



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Jeff Engstrom, AICP, Planner II

DATE: August 2, 2013

SUBJECT: Plan Case 2208-T-13: Multipart Text Amendment to the Urbana Zoning Ordinance

Introduction

The Zoning Administrator is requesting a multipart amendment to the Zoning Ordinance. The amendment includes such changes as updating definitions, reorganizing sections, revising allowed uses and parking requirements, and a variety of other minor changes. The changes are requested to assist the daily administration of the Zoning Ordinance by reducing inconsistencies and updating regulations to meet current professional practices. This set of changes is also proposed to correct typographical errors and inconsistencies that have been identified since the ordinance was last updated. On their own, many of these changes would not otherwise warrant a separate text amendment, and are therefore combined into an “omnibus” amendment. In addition to these text changes, staff is proposing to add graphic illustrations to Article VI to better communicate allowed encroachments into required yards.

Background

The latest series of omnibus Zoning Ordinance amendments were approved in 2011. Since then there have been seven text amendments to the ordinance, which should be incorporated into a republished document. Republishing the Zoning Ordinance creates an opportunity for staff to make several needed minor updates in the form of an omnibus text amendment. Current professional practice and revisions to the City’s adopted plans and policies suggest additional revisions to the Ordinance. Some changes have been previously discussed, while others are in response to new development patterns, professional practices, City policies, or specific requests by policy makers. Many of the adopted amendments are directly related to Goals and Objectives or Implementation Strategies from the 2005 Urbana Comprehensive Plan. In addition, some minor typographical errors need to be corrected.

Future and pending amendments to the Zoning Ordinance in addition to those proposed as part of this case include changes to historic landmark nomination procedures, development of new downtown design guidelines and creation of a University District distinct from the existing CRE – Conservation-Recreation-Education District.

Discussion

This memorandum discusses the more significant Zoning Ordinance changes, and summarizes all of the minor changes. 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. Staff is suggesting a limited number of grammatical corrections and organizational changes.

Upon adoption of this multipart amendment, staff will republish the Zoning Ordinance, including several text amendments adopted over the past two years. These adopted amendments will be summarized in the table which precedes the text of the Zoning Ordinance upon republishing. The following is a list of text amendments that have been adopted since the last Zoning Ordinance publication in 2011, followed by plan case number and adopting ordinance number:

- Portable Storage Container Regulations (2142-T-11, 2011-09-108);
- Legal Notification Requirements (2155-T-11, 2011-11-121);
- Parking Requirements in the CCD Zone (2162-T-11, 2011-11-123);
- Hotel and Motel Occupancy Duration Regulations (2165-T-11, 2012-02-019);
- Creation of IN-1, Light Industrial/Office and IN-2, Heavy Industrial Districts (2167-T-12, 2012-05-049);
- Gun Sales and Shooting Range Regulations (2181-T-12, 2012-08-084); and
- Allow Pawn or Consignment Shop in B-3 District (2192-T-12, 2012-11-106).

The following summarizes the miscellaneous proposed changes organized by Zoning Ordinance article. Changes are listed in bullet points, followed by a brief explanation in italics.

Text Changes

Article I. General Provisions

- Add paragraph I-1.R.

Add that a policy to be implemented by the Zoning Ordinance is to provide procedures for appeals from zoning regulations in conformance with state law.

Article II. Definitions

- Add definitions for “Assisted Living Facility”, “Carport”, “Farmer’s Market”, and “Roadside Produce Sales Stand”.

The term “Assisted Living Facility” is replacing “Home for the Aged” in Table V-1, Table of Uses. “Assisted Living Facility” is a more modern and specific term. “Carport” is a term that was referenced in the ordinance but never defined. “Farmer’s Market” is a new principle use proposed to be added to Table V-1. Farmer’s Markets are a gathering of multiple farmers or artisans and involve sales of produce, other foods, and crafts. “Roadside Produce Sales Stand” was previously listed in Table V-1, but had not been defined. It is different from “Farmer’s Market” in that it is operated by an individual farmer and only involves the sale of produce.

- Amend definitions for “Gross Floor Area” and “Open Space”.

The definitions for Gross Floor Area and Open Space are being amended to remove regulations from the definition. Those regulations are being moved to Article VI.

- Revise Figure 2. Open Space Ratio.

This graphic is being revised for the sake of clarity and accuracy.

Article V. Use Regulations

- Amend V-2.D.7.c to allow sheds to be up to 120 square feet rather than 100 square feet.

This change will make the Zoning Ordinance consistent with the City’s adopted building code (International Building Code series).

- Amend V-9 to remove references to BOCA Building Codes.

The City has adopted the International Building Code series, which has superseded BOCA. This change eliminates a distinction between BOCA codes that the City no longer uses.

- Amend V-12 to add intent to Home Occupation regulations.

This change will clarify the intent of home occupations and what kinds of retail uses are allowed. The proposed change will explicitly prohibit uses similar to retail stores, which are allowed only in business districts. The proposed changes also clarify the limit of deliveries allowed to a home occupation per day.

Table V-1. Table of Uses

- Add use category for “All Other Retail Uses” to be permitted by right in the B-3, B-3U, B-4,

B-4E districts, with a Conditional Use Permit in the R-6B, B-2, MOR, and IN-1 districts, and with a Special Use Permit in the B-1 district.

