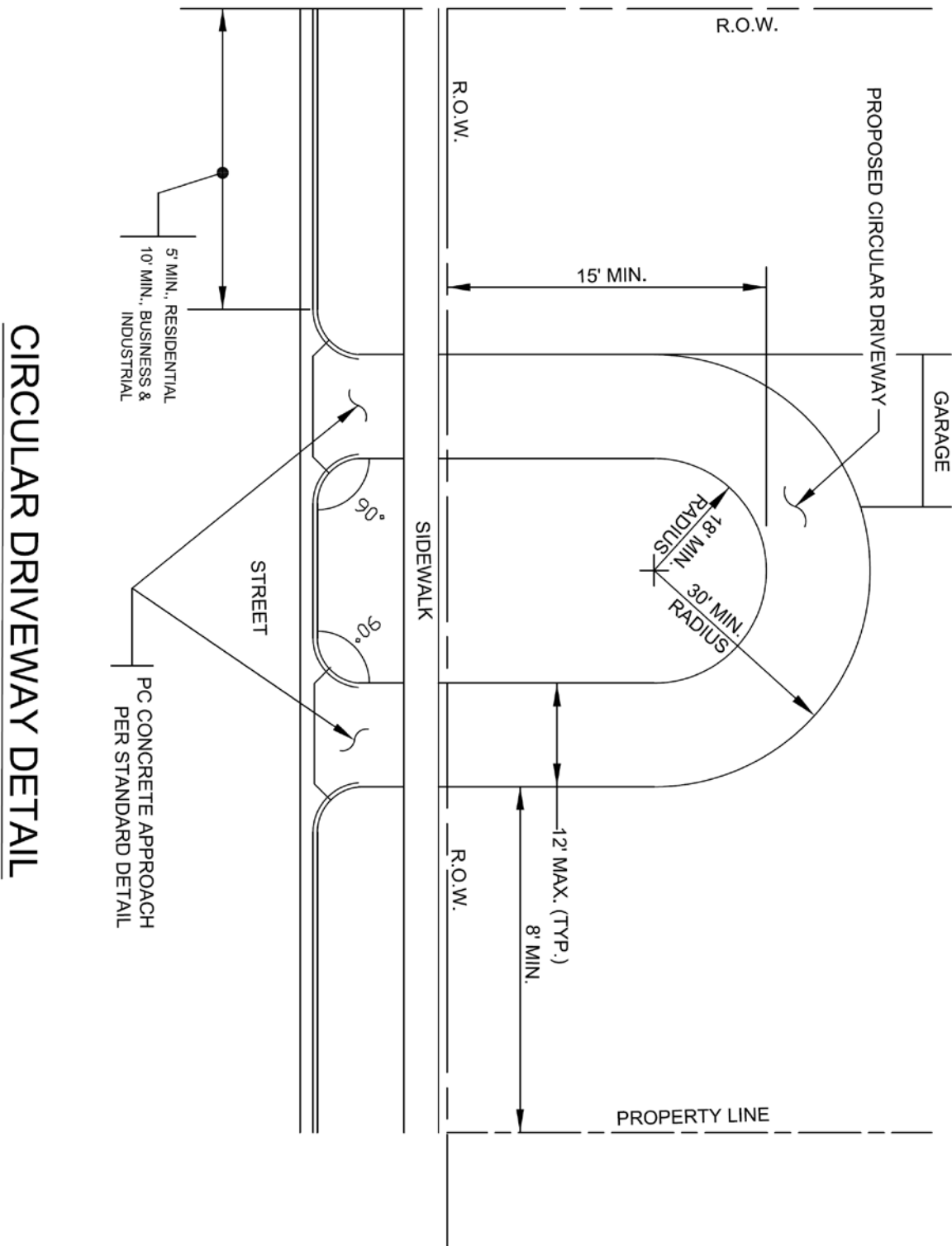


FIGURE VIII-9. STANDARDS FOR CIRCULAR DRIVES



ARTICLE IX. SIGN AND OASS REGULATIONS

...

Section IX-2. Sign and OASS Definitions

...

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.

...

Section IX-4. General Sign Allowances

...

C. *Electronic Display.* Freestanding signs and wall signs authorized by this Article in the B-3, General Business, and CRE, Conservation-Recreation-Education Zoning Districts, and institutional freestanding signs authorized by this Article in the B-4, Central Business Zoning District, may include an element of electronic display when designed and operated to meet the following requirements:

...

ARTICLE X. NONCONFORMITIES

...

Section X-8. Reconstruction of Nonconformities

- ...
- D. In order to determine the fair market value of such a nonconforming building or structure prior to the damage or destruction, as necessary to carry out Section X-8.A, the Zoning Administrator shall retain a professional real estate appraiser to prepare a report. The appraisal report shall consider, among other factors influencing the value of the building or structure, the applicable termination date for the nonconforming use, as provided in Section X-7.A. The owner of the damaged building may, at his/her own option and at his/her own expense, retain another professional appraiser to prepare an independent report, and any discrepancy between the two appraisal reports shall be referred to the Zoning Board of Appeals for its resolution.

...

ARTICLE XI. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FEES

Section XI-1. Zoning Administrator

...

- B. Duties of the Zoning Administrator: The Zoning Administrator shall have the authority and duty to administer and enforce this Ordinance, and shall:

...

4. Issue all conditional use permits, where authorized by the Board of Zoning Appeals, according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions and standards specified therein;
5. Issue all sign permits where authorized by this Ordinance, and keep permanent and accurate records thereof;
6. Conduct such inspections of principal and accessory structures and uses as may be necessary to determine compliance with this Ordinance;
7. Maintain permanent and accurate records pertaining to variances granted, modified, or denied by the Zoning Board of Appeals, and of their other decisions and actions;

...

Section XI-3. Zoning Board of Appeals

...

- C. *Powers and Duties of the Board.* The Board shall have the power and duty to hear and decide:

...

2. On requests for variances or variations from the terms of this Ordinance.
 - a) *Authorization.* The Board is authorized to grant a minor variance and, in accordance with Section XI-3.C.2.(d), recommend approval of a major variance to the City Council. Under no circumstances shall the Board grant a variance to allow a use not permitted either by right, by special use permit or by conditional use permit under the terms of this Ordinance in the district involved, or any use expressly or implicitly prohibited by the terms of this Ordinance in the district involved, except in the case of an appeal regarding the decision of the Zoning Administrator, pursuant to Section XI-1.B. (Ord. No. 1999-07-064, 07-06-99)
 - b) *Minor Variances.* After the Board considers the finding of fact, the Board shall have the authority to grant variations for the following purposes only and no other:
 - 10) To grant a variance from the provisions of Section X-9.B, so as to permit change, alteration, re-establishment, or more than routine maintenance of a nonconforming

outdoor advertising sign structure where such change, alteration, re-establishment, or maintenance shall not increase the size of the outdoor advertising sign structure, make it radiate or reflect more light, or otherwise make it visually more objectionable. No such variance granted by the Zoning Board of Appeals shall in any way postpone the time for removal of the nonconforming outdoor advertising sign structure as provided in Section X-9.C, beyond the time when the original outdoor advertising sign structure which was permitted to be changed, altered, re-established or maintained hereunder would have been required to be removed.

c) *Variance Criteria*

...

- 3) In determining whether or not a variance should be granted, the body considering the variance shall consider the following criteria:
 - (a) The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district;
 - (b) The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the petitioner;

...

d) *Minor Variance Procedures.*

- 1) The Administrative Secretary to the Board shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested minor variance for the Board Chair's signature.
- 2) The Zoning Administrator shall notify the petitioner in writing of the Board's decision regarding a minor variance request. If the Board approves the variance, the Secretary to the Board shall record a copy of the decision sheet approving the variance with the Champaign County Recorder's Office, and forward a copy of the recorded decision sheet to the petitioner.

e) *Major Variance Procedures*

...

- 3) After receiving the findings and recommendations of the Zoning Board of Appeals, the Council shall consider and decide whether or not to grant the major variance. If the Council decides to grant the major variance requested, it shall do so by adopting an ordinance by a majority vote of alderpersons then holding office that recites the findings of fact which support their decision and sets forth any conditions the Council deems necessary or desirable. In the event of a tie, the Mayor may cast the deciding vote. The Council may take additional testimony or other evidence regarding the requested major variance.

...

- 6) The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding a major variance request. If the Council approved the variance, the City Clerk shall record a copy of the ordinance approving the variance with the

Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner.

...

Section XI-7. Amendments

The regulations and standards, restrictions, and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No such action may be taken except by following the procedure set forth in this Section or by approval and execution of an annexation agreement according to State Law and procedures outlined in Section XI-14 in this Article. The required procedure in this section includes the following:

- A. A written application is submitted to the Plan Commission. The City Council, the Plan Commission, the Zoning Board of Appeals, the Zoning Administrator, the City Attorney or any interested person may initiate such application. If the proposed amendment involves the reclassification of property, the application must be submitted either by the City Council, the Plan Commission, the Zoning Board of Appeals, the Zoning Administrator, or the owners of more than 50% of the property involved.

An application by the City Council, Plan Commission, or Zoning Board of Appeals may be initiated only by a majority vote of the body. Upon such action, said body shall direct the Zoning Administrator to file the written application on its behalf.

- B. Each such application, except those submitted by either the City Council, the Plan Commission, the Zoning Board of Appeals, the City Attorney, or the Zoning Administrator, shall be accompanied by a fee, to be paid by the applicant as provided in Section XI-8 of this Article.

...

- F. Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment. The City Council shall consider the proposed amendment and the recommendation of the Plan Commission, and if the Council's decision on the proposed amendment is favorable, it shall adopt the amendment by ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

...

Section XI-11. Protest Procedures

In the case of a valid written protest against any mobile home park, planned unit development, special use permit, change in the classification of land, or major variance filed with the City Clerk of Urbana prior to the commencement of the City Council meeting in which a vote on the proposed action is taken, the action shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office.

In the case of a valid written protest against a proposed conditional use permit, the protest shall be filed with the Secretary of the Zoning Board of Appeals prior to the commencement of the meeting at which a vote of the proposed conditional use permit is taken. The conditional use shall not be authorized except by a favorable vote of two-thirds of the members of the Zoning Board of Appeals.

...

ARTICLE XII. HISTORIC PRESERVATION

...

- Section XII-6 District and Landmark Designation Protests**
- Section XII-7. Certificates of Appropriateness and Economic Hardship**
- Section XII-8. Affirmation of Existing Zoning**
- Section XII-9. Building Permits Previously Issued**
- Section XII-10. Penalties**
- Section XII-11. National Register of Historic Places**

...

Section XII-2. Definitions

...

Parcel: A parcel of real property other than railroad right-of-way which qualifies as a lot of record under the Urbana Subdivision and Land Development Code; and is included within a proposed historic district or is a designated landmark.

...

Valid Protest: A valid protest is a document signed by the requisite number of owners respecting each parcel which expresses a protest against the designation of such parcel as either a landmark or as part of a historic district.

