

**ORDINANCE NO. 2019-08-041**

**AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE**

**(Omnibus Text Amendment III – Plan Case No. 2384-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, do 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. 2384-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 held a public hearing on the petition on July 18, 2019; and

**WHEREAS**, the Plan Commission voted seven ayes to zero nays on July 18, 2019, to forward Plan Case No. 2384-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 IV, "Districts and Boundaries," Section IV-1, "Number and Designation of Districts," Section IV-2, "Purpose of Districts."
- B. Article V, "Use Regulations," Section V-3, "Table of Permitted Uses, by District."
- C. Article VI, "Development Regulations," Section VI-8. "Outdoor Lighting Requirements."
- D. Article VIII, "Parking and Access," Section VIII-4, "Location of Parking Facilities," Table VIII-7, "Parking Requirements by Use."
- E. Article X, "Nonconformities," Section X-2, "Extension or Expansion of Nonconformities."
- F. Article XI, "Administration, Enforcement, Amendments and Fees," Section XI-2, "Plan Commission," Section XI-3, "Zoning Board of Appeals."
- G. Article XIII, "Special Development Provisions," Table of Contents.

**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 \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSTAINED:

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

**APPROVED BY THE MAYOR** this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**Diane Wolfe Marlin, Mayor**

**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, Phyllis D. Clark, certify that I am the appointed and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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 2384-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 \_\_\_\_\_, 2020, 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 \_\_\_\_\_, 2020.

## ARTICLE IV. DISTRICTS AND BOUNDARIES

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### Section IV-1. Number and Designation of Districts

In order to carry out the purposes of this Ordinance, as specified in Section I-1, by classifying, regulating, and restricting the location of buildings erected or structurally altered for specific uses, by regulating the use of land and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings, and by regulating off-street parking facilities for certain uses, the City of Urbana, Illinois, is hereby divided into 21 zoning districts, which are hereby established as follows:

AG	Agriculture
B-1	Neighborhood Business
B-2	Neighborhood Business – Arterial
B-3	General Business
B-3U	General Business – University
B-4	Central Business
B-4E	Central Business – Expansion
CCD	Campus Commercial District
CRE	Conservation-Recreation-Education
IN-1	Light Industrial/Office
IN-2	Heavy Industrial
MIC	Medical Institutional Campus
MOR	Mixed Office Residential
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single- and Two-Family Residential
R-4	Medium Density Multiple-Family Residential
R-5	Medium High Density Multiple-Family Residential
R-6	High Density Multiple-Family Residential
R-6B	High Density Multiple-Family Residential—Restricted Business
R-7	University Residential

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## ARTICLE V. USE REGULATIONS

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

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D. Properties within the Boneyard Creek District are subject to special rules and procedures as set forth in Section XIII-4.

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## ARTICLE VI. DEVELOPMENT REGULATIONS

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### Section VI-8. Outdoor Lighting Requirements

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#### C. Applicability

1. It shall be unlawful for any person, firm, or institution to install or operate any outdoor light fixture on private property which does not comply with the requirements of this Ordinance. Lighting fixtures on single and two-family residential properties shall not be subject to the requirements of Section VI-8.E.

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## ARTICLE VIII. PARKING AND ACCESS

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### Section VIII-4. Location of Parking Facilities

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

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### TABLE VIII-7. PARKING REQUIREMENTS BY USE

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

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## ARTICLE X. NONCONFORMITIES

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### Section X-2. Extension or Expansion of Nonconformities

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- B. No nonconforming use of land, except accessory parking, shall be extended or expanded.
- C. No nonconforming building, structure, or accessory parking area shall be enlarged, extended, expanded, or altered in any way which would increase its nonconformity, nor shall such a building thereafter revert to its prior state of greater nonconformity, except as provided in Section X-8. No nonconforming structure shall be moved, for any reason or for any distance, unless it shall thereafter be a conforming structure or building.

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## **ARTICLE XI. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FEES**

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### **Section XI-2. Plan Commission**

- A. *Appointment and Membership.* Refer to Chapter 18 of the Urbana City Code.
- B. *Proceedings of the Plan Commission.*
  - 1. All meetings shall conform to the requirements of the Open Meetings Act. All meetings shall be held in a public place designated by the Chair, and be open to the public, except as allowed by law. Any interested person may appear at any open meeting and be heard either in person or by an authorized agent or attorney.
  - 2. A quorum shall consist of a majority of the Plan Commission members then holding office. No action shall be taken by the Plan Commission unless a quorum is present.
  - 3. The Plan Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.
  - 4. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.
  - 5. Every rule, regulation, amendment, order, requirement, decision, or determination of the Plan Commission shall, without undue delay, be filed in the Office of the City Clerk, and shall be a public record.
  - 6. In the performance of its duties, the Plan Commission may incur such expenditures as are authorized by the City Council.
  - 7. The City Planner, or his/her representative, shall serve as Secretary to the Plan Commission.
  - 8. The City Planner shall advise the Urbana Plan Commission and shall make oral or written recommendations as necessary concerning zoning matters and other business of the Plan Commission.
- C. *Powers and Duties of the Plan Commission.*

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### **Section XI-3. Zoning Board of Appeals**

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- B. *Proceedings of the Board*
  - 1. All meetings shall conform to the requirements of the Open Meetings Act. All meetings shall be held in a public place designated by the Chair, and be open to the public, except as allowed by law. Any interested person may appear at any open meeting and be heard either in person or by an authorized agent or attorney.

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2. The Board shall adopt rules necessary for the conduct of its affairs and consistent with the provision of this Ordinance and the laws of the State of Illinois.
3. *Authorizations.*
  - a) All decisions shall be made by a roll call vote and shall require at least a majority of a quorum.
  - b) Conditional use requests may be granted by a simple majority.
  - c) Conditional use requests in which a valid written protest has been filed with the Secretary of the Board require a 2/3 vote.
  - d) Minor Variance requests may be granted by a simple majority.
  - e) Major Variance requests require a 2/3 vote and if so voted upon shall be forwarded to the Urbana City Council for final approval.
  - f) Appeals may be granted by a simple majority.
4. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.
5. A quorum shall consist of a majority of the Board members then holding office. No action shall be taken by the Board unless a quorum is present.
6. Every rule, regulation, amendment, order, requirement, decision, or determination of the Board shall be signed by the Chair or Acting Chair, attested by the Secretary, and filed in the Office of the Board. The minutes, files, and records of the Board shall be open to inspection by the public at all reasonable times, in the Office of the Zoning Administrator.
7. In the performance of its duties, the Board may incur such expenditures as are authorized by the City Council.
8. The Director of the Department of Community Development Services, or his/her representative, shall serve as Secretary to the Board.
9. Except for the Board's recommendation on a major variance, no decision of the Board shall be subject to review, modification, or reversal by the City Council or any City official, but shall be subject to judicial review pursuant to the provisions of the Illinois Administrative Review Act. (Ord. No. 1999-07-064, 07-06-99)

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## **ARTICLE XIII. Special Development Provisions**

- Section XIII-1. Telecommunications Facilities, Towers and Antennas**
- Section XIII-2. Mobile Home Parks**
- Section XIII-3. Planned Unit Developments**
- Section XIII-4. Special Procedures in the Boneyard Creek District**
- Section XIII-5. Neighborhood Conservation Districts**
- Section XIII-6. Condominium Conversions**
- Section XIII-7. Wind Energy Systems**
- Section XIII-8. Southeast Urbana Overlay District**

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