Section XII-3. Historic Preservation Commission

...

B. *Purpose.* The Preservation Commission is created for the purpose of:

...

5. Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in historic properties or buildings, structures, sites or objects.

...

F. *Powers and Duties.* The Preservation Commission shall have the following powers:

...

10. To review and comment upon submitted applications for zoning amendments, special use permits, conditional use permits, Mixed Office Residential District provisions, or zoning variances for properties contiguous to or separated only by public right-of-way from designated landmarks and historic districts. The Zoning Administrator should send notification of such applications to the Preservation Commission for comment prior to the hearing by the Plan Commission, the Zoning Board of Appeals, or the City Council.

...

Section XII-4. Historic Districts

A. *Historic District Nomination.*

...

2. A completed application form for historic district nominations must be accompanied by signatures of owners representing no less than 25% of the properties within the proposed district endorsing said nomination. The determination of whether the application has the endorsement of the owners on behalf of a property shall be, if a sole owner, by his or her signature, and if multiple owners, by the owners representing no less than 50% of the title interest in the property. If the affected property is owned by a corporation, a signed corporate resolution must be submitted authorizing an endorsement; if owned by a partnership, the partner signing must submit an affidavit that he/she is authorized to sign on behalf of the partnership. Each property is considered independently, regardless of single ownership of multiple property.
3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:
 - a) The name and address of the owner of each property proposed for designation;

...

B. *Notice.* The following forms of notice shall be made for historic district nominations:

1. *Notice of Application.* Within ten days of accepting a complete application, the Secretary shall notify owners within the proposed district of said application. If there are multiple owners for one property, each owner shall be sent a notice. Such notification shall be given by first class mail. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the owners' information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required.
2. *Notice of Public Hearing.* Not less than ten days before a public hearing on the proposal, the following forms of notice shall be made:
 - a) *Property Owner.* The Secretary shall notify owners of the time, date, and location of the public hearing and include a form whereby the owner can express his/her opinion regarding the proposed designation. Notification shall be by first class mail to:

1) The occupant of the property at the address of the property;

...

b) *Publication and Sign.* Notification shall be given in accordance with Section XI-10.

...

E. *Decisions on Designation.*

1. Historic Preservation Commission Authority:

...

c) Owners within proposed historic district shall be notified by first class mail with a copy of the recommendation 10 days prior to the City Council meeting when designation will be considered.

d) The Secretary shall send a copy of the decision and the accompanying report to:

The City Council
The nominator(s); and
The Urbana Building Safety Division.

2. City Council Authority:

a) If the City Council determines that the proposed historic district should be created, it shall do so by enacting an ordinance by majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

b) No application relating to the same property or district may be filed during the 12 months following such a denial by the Urbana City Council.

c) A property can only be nominated for one historic district at any one time and, if designated, may not be represented in a nomination or historic property vote in another proposed historic district.

...

F. *Amendment of Designation.* Once the City Council has designated a historic district, said designation may be amended by the same procedure and according to the same criteria set forth herein for designation. The Preservation Commission shall record said amendment at the office of Champaign County Recorder of Deeds.

1. To repeal designation of an existing historic district, in whole or in part, a completed application form for historic district nominations must be accompanied by signatures of owners representing no less than 25% of the properties within the designated district endorsing said amendment. The determination of whether the application has the endorsement of the owners on behalf of a property shall be as stated in Section XII-4.A.2.

2. To enlarge an existing historic district, a completed application form for historic district nominations must be accompanied by signatures of owners representing no less than 25% of the properties being proposed to be added to the designated district endorsing said amendment. The determination of whether the application has the endorsement of the owners on behalf of a property shall be as stated in Section XII-4.A.2.

Section XII-5. Historic Landmarks

A. *Historic Landmark Nomination.*

...

3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:
 - a) The name and address of the owner of each property proposed for designation;

...

B. *Notice.* The following forms of notice shall be made for historic landmark nominations:

1. *Notice to Property Owner.* Within ten days of accepting a complete application, the Secretary shall notify the owner(s) of the proposed landmark of the time and date of the Commission meeting where review of the application will occur. The Secretary shall include a copy of the application or relevant portions thereof for the property owner's information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required. Notification shall be made by first class mail to:

...

2. *Notice by Publication and Sign.* Notification shall be given in accordance with Section XI-10.

...

D. *Review Process.*

1. *Public Hearing.* The Preservation Commission shall commence a public hearing on the question of designation within 60 days of receiving a complete application. At the public hearing, the Preservation Commission shall take comments from the nominator(s), the owner(s), and any other parties who wish to be heard on the application. In addition, the Preservation Commission shall consider all written comments received by the Preservation Commission prior to or during the hearing. It is the responsibility of the nominator(s) to provide evidence of suitability for historic landmark status as well as documentation of such evidence. The owner(s) of the property may request a continuation of the public hearing until the next regularly scheduled meeting of the Preservation Commission. If such a request is made, the Preservation Commission shall grant the request and continue the public hearing until the next meeting.

...

E. *Decisions on Designation.*

1. Historic Preservation Commission Authority:
 - a) If the owner consents in writing to landmark designation, and the Preservation Commission finds that the property conforms to one or more criteria set forth in Section XII-5.C.1, the Preservation Commission may make the final determination and designate the property as a historic landmark, following the voting requirements per Section XII-3.D.2.
 - b) Lacking written owner consent to the landmark designation, the Preservation Commission shall recommend that the Urbana City Council approve or deny said application as specified in Section XII-3.D.2. The Preservation Commission's

recommendation shall be in writing and shall be accompanied by minutes of the meeting. Said recommendation shall then be forwarded to the Urbana City Council for consideration at a City Council meeting occurring within 60 days following the date of the close of the public hearing.

- c) The landmark owners shall be notified by first class mail with a copy of the recommendation 10 days prior to the City Council meeting when designation will be considered.
 - d) The Secretary shall send a copy of the decision and the accompanying report to:
 - The City Council
 - The nominator(s); and
 - The Urbana Building Safety Division.
2. City Council Authority:
- a) If the City Council determines that the proposed historic landmark should be designated, it shall do so by enacting an ordinance by majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

...

Section XII-6. District and Landmark Designation Protests

- A. If a valid protest is timely filed against any application to designate a historic district or historic landmark, or to amend or rescind an existing designation, such application shall only be approved by a minimum two-thirds vote of the alderpersons then holding office, excepting those who abstain for reason of a proclaimed conflict of interest.
 - 1. With respect to a historic district, to be considered a valid protest, at least 40% of the properties within the subject district shall have protest documents signed and submitted on behalf of such properties by the respective owners of such properties as set forth in subsection C) below.
 - 2. With respect to a landmark, to be considered a valid protest as to the subject property, a protest document, signed and submitted on behalf of such property by the respective owner(s) of such property as set forth in subsection C) below.
 - 3. For a protest to be valid, it must be signed by the following persons as appropriate:
 - a) If a sole owner, by such sole owner;
 - b) If the owners are more than one, by not less than 50% of the title interest in such property or properties; or
 - c) If the owner is a corporation, it must be accompanied by a signed corporate resolution authorizing the protest; if owned by a partnership, the partner signing must submit an affidavit that he/she is authorized to sign on behalf of the partnership.
- B. Each property is considered independently, regardless of single or multiple ownership.
- C. To be considered as timely filed, a valid protest must be filed with the City Clerk by 5:00PM on the Wednesday preceding the City Council meeting at which the designation will be considered

until which time said protest can be withdrawn but after which time said protest shall be final. The City Clerk shall forthwith provide a copy of said protest to the Secretary.

Section XII-7. Certificates of Appropriateness & Economic Hardship

...

B. *Certificate of Appropriateness process.*

...

3. *Minor and Major Work.* Except for applications determined to be exempt undertakings requiring no review, as provided in Section XII-7.B.1, the Zoning Administrator and Chair shall determine whether the proposed undertaking(s) constitutes Minor Work or Major Work as defined under Section XII-2 and Tables XII-1 and XII-2 of this Article. When both the Zoning Administrator and Chair determine that the activity constitutes Minor Work then the project shall be reviewed administratively.
4. *Administrative review.* When both the Zoning Administrator and Chair determine that the proposed undertaking(s) constitutes Minor Work, then the application shall be reviewed administratively following the criteria specified in Section XII-7.C of this Article. For Minor Work, within ten working days of receipt of a complete application, written notice shall be made that said application is either approved, approved with conditions, or denied. Approval or approval with conditions shall require agreement of both the Zoning Administrator and Chair that the application conforms to the specified criteria. In the case of denial by both the Zoning Administrator and Chair, the reasons for denial shall be cited. If one but not both the Zoning Administrator or Chair determines that the application does not conform to the specified criteria, the Secretary shall forward the application to the Historic Preservation Commission for review.
5. *Historic Preservation Commission review.*

...

- b) *Review criteria.* Following input provided at the public hearing, the Historic Preservation Commission shall determine whether the application conforms to the criteria specified in Section XII-7.C of this Article.
- c) *Commission action.* Following input, the Commission shall vote on a motion to approve, approve with conditions, or deny the application based on the application's conformance with the review criteria. Any conditions imposed for approval must relate to the specified review criteria. In denying a Certificate of Appropriateness, the Commission shall provide reasons for denial and should recommend ways to bring the application into conformance. The Commission is the final decision-making body for Certificates of Appropriateness, unless the decision is appealed in accordance with Section XII-7.E of this Article.

...

D. *Certificate of Economic Hardship.*

...

2. *Public hearing.* The Historic Preservation Commission shall hold a public hearing within 50 calendar days of the Secretary having received a complete application. Notice of the public hearing shall conform to the procedures specified in Section XI-10.

...

4. *The Factors and Standards for Commission Decision.* The factors to be considered by the Commission on the issue of economic hardship shall include, but are not limited to, the following:

...

- b) A substantial decrease in the financial return to owner(s) as a result of the denial of the certificate of appropriateness;

...

E. *Appeals*

4. *Notice of appeal.* The Secretary shall give due notice of the hearing in writing to the appellant, the owner, and the City Council. At least 15 days, but not more than 30 days, notice of the time and place of the hearing on the appeal shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the address and location of the property involved in the appeal, if any, and a brief description of the issue being appealed.

...

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Section XII-8. Affirmation of Existing Zoning

...

Section XII-9. Building Permits Previously Issued

...

Section XII-10. Penalties

...

Section XII-11. National Register of Historic Places

...

ARTICLE XIII. Special Development Provisions

...

Section XIII-2. Mobile Home Parks

...

- C. *Application Procedure.* It shall be unlawful for any person to construct, alter, or extend any mobile home park unless a valid special use permit has been issued by the Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed. The designation and approval by permit of an area as a "mobile home park" shall be accomplished in accordance with the procedures indicated herein.

...

3. *Preliminary Development Plan Review.* Upon receipt of the mobile home park application, the required material to be presented, and the payment of the applicable fees, as provided in Section XI-8, the Chair of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within 60 days after the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, shall continue discussion pertaining to the preliminary development plan. The Plan Commission shall then forward the preliminary plan and its recommendation to the City Council for consideration.

...

4. *Preliminary Development Plan Approval*

- a) The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit, and may authorize the Zoning Administrator to issue the permit by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. 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.
- b) Approval by ordinance of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outline of the plan, and approval of the representations and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, duly passed and approved. Council approval of the preliminary development plan shall be valid for a period of 12 months. If the applicant does not file the final development plan in accordance with the procedure specified in paragraph 5, below, or receive a waiver or extension from the City Council, the preliminary plan approval of the City Council shall lapse and thereafter be null and void.

...

7. *Final Development Plan Approval and Recording.* The City Council shall consider the final development plan and the recommendation thereon from the Plan Commission, and may vote whether or not to approve the final development plan by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. In case of a written protest against the proposed plan at this stage, the provisions of Section XI-11 of this Ordinance shall apply.

...

8. *Combined Preliminary and Final Development Plan Approval.* The City Council shall consider the recommendation of the Plan Commission, and may approve or disapprove the development plan by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, duly passed and approved. In approving a combined plan, the City Council may impose any conditions, 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 XIII-3. Planned Unit Developments

(Ord. No. 2007-01-003, 04-02-07)

H. Preliminary Development Plan Review

...

2. *City Council Review.* The City Council shall review the application and Plan Commission recommendations and either approve, approve with changes, or disapprove the preliminary Planned Unit Development plan. Approval or approval with changes shall be made by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Approval shall not be construed as an implied waiver of any requirements. A waiver of any requirement shall be expressly written.

...

4. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding the Preliminary Planned Unit Development plan. If the Council approves the plan, the City Clerk shall record a copy of the ordinance approving the plan with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner within six months following passage of the ordinance approving said plan.

...

J. Final Planned Unit Development Review.

...

4. The City Council shall consider the recommendation of the Plan Commission and either approve, approve with changes, or disapprove the Final Planned Unit Development plan. Approval or approval with changes shall be made by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.
5. In the case of a valid written protest, the Planned Unit Development Permit shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Procedures for protest against any proposed Planned Unit Development Permit are specified in Section XI-11 of this Ordinance.

6. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding the Final Planned Unit Development plan. If the Council approves the plan, the City Clerk shall record a copy of the ordinance approving the plan with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner within six months following passage of the ordinance approving said plan.

...

Section XIII-5. Neighborhood Conservation Districts

(Ord. No. 2007-06-059, 11-05-07)

...

M. Final Determination.

1. The City Council shall by majority vote of alderpersons then holding office either approve, approve with amendments, or deny both the proposed district and any design guidelines. In the event of a tie, the Mayor may cast the deciding vote.
2. In the case of a valid protest as specified in Section XIII-5.M, action on both the proposed district and any design guidelines shall not be authorized except by a favorable vote of two-thirds of the alderpersons then holding office.

...

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ARTICLE II. DEFINITIONS

...

Section II-3. Definitions

...

Carport: A structure, with one or more open sides, ~~attached to a dwelling~~ designed to shelter ~~automobiles-vehicles, belonging to the occupants of the dwelling.~~

...

Garage, Private: A detached accessory building, or a portion of a ~~principal main~~ building, ~~housing~~ or designed to house ~~vehicles automobiles belonging to the occupants of the dwelling~~ on the lot on which the garage is located, or other specified dwelling. The term shall also include carports.

...

Owner: A person having a legal or equitable interest in personal property or real property. The terms "person," "personal property," and "real property" have the meanings set forth in Urbana City Code Section 1-3, as amended.

...

Variance, Major: A deviation from the regulations or standards of the Urbana Zoning Ordinance, ~~but which does not vary the use regulations and which the City Council, after a public hearing before the Board of Zoning Appeals and upon favorable recommendation of the Board of Zoning Appeals, is permitted to grant. (Ord. No. 8990-65, § 2, 1-16-90)~~ other than a minor variance, that does not vary the use regulations. (Ord. No. 8990-65, § 2, 1-16-90)

Variance, Minor: A deviation from the regulations or standards of the Urbana Zoning Ordinance ~~for specific and selected purposes which that the Zoning Board of Appeals Board of Zoning Appeals is permitted to may grant for specific and selected purposes. (Ord. No. 8990-65, § 2, 1-16-90)~~

...

ARTICLE V. USE REGULATIONS

...

Section V-2. Principal and Accessory Uses and Structures

- A. The uses listed in Table V-1 are principal uses.
- B. As indicated by Table V-1, a use may be permitted by right, as a conditional use, or as a special use in the various zoning districts.
- C. In any zoning district, more than one principal structure per lot may be permitted as follows:
 - 1. The use of each structure is allowed per Section V-2.B.
 - 2. The lot does not qualify as a residential, commercial, or industrial PUD.
 - 3. Before issuing the building permit, the Zoning Administrator shall require the owner to sign a covenant running with the land stating the lot cannot be subdivided if the resulting subdivision would not meet the subdivision requirements of the City. The Zoning Administrator shall record this covenant at the owner's expense.
 - 4. Exceptions:
 - a) In the R-1 or R-2 zoning district, a Conditional Use Permit is required to establish a second principal structure;
 - b) In the R-3 zoning district, no more than two principal structures and no more than two dwelling units are allowed per lot.
- ~~D.~~ An accessory use or structure is permitted to accompany the principal use it is subordinate to, provided that:
 - 1. It is located on the same lot as the principal use, or on another lot under the provisions of Section V-3.~~ED~~.
 - 2. It is compatible in character and extent with the principal use and district where located;
 - 3. It does not dominate the principal use or structure in area, height, extent, or purpose;
 - 4. It conforms with all applicable other regulations;
 - 5. It is not established before the principal use is established, except as authorized by the Zoning Administrator;
 - 6. It is customarily incidental to the principal use or structure;
 - 7. If accessory structures will be located on a lot containing a single- or two- family dwelling, the maximum combined area for all accessory structures shall be:
 - a) 750 square feet, if the lot contains a single-family home of 1,500 square feet or less¹;

¹ (Ord. No. 2011-02-007, 2-21-2011)

b)800 square feet, if the lot contains a two-family home of 1,500 square feet or less¹;

c)1,000 square feet, or 50 percent of the floor area of the dwelling, whichever is less, if the dwelling is greater than 1,500 square feet;

In addition, the maximum area for a shed shall be 120 square feet.

8. It is not a principal use parking lot as defined in Article II of the Urbana Zoning Ordinance.

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

...

~~C. Unless as exempted below, in any zoning district, more than one principal structure per lot or parcel of land may be allowed under conditional use procedures meeting the following criteria:~~

~~1. The uses are permitted by right or as a conditional use in the district in which the lot or parcel of land is located.~~

~~2. The lot or parcel of land does not qualify as a residential, commercial, or industrial PUD.~~

~~3. In zoning districts which permit multiple family residential uses, no conditional use permit shall be required to allow more than one multiple family residential building on a single lot.~~

...

Section V-5. Additional Use Regulations in the R-6B District

...

B. The requirements of Section V-3-~~C.2.C~~ shall apply in the R-6B District except that the restriction requiring a conditional use permit for more than one principal use per building shall not apply.

...

Section V-10. Additional Regulations in the MIC District

...

All development regulations of the B-4E zoning district shall apply during the review of a development proposal for a building permit in the MIC District with the following exceptions or additions:

The following uses are permitted by right in this ~~Overlay Zoning District~~ special zoning district: medical related uses, drugstore, day care center facility, hospital or clinic, ambulance service, medical carrier service, home for the aged, nursing home, fitness center; guest house for patient families/support members, and health care-related business or professional medical office building and methadone treatment facility. (Ord. No. 2001-10-117, 1792-T-01) (No. 2002-08-083, 1824-T-02)

The following uses are permitted by right in this ~~Overlay Zoning District~~ special 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-services~~ 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~~ stand-alone use per Section XI-7 of the Urbana Zoning Ordinance:

If the structure is 0 to 20,000 square feet, the health care-related or professional medical office use must exceed 60% of the building's net floor area.

If the structure is 20,001 square feet to 50,000 square feet, the health care-related or professional medical office use must exceed 70% of the building's net floor area.

If the structure is 50,001 square feet or more, the health care-related or professional medical office use must exceed 80% of the building's net floor area.

Uses in this ~~overlay~~ special district must provide 100% of the required off-street parking per Table VIII-7 "Parking Requirements by Use."

The maximum floor area ratio (FAR) for the MIC district is 9.0. (Ord. No. 9596-48, § 4, 12-4-95).

...

ARTICLE VI. DEVELOPMENT REGULATIONS

...

Section VI-3. Lot Area and Width

...

- D. In the MOR District, the maximum area of a zoning lot shall be 8,500 square feet for the purpose of calculating the floor area ratio ~~and open space ratio.~~ The objective of this Section is to keep new structures compatible with the scale and density of existing development in the MOR District by preventing the use of one large parcel for the purpose of erecting a single large structure. In the case of zoning lots which contain between 8,500 and 17,000 square feet, the amount of square feet in excess of 8,500 square feet may be used for parking, landscaping, open space or other uses in accordance with the site plan review procedure in Section XI-12. In the case of zoning lots ~~which~~ that exceed 17,000 square feet, the lot may contain two or more principal structures based on a ratio of one structure for each 8,500 square feet of area in the lot in accordance with this Section. ~~However, in order to establish two principal structures on one lot, a conditional use permit must be approved by the Zoning Board of Appeals in accord with the requirements of Section V-3.C and Section VII-2. (Ord. No. 8283-52, § 1, 3-7-83; Ord. No. 8687-15, § 1,2, 8-4-86; Ord. No. 8990-65, § 5, 1-16-90; Ord. No. 9091-59, § 9, 11-19-90)~~

...

TABLE VI-3. DEVELOPMENT REGULATIONS BY DISTRICT

Zoning District	Minimum Lot Size (In square feet)	Minimum Lot Width	Maximum Height of Principal Structure	Maximum Floor Area Ratio	Minimum Open Space Ratio	Required Yards (In Feet) ¹		
						Front	Side	Rear
AG	1 acre ²	150	35 ³	0.25	0.55	25	15	25
B-1	6,000	60	35 ³	0.30	none	15	7 ¹⁸	10 ¹⁸
B-2	6,000	60	35 ³	1.50 ⁴	0.15	15	7 ¹⁸	10 ¹⁸
B-3	6,000	60	none ³	4.00	none	15	5 ¹⁸	10 ¹⁸
B-3U	6,000	60	none	4.00	0.10	15	5 ¹⁸	5 ¹⁸
B-4	2,000	20	none ³	9.00	none	none	None ¹⁸	None ¹⁸
B-4E	4,000	40	none	6.00	none	6	5 ¹⁸	5 ¹⁸
CCD	6,000	60	none	4.0	0.10 ⁵	6	5	5
CRE	1 acre	150	35 ³	0.40	0.55	25	15	25
IN-1	6,000	60	none	2.00	none	15	5 ¹⁸	10 ¹⁸
IN-2	10,000	90	none	1.00	none	25	None ¹⁸	None ¹⁸
MIC ⁶	4,000	40	none	9.00 ⁷	none	6	5	5
MOR	6,000	60	35 ³	0.70 ⁸	0.30 ⁸	15 ⁹	7 (17) ¹⁰	10
R-1	9000 ¹¹	80	35	0.30 ¹¹	0.50 ¹¹	25 ⁹	5 (15) ¹²	10
R-2	6,000 ¹³	60 ¹³	35 ¹⁷	0.40	0.40	15 ⁹	5	10
R-3	6,000 ¹³	60 ¹³	35 ¹⁷	0.40	0.40	15 ⁹	5	10
R-4	6,000	60	35 ¹⁷	0.50 ¹⁴	0.35	15 ⁹	5 ¹⁸	10 ¹⁸
R-5	6,000	60	35	0.90	0.30	15 ⁹	5 ¹⁸	5 ¹⁸
R-6	6,000	60	See Note 15	1.40	0.25	15	5 ¹⁸	10 ¹⁸
R-6B	6,000	60	See Note 15	1.50 ¹⁶	none	15	5 ¹⁸	10 ¹⁸
R-7	6,000	60	35	0.50	0.35	15 ⁹	5 ¹⁸	10 ¹⁸

Footnotes

...

18. In the Multiple-Family Residential, Business, or Industrial B-4, B-4E, and IN-2 Districts, a buffer yard and/or landscaping buffer may be required if the property is adjacent to the MOR Zoning District or any a-residential district, a ten foot rear buffer yard is required, in accordance with Table VI-31 Buffer Yards, and Table VI-2 Landscaping Buffer.

...

ARTICLE VII. STANDARDS AND PROCEDURES FOR CONDITIONAL AND SPECIAL USES

...

Section VII-2. 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:

...

- G. The Secretary to the Zoning Board of Appeals shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested conditional use for the Board Chair's signature.
- H. The Zoning Administrator shall notify the petitioner in writing of the Board's decision regarding a conditional use. If the Board approves the conditional use, the Secretary to the Board shall record a copy of the decision sheet approving the conditional use with the Champaign County Recorder's Office, and forward a copy of the decision sheet to the petitioner.

...

Section VII-4. Special Use Procedures

The standards and procedures for the consideration of mobile home parks and planned unit developments are specified in Article XIII. All other special uses, as designated in Table V-1, are subject to the procedures and standards stipulated herein. Except as otherwise provided, the Zoning Administrator shall not issue a special use until expressly authorized by the City Council and the following procedure has been completed:

...

- F. The City Council shall consider the recommendation of the Plan Commission regarding the special use, and may authorize the Zoning Administrator to issue the special use by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. 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.
- G. In the case of a valid written protest, the special use shall not be authorized except by a favorable vote of two-thirds of the ~~members of the City Council~~ alderpersons then holding office. Procedures for protest against any proposed special use permit are specified in Section XI-11 of this Ordinance.
- H. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding a special use. If the Council approves the special use, the City Clerk shall record a copy of the ordinance approving the special use with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner.

...

TABLE VII-1. STANDARDS FOR SPECIFIC CONDITIONAL USES

Use	Required Fencing	Setbacks (in feet) ¹			Minimum Lot Size ¹	Other Provisions
		Front	Side	Rear	(acres)	
Sanitary Landfill *	8 foot solid	200	200	200	40.0	
Sewage Lagoon **	8 foot solid	200	200	200	40.0	
Sewage Disposal Plant **	8 foot solid	100	100	100	4.0	

...

** Applications for sewage disposal facilities shall include plans for such facilities prepared by a registered professional engineer. All plans shall include assurances that the proposed facilities will not be subject to flooding, will not contaminate ground water resources, and other assurances that may be required by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals. All sewage disposal facilities shall be constructed in accordance with the rules and regulations of the State of Illinois, and of this Ordinance.

ARTICLE VIII. PARKING AND ACCESS

...

Section VIII-3. Design and Specifications of Off-Street Parking

...

E. Access Drives

...

2. No zoning lot shall have more than two driveways per frontage, unless the City Engineer approves additional driveways. The Urbana City Engineer approves all driveway locations within the public right-of-way as provided for in Chapter 20 of the Urbana City Code. Circular drives shall conform to minimum standards as shown in Figure VIII-8~~9~~, or as approved by the Zoning Administrator.

Section VIII-4. Location of Parking Facilities

...

F. Parking in a Required Yard is Prohibited Except as Follows:

...

2. Accessory off-street, when not in a structure, parking may be located in the required side yard and rear yard, provided that the parking is located behind the ~~rear~~ front 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)

...

Section VIII-7. Bicycle Parking

- 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:

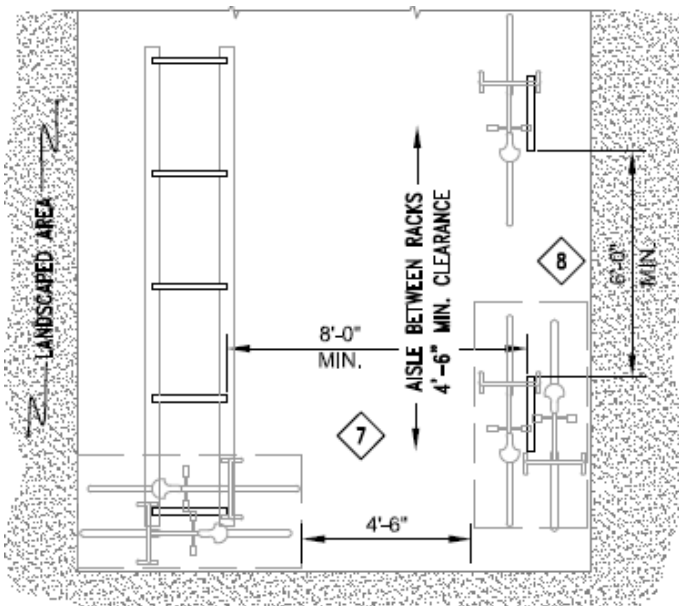
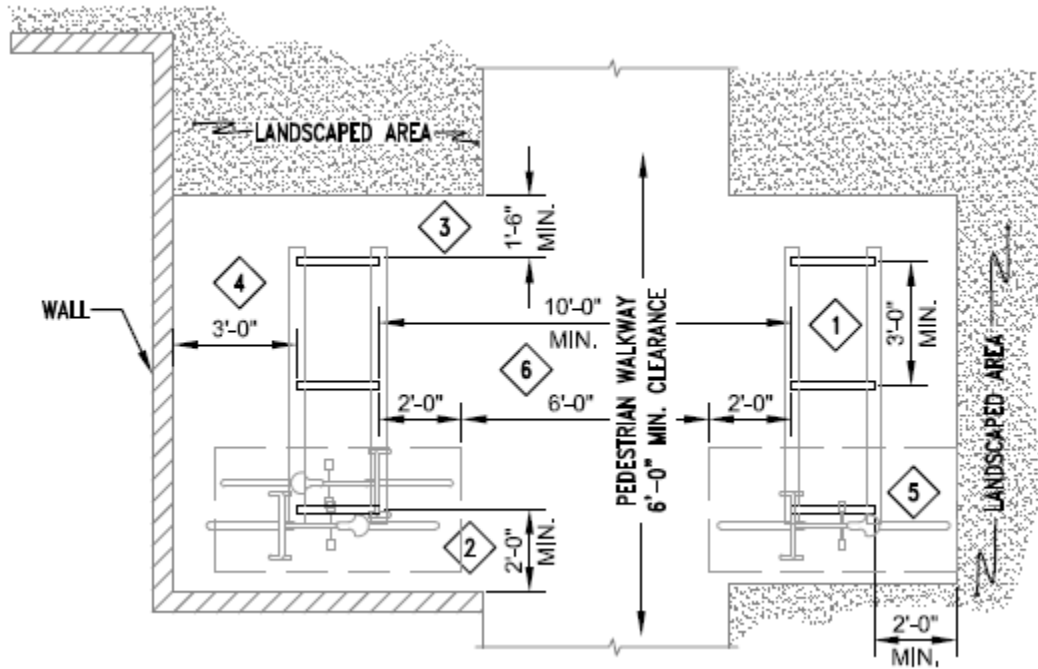
...

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, ~~and~~ placement, and layout 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, and examples and requirements for bicycle parking layout are in Figure VIII-8.

...

FIGURE VIII-8. BICYCLE PARKING LAYOUT EXAMPLES AND REQUIREMENTS



- 1 DIMENSION SHALL BE A MINIMUM OF 36" BETWEEN SIDES OF LOOPS.
- 2 DIMENSION SHALL BE A MINIMUM OF 24" FROM WALL TO SIDE OF LOOP.
- 3 DIMENSION SHALL BE A MINIMUM OF 18" FROM LANDSCAPED AREA TO SIDE OF LOOP.
- 4 DIMENSION SHALL BE A MINIMUM OF 36" FROM WALL TO END OF LOOP.
- 5 DIMENSION SHALL BE A MINIMUM OF 24" FROM LANDSCAPED AREA TO END OF LOOP.
- 6 DIMENSION OF AISLE SHALL BE A MINIMUM OF 10'-0" FROM END OF LOOP TO END OF LOOP. (CLEARANCE FOR DESIGNATED PEDESTRIAN WALKWAY SHALL BE A MINIMUM OF 6'-0")
- 7 DIMENSION OF AISLE SHALL BE 8'-0" BETWEEN SIDE OF LOOP AND END OF LOOP. (AISLE CLEARANCE BETWEEN BIKES SHALL BE A MINIMUM OF 4'-6")
- 8 DIMENSION OF AISLE SHALL BE 6'-0" BETWEEN END OF LOOP AND END OF LOOP.
- 9 DIMENSION OF AISLE SHALL BE 8'-0" BETWEEN ROADWAY AND END OF LOOP. (CLEARANCE FOR DESIGNATED PEDESTRIAN WALKWAY SHALL BE A MINIMUM OF 6'-0")
- 10 DIMENSION OF AISLE SHALL BE 8'-6" BETWEEN END OF LOOP AND END OF LOOP. (AISLE CLEARANCE BETWEEN BIKES SHALL BE A MINIMUM OF 4'-6")

FIGURE VIII-8. BICYCLE PARKING LAYOUT REQUIREMENTS (CONT.)

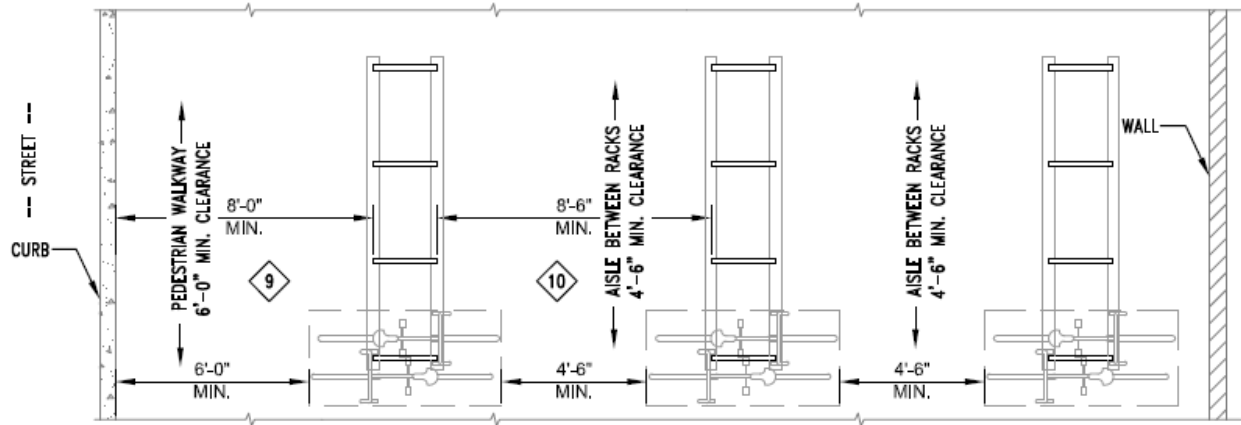
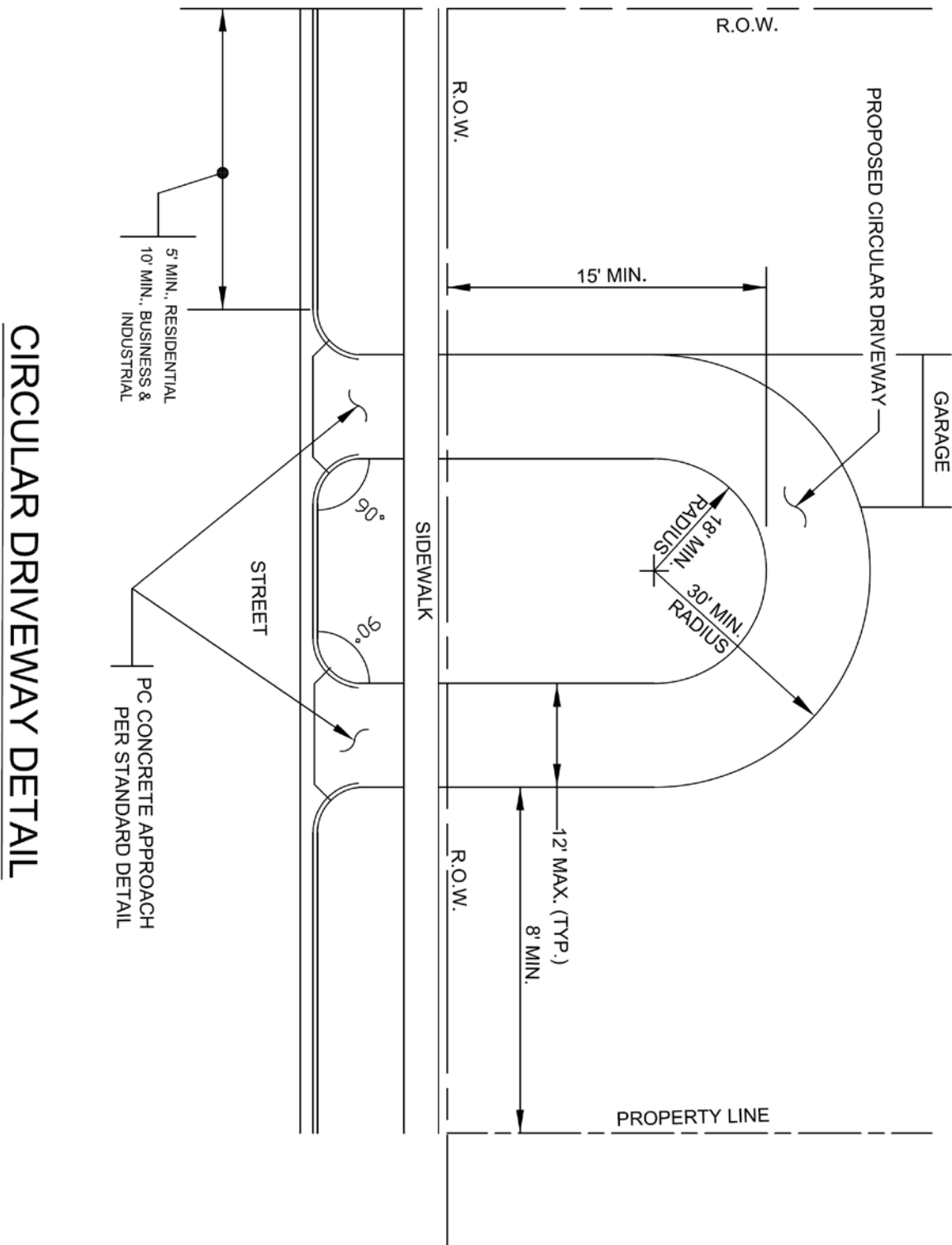


FIGURE VIII-98. STANDARDS FOR CIRCULAR DRIVES



ARTICLE IX. SIGN AND OASS REGULATIONS

...

Section IX-2. Sign and OASS Definitions

...

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 IX-4. General Sign Allowances

...

C. *Electronic Display.* Freestanding signs and wall signs authorized by this Article in the B-3, General Business, and CRE, Conservation-Recreation-Education Zoning Districts, and institutional freestanding signs authorized by this Article in the B-4, Central Business Zoning District, may include an element of electronic display when designed and operated to meet the following requirements:

...

ARTICLE X. NONCONFORMITIES

...

Section X-8. Reconstruction of Nonconformities

- ...
- D. In order to determine the fair market value of such a nonconforming building or structure prior to the damage or destruction, as necessary to carry out Section X-8.A, the Zoning Administrator shall retain a professional real estate appraiser to prepare a report. The appraisal report shall consider, among other factors influencing the value of the building or structure, the applicable termination date for the nonconforming use, as provided in Section X-7.A. The owner of the damaged building may, at his/her own option and at his/her own expense, retain another professional appraiser to prepare an independent report, and any discrepancy between the two appraisal reports shall be referred to the ~~Board of Zoning Appeals~~ Zoning Board of Appeals for its resolution.

...

ARTICLE XI. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FEES

Section XI-1. Zoning Administrator

...

- B. Duties of the Zoning Administrator: The Zoning Administrator shall have the authority and duty to administer and enforce this Ordinance, and shall:

...

4. Issue all conditional use permits, where authorized by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions and standards specified therein;
5. Issue all sign permits where authorized by this Ordinance, and keep permanent and accurate records thereof;
6. Conduct such inspections of principal and accessory structures and uses as may be necessary to determine compliance with this Ordinance;
7. Maintain permanent and accurate records pertaining to variances granted, modified, or denied by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, and of their other decisions and actions;

...

Section XI-3. Zoning Board of Appeals

...

- C. *Powers and Duties of the Board.* The Board shall have the power and duty to hear and decide:

...

2. On requests for variances or variations from the terms of this Ordinance.
 - a) *Authorization.* The Board is authorized to grant a minor variance and, in accordance with Section XI-3.C.2.(d), recommend approval of a major variance to the City Council. Under no circumstances shall the Board grant a variance to allow a use not permitted either by right, by special use permit or by conditional use permit under the terms of this Ordinance in the district involved, or any use expressly or implicitly prohibited by the terms of this Ordinance in the district involved, except in the case of an appeal regarding the decision of the Zoning Administrator, pursuant to Section XI-1.B. (Ord. No. 1999-07-064, 07-06-99)
 - b) *Minor Variances.* After the Board considers the finding of fact, the Board shall have the authority to grant variations for the following purposes only and no other:

...

- 10) To grant a variance from the provisions of Section X-9.B, so as to permit change, alteration, re-establishment, or more than routine maintenance of a nonconforming outdoor advertising sign structure where such change, alteration, re-establishment, or maintenance shall not increase the size of the outdoor advertising sign structure, make it radiate or reflect more light, or otherwise make it visually more objectionable. No such variance granted by the ~~Board of Zoning Appeals~~ Zoning Board of Appeals shall in any way postpone the time for removal of the nonconforming outdoor advertising sign structure as provided in Section X-9.C, beyond the time when the original outdoor advertising sign structure which was permitted to be changed, altered, re-established or maintained hereunder would have been required to be removed.

c) *Variance Criteria*

...

- 3) In determining whether or not a variance should be granted, the body considering the variance shall consider the following criteria:
 - (a) The proposed variance will not serve as a special privilege because the variance requested is necessary due to special conditions and circumstances relating to the land or structure involved or to be used for occupancy thereof which is not generally applicable to other lands or structures in the same district;
 - (b) The variance requested was not the result of a situation or condition having been knowingly or deliberately created by the ~~Petitioner~~ petitioner;

...

d) Minor Variance Procedures.

- 1) The Administrative Secretary to the Board shall prepare a decision sheet that states the Board's findings of fact and decision concerning the requested minor variance for the Board Chair's signature.
- 2) The Zoning Administrator shall notify the petitioner in writing of the Board's decision regarding a minor variance request. If the Board approves the variance, the Secretary to the Board shall record a copy of the decision sheet approving the variance with the Champaign County Recorder's Office, and forward a copy of the recorded decision sheet to the petitioner.

e) *Major Variance Procedures*

...

- 3) After receiving the findings and recommendations of the Zoning Board of Appeals, the Council shall consider and decide whether or ~~not~~ not to grant the major variance. If the Council decides to grant the major variance requested, it shall do so by adopting an ordinance by a majority vote of alderpersons then holding office that reciting recites the findings of fact which support their decision and ~~setting sets~~ sets forth any conditions the Council deems necessary or desirable. In the event of a tie, the Mayor may cast the deciding vote. The Council may take additional testimony or other evidence regarding the requested major variance.

...

- 6) The Urbana Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding a major variance request. If the Council approved the variance, the City Clerk shall record a copy of the ordinance approving the variance with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner.

...

Section XI-7. Amendments

The regulations and standards, restrictions, and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No such action may be taken except by following the procedure set forth in this Section or by approval and execution of an annexation agreement according to State Law and procedures outlined in Section XI-14 in this Article. The required procedure in this section includes the following:

- A. A written application is submitted to the Plan Commission. The City Council, the Plan Commission, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, the Zoning Administrator, the City Attorney or any interested person may initiate such application. If the proposed amendment involves the reclassification of property, the application must be submitted either by the City Council, the Plan Commission, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, the Zoning Administrator, or the owners of more than 50% of the property involved.

An application by the City Council, Plan Commission, or ~~Board of Zoning Appeals~~ Zoning Board of Appeals may be initiated only by a majority vote of the body. Upon such action, said body shall direct the Zoning Administrator to file the written application on its behalf.

- B. Each such application, except those submitted by either the City Council, the Plan Commission, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, the City Attorney, or the Zoning Administrator, shall be accompanied by a fee, to be paid by the applicant as provided in Section XI-8 of this Article.

...

- F. Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment. The City Council shall consider the proposed amendment and the recommendation of the Plan Commission, and if the Council's decision on the proposed amendment is favorable, it shall adopt the amendment by ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

...

Section XI-11. Protest Procedures

In the case of a valid written protest against any mobile home park, planned unit development, special use permit, change in the classification of land, or major variance filed with the City Clerk of Urbana prior to the commencement of the City Council meeting in which a vote on the proposed action is taken, the action shall not be authorized except by a favorable vote of two-thirds of the ~~members of the City Council~~ alderpersons then holding office.

In the case of a valid written protest against a proposed conditional use permit, the protest shall be filed with the Secretary of the Zoning Board of Appeals prior to the commencement of the meeting at which a

vote of the proposed conditional use permit is taken. The conditional use shall not be authorized except by a favorable vote of two-thirds of the members of the ~~Board of Zoning Appeals~~ Zoning Board of Appeals.

...

ARTICLE XII. HISTORIC PRESERVATION

...

- Section XII-5.16** District and Landmark Designation Protests
- Section XII-67.** Certificates of Appropriateness and Economic Hardship
- Section XII-78.** Affirmation of Existing Zoning
- Section XII-89.** Building Permits Previously Issued
- Section XII-910.** Penalties
- Section XII-1011.** National Register of Historic Places

...

Section XII-2. Definitions

...

~~*Owner(s) of Record:* The person(s) or corporation or other entity in whose name(s) the property is held according to the last recorded deed in the records of the Champaign County Recorder.~~

...

Parcel: A parcel of real property other than railroad right-of-way which qualifies as a lot of record under the Urbana Subdivision and Land Development Code; and is included within a proposed historic district or is a designated landmark.

~~*Parcel Owner:* An owner of record of a parcel. (See 'owner of record.')~~

...

Valid Protest: A valid protest is a document signed by the requisite number of ~~parcel~~ owners respecting each parcel which expresses a protest against the designation of such parcel as either a landmark or as part of a historic district.

Section XII-3. Historic Preservation Commission

...

B. *Purpose.* The Preservation Commission is created for the purpose of:

...

5. Performing such other functions as may be useful or necessary to safeguard and enhance the community heritage as embodied in historic ~~parcels~~ properties or buildings, structures, sites or objects.

...

F. *Powers and Duties.* The Preservation Commission shall have the following powers:

...

10. To review and comment upon submitted applications for zoning amendments, special use permits, conditional use permits, Mixed Office Residential District provisions, or zoning variances for properties contiguous to or separated only by public right-of-way from designated landmarks and historic districts. The Zoning Administrator should send notification of such applications to the Preservation Commission for comment prior to the hearing by the Plan Commission, the ~~Board of Zoning Appeals~~ Zoning Board of Appeals, or the City Council.

...

Section XII-4. Historic Districts

A. *Historic District Nomination.*

...

2. A completed application form for historic district nominations must be accompanied by signatures of ~~parcel~~ owners representing no less than 25% of the ~~parcels~~ properties within the proposed district endorsing said nomination. The determination of whether the application has the endorsement of the owners on behalf of a ~~parcel~~ property shall be, if a sole owner, by his or her signature, and if multiple owners, by the owners representing no less than 50% of the title interest in the property. If the affected property is owned by a corporation, a signed corporate resolution must be submitted authorizing an endorsement; if owned by a partnership, the partner signing must submit an affidavit that he/she is authorized to sign on behalf of the partnership. Each ~~parcel~~ property is considered independently, regardless of single ownership of multiple ~~parcels~~ property.
3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:
 - a) The name and address of the owner ~~of record~~ of each property proposed for designation;

...

B. *Notice.* The following forms of notice shall be made for historic district nominations:

1. *Notice of Application.* Within ten days of accepting a complete application, the Secretary shall notify ~~parcel~~ owners within the proposed district of said application. If there are multiple owners for one ~~parcel~~ property, each owner shall be sent a notice. Such notification shall be given by first class mail. In addition, the Secretary shall include a copy of the application or relevant portions thereof for the ~~property~~ owners' information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required.
2. *Notice of Public Hearing.* Not less than ten days before a public hearing on the proposal, the following forms of notice shall be made:
 - a) *Property Owner.* The Secretary shall notify ~~property~~ owners of the time, date, and location of the public hearing and include a form whereby the ~~property~~ owner can express

his/her opinion regarding the proposed designation. Notification shall be by first class mail to:

- 1) The occupant of the property ~~affected~~ at the address of the property;

...

- b) *Publication and Sign.* Notification shall be given in accordance with Section XI-10.

...

E. *Decisions on Designation.*

1. Historic Preservation Commission Authority:

...

- c) ~~Affected parcel~~ Owners within proposed historic district shall be notified by first class mail with a copy of the recommendation 10 days prior to the City Council meeting when designation will be considered.

- d) The Secretary shall send a copy of the decision and the accompanying report to:

The City Council
The nominator(s); and
The Urbana Building Safety Division.

2. City Council Authority:

- a) If the City Council determines that the proposed historic district should be created, it shall do so by enacting an ordinance by majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

- b) No application relating to the same property or district may be filed during the 12 months following such a denial by the Urbana City Council.

- c) A ~~parcel~~ property can only be nominated for one historic district at any one time and, if designated, may not be represented in a nomination or historic property ~~parcel~~ vote in another proposed historic district.

...

F. *Amendment of Designation.* Once the City Council has designated a historic district, said designation may be amended by the same procedure and according to the same criteria set forth herein for designation. The Preservation Commission shall record said amendment at the office of Champaign County Recorder of Deeds.

1. To repeal designation of an existing historic district, in whole or in part, a completed application form for historic district nominations must be accompanied by signatures of ~~parcel~~ owners representing no less than 25% of the ~~parcels~~ properties within the designated district endorsing said amendment. The determination of whether the application has the endorsement of the owners on behalf of a ~~parcel~~ property shall be as stated in Section XII-4.A.2.
2. To enlarge an existing historic district, a completed application form for historic district nominations must be accompanied by signatures of ~~parcel~~ owners representing no less than 25% of the properties ~~parcels~~ being proposed to be added to the designated district

endorsing said amendment. The determination of whether the application has the endorsement of the owners on behalf of a ~~parcel~~property shall be as stated in Section XII-4.A.2.

Section XII-5. Historic Landmarks

A. *Historic Landmark Nomination.*

...

3. The Preservation Commission may request additional information from the applicant, but at a minimum, nominations shall include the following:

- a) The name and address of the owner ~~of record~~ of each property proposed for designation;

...

B. *Notice.* The following forms of notice shall be made for historic landmark nominations:

1. *Notice to Property Owner.* Within ten days of accepting a complete application, the Secretary shall notify the ~~parcel~~ owner(s) of the proposed landmark of the time and date of the Commission meeting where review of the application will occur. The Secretary shall include a copy of the application or relevant portions thereof for the property owner's information, as well as appropriate general information on the City's historic preservation ordinance including information describing the Certificate of Appropriateness process and when a certificate is required. Notification shall be made by first class mail to:

...

2. *Notice by Publication and Sign.* Notification shall be given in accordance with Section XI-10.

...

D. *Review Process.*

1. *Public Hearing.* The Preservation Commission shall commence a public hearing on the question of designation within 60 days of receiving a complete application. At the public hearing, the Preservation Commission shall take comments from the nominator(s), the owner(s), and any other parties who wish to be heard on the application. In addition, the Preservation Commission shall consider all written comments received by the Preservation Commission prior to or during the hearing. It is the responsibility of the nominator(s) to provide evidence of suitability for historic landmark status as well as documentation of such evidence. The owner(s) of the ~~subject~~ property may request a continuation of the public hearing until the next regularly scheduled meeting of the Preservation Commission. If such a request is made, the Preservation Commission shall grant the request and continue the public hearing until the next meeting.

...

E. *Decisions on Designation.*

1. Historic Preservation Commission Authority:
 - a) If the ~~property~~ owner consents in writing to landmark designation, and the Preservation Commission finds that the property conforms to one or more criteria set forth in Section XII-5.C.1, the Preservation Commission may make the final determination and designate

the property as a historic landmark, following the voting requirements per Section XII-3.D.2.

- b) Lacking written owner consent to the landmark designation, the Preservation Commission shall recommend that the Urbana City Council approve or deny said application as specified in Section XII-3.D.2. The Preservation Commission's recommendation shall be in writing and shall be accompanied by minutes of the meeting. Said recommendation shall then be forwarded to the Urbana City Council for consideration at a City Council meeting occurring within 60 days following the date of the close of the public hearing.
- c) The landmark ~~parcel~~ owners shall be notified by first class mail with a copy of the recommendation 10 days prior to the City Council meeting when designation will be considered.
- d) The Secretary shall send a copy of the decision and the accompanying report to:

The City Council
The nominator(s); and
The Urbana Building Safety Division.

2. City Council Authority:

- a) If the City Council determines that the proposed historic landmark should be designated, it shall do so by enacting an ordinance by majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

...

Section XII-5.16. District and Landmark Designation Protests

- A. If a valid protest is timely filed against any application to designate a historic district or historic landmark, or to amend or rescind an existing designation, such application shall only be approved by a minimum two-thirds vote of the alderpersons then holding office, excepting those who abstain for reason of a proclaimed conflict of interest.
 1. With respect to a historic district, to be considered a valid protest, at least 40% of the ~~parcels~~ properties within the subject district shall have protest documents signed and submitted on behalf of such ~~parcels-properties~~ by the respective owners of such parcels-properties as set forth in subsection ~~eC~~ below.
 2. With respect to a landmark, to be considered a valid protest as to the subject ~~parcel~~ property, a protest document, signed and submitted on behalf of such ~~parcel-property~~ by the respective owner(s) of such parcel-property as set forth in subsection ~~eC~~ below.
 3. For a protest to be valid, it must be signed by the following persons as appropriate:
 - a) If a sole owner ~~of record~~, by such sole owner;
 - b) If the ~~record~~ owners are more than one, by not less than 50% of the title interest in ~~such~~ such property or properties ~~parcel~~; or
 - c) If the ~~record~~ owner is a corporation, it must be accompanied by a signed corporate resolution authorizing the protest; if owned by a partnership, the partner signing must submit an affidavit that he/she is authorized to sign on behalf of the partnership.

- B. Each ~~parcel~~property is considered independently, regardless of single or multiple ownership.
- C. To be considered as timely filed, a valid protest must be filed with the City Clerk by 5:00PM on the Wednesday preceding the City Council meeting at which the designation will be considered until which time said protest can be withdrawn but after which time said protest shall be final. The City Clerk shall forthwith provide a copy of said protest to the Secretary.

Section XII-67. Certificates of Appropriateness & Economic Hardship

...

- B. *Certificate of Appropriateness process.*

...

- 3. *Minor and Major Work.* Except for applications determined to be exempt undertakings requiring no review, as provided in Section XII-67.B.1, the Zoning Administrator and Chair shall determine whether the proposed undertaking(s) constitutes Minor Work or Major Work as defined under Section XII-2 and Tables XII-1 and XII-2 of this Article. When both the Zoning Administrator and Chair determine that the activity constitutes Minor Work then the project shall be reviewed administratively.
- 4. *Administrative review.* When both the Zoning Administrator and Chair determine that the proposed undertaking(s) constitutes Minor Work, then the application shall be reviewed administratively following the criteria specified in Section XII-67.C of this Article. For Minor Work, within ten working days of receipt of a complete application, written notice shall be made that said application is either approved, approved with conditions, or denied. Approval or approval with conditions shall require agreement of both the Zoning Administrator and Chair that the application conforms to the specified criteria. In the case of denial by both the Zoning Administrator and Chair, the reasons for denial shall be cited. If one but not both the Zoning Administrator or Chair determines that the application does not conform to the specified criteria, the Secretary shall forward the application to the Historic Preservation Commission for review.
- 5. *Historic Preservation Commission review.*

...

- b) *Review criteria.* Following input provided at the public hearing, the Historic Preservation Commission shall determine whether the application conforms to the criteria specified in Section XII-67.C of this Article.
- c) *Commission action.* Following input, the Commission shall vote on a motion to approve, approve with conditions, or deny the application based on the application's conformance with the review criteria. Any conditions imposed for approval must relate to the specified review criteria. In denying a Certificate of Appropriateness, the Commission shall provide reasons for denial and should recommend ways to bring the application into conformance. The Commission is the final decision-making body for Certificates of Appropriateness, unless the decision is appealed in accordance with Section XII-67.E of this Article.

...

D. *Certificate of Economic Hardship.*

...

2. *Public hearing.* The Historic Preservation Commission shall hold a public hearing within 50 calendar days of the Secretary having received a complete application. Notice of the public hearing shall conform ~~with~~to the procedures specified in Section XI-10.

...

4. *The Factors and Standards for Commission Decision.* The factors to be considered by the Commission on the issue of economic hardship shall include, but are not limited to, the following:

...

- b) A substantial decrease in the financial return to owner(s) ~~of record or other investors in the property~~ as a result of the denial of the certificate of appropriateness;

...

E. *Appeals*

4. *Notice of appeal.* The Secretary shall give due notice of the hearing in writing to the appellant, the ~~property~~ owner, and the City Council. At least 15 days, but not more than 30 days, notice of the time and place of the hearing on the appeal shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the address and location of the property involved in the appeal, if any, and a brief description of the issue being appealed.

...

Urbana Zoning Ordinance - Republished August 2018

Section XII-87. Affirmation of Existing Zoning

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Section XII-89. Building Permits Previously Issued

...

Section XII-910. Penalties

...

Section XII-4011. National Register of Historic Places

...

ARTICLE XIII. Special Development Provisions

...

Section XIII-2. Mobile Home Parks

...

C. *Application Procedure.* It shall be unlawful for any person to construct, alter, or extend any mobile home park unless a valid special use permit has been issued by the Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed. The designation and approval by permit of an area as a "mobile home park" shall be accomplished in accordance with the procedures indicated herein.

...

3. *Preliminary Development Plan Review.* Upon receipt of the mobile home park application, the required material to be presented, and the payment of the applicable fees, as provided in Section XI-8, the ~~Chairman~~Chair of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within 60 days after the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, shall continue discussion pertaining to the preliminary development plan. The Plan Commission shall then forward the preliminary plan and its recommendation to the City Council for consideration.

...

4. *Preliminary Development Plan Approval*

- a) The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit, and may authorize the Zoning Administrator to issue the permit by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. ~~—~~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.
- b) Approval by ordinance of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outline of the plan, and approval of the representations and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, ~~or by resolution of the City Council~~, duly passed and approved. Council approval of the preliminary development plan shall be valid for a period of 12 months. If the applicant does not file the final development plan in accordance with the procedure specified in paragraph 5, below, or receive a waiver or extension from the City Council, the preliminary plan approval of the City Council shall lapse and thereafter be null and void.

...

7. *Final Development Plan Approval and Recording.* The City Council shall consider the final development plan and the recommendation thereon from the Plan Commission, and may vote whether or not to approve the final development plan by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. ~~—~~In case of a written protest against the proposed plan at this stage, the provisions of Section XI-11 of this Ordinance shall apply.

...

8. *Combined Preliminary and Final Development Plan Approval.* The City Council shall consider the recommendation of the Plan Commission, and may approve or disapprove the development plan by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, ~~or by resolution of the City Council,~~ duly passed and approved. In approving a combined plan, the City Council may impose any conditions, 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 XIII-3. Planned Unit Developments

(Ord. No. 2007-01-003, 04-02-07)

H. Preliminary Development Plan Review

...

2. *City Council Review.* The City Council shall review the application and Plan Commission recommendations and either approve, approve with changes, or disapprove the preliminary Planned Unit Development plan. Approval or approval with changes shall be made by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. Approval shall not be construed as an implied waiver of any requirements. A waiver of any requirement shall be expressly written.

...

4. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding the Preliminary Planned Unit Development plan. If the Council approves the plan, the City Clerk shall record a copy of the ordinance approving the plan with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner within six months following passage of the ordinance approving said plan.

...

J. Final Planned Unit Development Review.

...

4. The City Council shall consider the recommendation of the Plan Commission and either approve, approve with changes, or disapprove regarding the Final Planned Unit Development plan. Approval or approval with changes shall be made by adopting an ordinance by a majority vote of alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.
5. In the case of a valid written protest, the Planned Unit Development Permit shall not be authorized except by a favorable vote of two-thirds of the ~~members of the City Council~~ alderpersons then holding office. In the event of a tie, the Mayor may cast the deciding vote.

Procedures for protest against any proposed Planned Unit Development Permit are specified in Section XI-11 of this Ordinance.

6. The Zoning Administrator shall notify the petitioner in writing of the City Council's decision regarding the Final Planned Unit Development plan. If the Council approves the plan, the City Clerk shall record a copy of the ordinance approving the plan with the Champaign County Recorder's Office, and forward a copy of the recorded ordinance to the petitioner.~~The Final Planned Unit Development plan, as approved by the City Council, shall be recorded within six months following passage of the ordinance approving said plan.~~

...

Section XIII-5. Neighborhood Conservation Districts

(Ord. No. 2007-06-059, 11-05-07)

...

M. Final Determination.

1. The City Council shall by majority vote of ~~a quorum of the~~alderpersons then holding office either approve, approve with amendments, or deny both the proposed district and any design guidelines. In the event of a tie, the Mayor may cast the deciding vote.
2. In the case of a valid protest as specified in Section XIII-5.M, action on both the proposed district and any design guidelines shall not be authorized except by a favorable vote of two-thirds of ~~the members of the City Council~~ of the alderpersons then holding office.

...

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: July 18, 2019

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Dustin Allred, Jane Billman, Andrew Fell, Tyler Fitch, Lew Hopkins, Nancy Ouedraogo, Jonah Weisskopf

MEMBERS EXCUSED: Barry Ackerson, Chenxi Yu

STAFF PRESENT: Lorrie Pearson, Deputy Director of Community Development Services Department/Planning Manager; Lily Wilcock, Planner I

OTHERS PRESENT: Karen Fresca

COMMUNICATIONS

- Email from Deborah Katz-Downie regarding Case No. 2377-T-19

CONTINUED PUBLIC HEARINGS

Plan Case Nos. 2377-T-19 – An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with minor changes to Article II (Definitions), Article V (Use Regulations), Article VI (Development Regulations), Article VII (Standards and Procedures for Conditional and Special Uses), Article VIII (Parking and Access), Article IX (Signs and OASS Regulations), Article XI (Administration, Enforcement, Amendments and Fees), Article XII (Historic Preservation), Article XIII (Special Development Provisions), and to make any other changes that are deemed necessary to provide clarity and ease of administration.

Chair Fitch re-opened the public hearing for this case. Lily Wilcock, Planner I, presented an update of the staff report to the Plan Commission. She discussed the following:

1. Section V-2.C.5.b will read as such: “b) In the R-3 zoning district, no more than two principal structures are allowed. No lot will have more than two dwelling units.”

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There was concern that someone might get the impression that they could have two duplex units on the same lot.

2. Comment on the communication received from Deborah Katz-Downie:
Whether via the existing Zoning Ordinance or via one of the proposed text amendments, no one would be able to diverge from the Zoning Ordinance for development regulations without coming before the Zoning Board of Appeals and asking for a variance.
3. Section V-2.C.4 – using “may” or “shall”
City staff had discussed several scenarios. Recording a covenant would only be necessary if a lot could not be legally subdivided. It might cause confusion and unnecessary expense by requiring the recording of a covenant running with the land stating that the property could not be subdivided when in fact, it could legally do so.

She summarized staff findings and read the options of the Plan Commission. She presented staff's recommendation for approval to the Urbana City Council.

Chair Fitch asked if any members of the Plan Commission had questions for City staff.

Mr. Hopkins asked what the point of changing the term “parcel” to “property” is in the Historic Preservation section. Ms. Wilcock explained that the City's Legal staff pointed out there are four different definitions of “owner” in the Historic Preservation article. Planning staff worked with them to choose one definition using the City Code's definition for “property owner”. A property owner and a parcel owner will have similar roles for historic preservation cases.

Mr. Hopkins inquired if a property owner and a parcel owner would ever be two different people. If so, this could affect the percentage of people required to submit an objection for a historic district. Lorrie Pearson, Deputy Director of Community Development Services/Planning Manager, explained that to submit a protest, it is based on a percentage of the number of properties. The number of people and owners are irrelevant.

Mr. Hopkins asked how we decide what a property is. Deeds are given for parcels, not properties. There is a Parcel Identification Number (PIN) assigned to each parcel. Ms. Ouedraogo noted that different entities use both “parcel” and “property”. Ms. Wilcock added that when the Zoning Ordinance refers to property in the Zoning Ordinance, it refers to the land. Generally, there is private property and real property. Parcels are distinguished by parcel lines. For historic preservation cases specifically, we refer to the property. Legal staff wanted to make the language consistent and simpler by using “property” in the proposed text amendments.

Chair Fitch opened the hearing for public input. There was none, so he closed the public input portion and opened the hearing for Plan Commission discussion and/or motion(s).

Mr. Hopkins understood the current language in the Zoning Ordinance to require a conditional use permit to allow two principal structures for all zoning districts except multifamily residential of three or more units. The focus on garage conversions is ironic because we are proposing to change the whole set of categories about multiple structures without any discussion of the affect or reason for it. Therefore, he did not understand why they were making this change. In his research, it appeared to him that these garage conversions amount to the conversion of an accessory use under 750 square feet, which can be within 18 inches of a property line into a

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principal use, which has to meet principal use setback requirements (10-foot rear yard setback and 5-foot side-yard setback in the R-3 Zoning District). This leads him to believe that most garage conversions of the type they are talking about would have to go before the Zoning Board of Appeals anyway because they would need a variance. Ms. Pearson replied that some would require variances. New construction might not require variances because it could be constructed to meet the setback requirements. The proposed change would address both conversions or new construction. There is a long-term goal to look at this issue more holistically, but the proposed change is a way to get closer and perhaps recognize that this is a historic use of property and perhaps should be considered as an acceptable way when the density is not changing.

Mr. Hopkins stated that the wording implies that there could be more than one use on a parcel. All the reasons that have been given for changing this text are duplexes and two buildings in the R-3 Zoning Districts. This could not be done in R-1 or R-2 Zoning Districts, and it would not be needed for R-4 and higher residential zoning districts because there is already a specific exception in the Zoning Ordinance that multi-family dwellings can be in multiple structures on one lot.

Mr. Fell doubted that there was any garage in the City that could be converted into a living space without a building permit and probably without demolishing it and rebuilding because garages do not have the structure required under the Building Code to hold up a residential use. Garages usually do not have footings or foundations and a person cannot build on top of them. So, they would need to be torn down and rebuilt, which would require the property owner to meet the current setbacks or ask for a variance. Therefore, he felt comfortable with the proposed text language. Because it would be converted to a living space, the owner would be required to obtain a building permit.

Mr. Hopkins asked if each of the four cases, where homeowners sought approval of a conditional use permit to allow a second dwelling unit on their property, already had a second floor in their garages. Ms. Wilcock briefly noted details for each case.

Mr. Hopkins inquired if a person seeks a conditional use permit and a variance, would it be considered one case or two. Ms. Pearson replied that it would require two fees. Each approval is recorded individually with separate fees. City staff would do an analysis on each because there are different set of criteria for each. So, there is a significant amount of work involved and significant cost even though it would be presented to the Zoning Board of Appeals on the same night. In addition, there is the cost for the legal ad publication, so fees do add up.

Mr. Hopkins felt that they could make the proposed text more concise for the purpose they are trying to achieve. Because he had no idea of what the implications might be for all other zoning districts, he was inclined not to make it apply to all zoning districts and then create exceptions. He recommended leaving it that conditional use permits are required as the current Zoning Ordinance states except in the R-3 Zoning District. Duplexes would be permitted by right in two buildings. This proposed language would handle everything that the City staff is trying to accomplish without worrying about any unintended consequences.

Mr. Hopkins went on to discuss Section V-3. Table of Permitted Uses, by District in that two different uses being allowed if the uses are permitted by right. Ms. Pearson noted that they had not focused on this because the discussion by the Plan Commission at the previous meeting and a

question by one of the Council members was about the duplex issue. City staff focused on the duplex issue so that people would understand what the proposed language would do. The proposed change in Section V-3 is to clarify current practice. She believed that the language was previously changed unintentionally because that is not how it is practiced.

Mr. Hopkins wondered why it is somewhere else in the Zoning Ordinance allowing multiple structures on one lot in multi-family residential zoned areas. Ms. Pearson explained that this is covered under Section V-3.C.3. City staff intended to clarify to say that if the use is allowed on a site, then it can be in more than one structure with the exception of R-1, R-2 and more specific with R-3 Zoning Districts. As the Zoning Ordinance is currently written, there are so many areas where this regulation did not make sense and could never have been applied that way. It was already addressed with multi-family residential because it is normal to have a complex of apartment buildings. With the exception of the R-1, R-2 and R-3 Zoning Districts, we do not need to worry about the residential neighborhood. So, then what we are really looking at the CRE, the commercial and the industrial lots, which often have multiple structures. City staff could not think of an instance where it would create an issue in where it is not often done. Ms. Wilcock added that in the R-3, duplexes are allowed by right. A property owner could tear their house down and build a duplex by right.

Mr. Hopkins commented that there is the inductive side and the logical side. The inductive side is if they want to do garage conversions and add another building to a lot, which does have an effect on the character of things. However, it is also true that if you attach your garage to your house and built a second dwelling unit on top of the garage, you would not need a conditional use permit because it would be considered one structure.

Mr. Fell asked if City staff was okay with two separate structures being built right next to each other or build two separate structures in one building. He understands what a separate structure is according to the Building Code, but he wanted to know what zoning considers a separate structure to be. Ms. Pearson replied that she did not know if “separate structure” was defined in the Zoning Ordinance. If not, then they would refer to the Building Code. Zoning is looking for impact to surrounding properties.

Mr. Weisskopf asked Mr. Hopkins what he was worried about happening. Mr. Hopkins replied that initially there had been no discussion about the proposed text language being applied to all zoning districts. He was now comfortable that the default is there can be multiple structures. Another concern was with the exceptions for R-1, R-2 and R-3, but he believes the exceptions are acceptable.

Ms. Ouedraogo wondered if Mr. Weisskopf had any potential problems with the proposed text language. Mr. Weisskopf stated that his understanding is that the proposed text language streamlines a process that there are already layers of protection for. Mr. Hopkins was saying that there are these unforeseen consequences of approving the proposed text amendment that we do not yet know what they are but that they are of such an extent that the Plan Commission should consider them. He is a less is more type of person and as for the time it takes to do things and the level of administration that is piled on to a process just means more time and energy.

Mr. Fitch stated that he had more of a concern about neighborhood business having two principal structures. Ms. Wilcock noted that there are 27 properties zoned B-1, Neighborhood Business,

and 81% of them are non-conforming already. It is fairly difficult to establish one use on these lots, they would need variances to be able to establish a second principal use if they had enough space.

Mr. Hopkins suggested the following changes to the proposed text amendment language:

- Section V-2.C Principal and Accessory Uses to read as such, *“In any zoning district, more than one principal structure per lot may be allowed as follows:”*
- Section V-2.C.4 – Add an explanation similar to Lily’s for why it states “may” rather than “shall”
- Section V-2.C.5.b – Strike *“No lot will have more than two dwelling units.”* because it is undermining the logic of the Zoning Ordinance. Ms. Pearson suggested the following language, *“In the R-3 zoning district, no more than two principal structures and no more than two dwelling units are allowed per lot.”*

Mr. Hopkins moved that the Plan Commission forward Plan Case No. 2377-T-19 to the Urbana City Council with a recommendation for approval including his suggestions for Section V-2.C and V-2.C.4 and Ms. Pearson’s suggested change for Section V-2.C.5.b. Mr. Fell seconded the motion. Roll call on the motion was as follows:

Mr. Allred	-	Yes	Ms. Billman	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Ms. Ouedraogo	-	Yes
Mr. Weisskopf	-	Yes			

The motion passed by unanimous vote.

Ms. Pearson noted that this case would be forwarded to City Council on August 5, 2019.

Wilcock, Lily

From: Deborah Katz-Downie <dkatzdownie@gmail.com>
Sent: Wednesday, July 17, 2019 3:44 PM
To: bjackerson@hotmail.com; dustinallred@hotmail.com; jane@janebillman.com; Esarey@gmail.com; andrewfell@comcast.net; tfitch71v@gmail.com; ldhopkins@sbcglobal.net; Chenxi.yu28@gmail.com
Cc: Andel, Teri; Garcia, Kevin; Pearson, Lorrie; Ricci, Marcus; Wilcock, Lily; dkatzdownie >> Deborah Katz-Downie
Subject: PLAN COMMISSION - E-Packet for the 07-18-2019 Regular Meeting
Attachments: 01 - Agenda - 07-18-2019.pdf; 02 - DRAFT Meeting Minutes - 04-04-2019.pdf; 02 - DRAFT Meeting Minutes - 06-06-2019.pdf

Dear City of Urbana Plan Commission,

My name is Deborah Katz-Downie and I am a resident at 209 W Delaware Avenue. I have reviewed the attached Case Number 2377-T19 May 15, 2019 and May 31, 2019 Memos. With regard to Article V , Use Regulations, I understand that the Plan Commission has primarily needed to address homeowners who would like to build a dwelling above their garage, that is, a separate structure on their Lot that already conforms to the Front and Side Yard Setback Requirements, and that the Total Living Space would not exceed the F.A.R for the Lot. Therefore, I recommend clarifying the proposed language to include the above:

Allow two Housing Units on one Lot by Right in an R-3 Zoning district if, and only if, the two Housing Units are: in two separate structures, meet the Front Yard and Side Yard Setback Requirements, and the Total Living Space does not exceed the allowed Floor to Area Ratio (F.A.R.) for the Lot.

Thank you for your attention to this clarification,

Deborah Katz-Downie
209 W Delaware Ave
Urbana, IL 61801

----- Forwarded Message -----

Subject:[wuna-list] Fw: PLAN COMMISSION - E-Packet for the 07-18-2019 Regular Meeting
Date:Sat, 13 Jul 2019 13:27:07 +0000
From:Esther Patt <estherpatt@hotmail.com>
Reply-To:estherpatt@hotmail.com
To:wuna list <wuna-list@googlegroups.com>

This is the mailing from City of Urbana for the Plan Commission meeting next Thursday, July 18. The Commission will be considering a plan case with numerous changes to the text of the Zoning Ordinance. Links are below for the text (strike-through for deletions and underline for new text).

Esther Patt
for the WUNA Steering Committee

From: Andel, Teri <tmandel@urbanaininois.us>
Sent: Friday, July 12, 2019 4:23 PM
To: Andel, Teri
Cc: Pearson, Lorrie
Subject: PLAN COMMISSION - E-Packet for the 07-18-2019 Regular Meeting

Good Afternoon,

Attached, please find the agenda for the upcoming meeting and the DRAFT minutes for the April 4th and June 6th meetings. The staff memos may be found on the City of Urbana website; you may use the following hyperlinks to access the documents:

Plan Case No. 2377-T-19 (Original Memo dated 05-15-2019)
<https://www.urbanaininois.us/sites/default/files/attachments/06%20-%20Staff%20Report%20-%202377-T-19.pdf>

Plan Case No. 2377-T19 (Supplemental Memo dated 05-31-2019)
<https://www.urbanaininois.us/sites/default/files/attachments/07%20-%20Staff%20Report%20Supplemental%20-%202377-T-19.pdf>

Plan Case No. 2384-T-19
<https://www.urbanaininois.us/sites/default/files/attachments/08%20-%20Staff%20Report%20-%202384-T-19.pdf>

The Plan Commission meeting is scheduled to take place at **7:00 p.m. on Thursday, July 18, 2019 in the City Council Chambers**, Urbana City Building, 400 South Vine Street. Should you have any difficulties in accessing the materials or if you have any questions, please contact our office. Thank You!

Have a Great Day!

Teri Andel

Administrative Assistant II
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Website | www.urbanaininois.us

*“Laugh when you can,
apologize when you should,
and let go of what you can't change.
Life's too short to be anything... but happy.”
By Unknown Author*

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The opinions expressed on this unmoderated list do not necessarily reflect those of the Wuna Steering Committee. Please maintain a civil tone when posting or you risk removal from the list.

Exhibit C

Omnibus II

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To learn how to join WUNA visit <http://www.westurbana.org/join.php>

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