Because the current Table of Uses does not include an “ All Other Retail Uses” category, those retail uses not specifically listed are now prohibited. Adding a catch-all category for retail uses would mean that the Table of Uses would not have to be amended each time a new retail type wants to open in Urbana. The Zoning Ordinance already contains a similar catch-all category for industrial uses.

- Allow “Church, Temple, or Mosque” by right in the B-3 district and with a Conditional Use Permit in the IN-1 district.

Currently “ Church, Temple, or Mosque” requires a Special Use Permit in the B-3 district. The Zoning Administrator is proposing this change in order to recognize that religious institutions can fit well in a business district as such uses will not cause major impacts in the B-3 district. Peak hours for churches, temples and mosques are typically not during the normal business workday. This change will also allow for continued use of an existing church building in the IN-1 district.

- Add use category for “Farmer’s Market” to be permitted by right in the B-3, B-4, B-4E districts, and with a Special Use Permit in the CRE district.

This proposed change recognizes the growing popularity of Farmers Markets which is proposed to be allowed by right in higher business zoning districts. It also allows for farmer’s markets in the CRE district, which includes parks, schools, and University properties.

- Add use category for “Movers” and “Truck Rental” to be permitted by right in the B-3, IN-1, and IN-2 districts.

This proposed change will allow for services such as movers and truck rentals to locate in the City without the need for the Zoning Administrator to make a special determination of where they are allowed. These businesses are found in the B-3, IN-1 and IN-2 districts currently, and are not compatible with districts of lower intensity due to frequent truck traffic.

- Allow “Dwelling, Single-Family (Extended Occupancy)” by right in the R-7 district.

The category “ Single-Family Dwelling (Extended Group Occupancy)” addresses a legal distinction that State-approved foster family households might otherwise technically exceed the maximum number of unrelated individuals. Single-Family Dwellings are allowed by right in the R-7 Zoning District, and so should Extended Occupancy Dwellings.

- Replace the term “Home for the Aged” with “Assisted Living Facility” .

This proposed change will update the name of this use category to a more modern term. There are no proposed changes for the associated use permissions.

Article VI. Development Regulations

- Edit and expand Section VI-4. Edit VI-4.A for clarity.
- Add Section VI-4.D, Open Space.

Open Space regulations which are now imbedded in the Definitions Section will be moved to Article VI, and wording changes are proposed to clarify provisions with how the Zoning Administrator interpretations.

- Add illustrations to Section VI-5.B showing where structures are allowed to encroach into required yards.

The primary change is that Paragraph 5 is being expanded to allow for reconstruction of existing porch stairs into a required yard, or expansion of those stairs when necessary to bring them into conformance with the building code. This change will eliminate the need for homeowners to seek a variance when replacing or repairing porches with stairs that are now legally non-conforming.

- Modify language for clarity in Paragraph VI-5.B.3, 5 and 9.
- Move language from Paragraph VI-5.B.5 to Paragraph VI-5.B.15.
- Amend Table VI-3, footnote #3.

This amendment will correct footnote references to Section VI-5.F.3 and VI-5.G.1.

Article VIII. Parking and Access

- Amend Section VIII-3.F for clarity.

The proposed amendment would specify that trees planted must be shade trees. The amendment would also improve the wording of the section.

- Revise Section VIII-3.H to address trailers and recreational vehicles.

This clarification allows trailers to be stored as well as recreational vehicles, watercraft, and off-road vehicles. And to aid in enforcement, staff is also proposing to amend paragraph VIII-3.H.4 to clarify that recreational vehicles may not be occupied for any purpose while stored at a residence.

- Add Paragraph VIII-5.L.

This paragraph is proposed to incorporate a new incentive related to the Legacy Tree program. This program aims to preserve unique, notable and old trees. The incentive would allow for a reduction in parking requirements (up to 30 percent) when required parking would impact the root zone of a Legacy Tree. The incentive would not apply to single-family and duplex residences.

- Amend Table VIII-7, Parking Requirements by Use.

Minor changes to the titles of some uses, including Public Utility Plants, Building Material/Garden Sales Stores, Hospital or Clinic, Church or Temple, and Gasoline Station are proposed. Staff is also proposing to eliminate outdoor seating for restaurants from the calculation of “floor area” for the purposes of calculating minimum parking requirements. The reasoning for this is that outdoor seating is only used for a portion of the year, and even during times when outdoor seating is used, customers often simply shift from sitting indoors to outdoors and no additional parking demand is created.

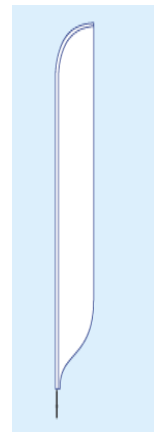
Staff is also proposing to specify a parking requirement for Senior High Schools, which was removed in a previous text amendment. This requirement adds one parking space per every 50 classroom seats in the 11th and 12th grade.

Finally, staff is proposing to add a parking requirement for College or University Facility. The required amount of parking is to be determined by the individual uses for which the lot serves. This is consistent with current practices and with the City of Champaign.

Article IX. Sign and OASS Regulations

- Amend Section IX-3.D to correct a typographical error.
- Amend Section IX-4.I.3to clarify temporary sign allowances.

The proposed amendment would clarify that vertical feather banners (see illustration to right) are allowed with a temporary sign permit with limitations on the number and maximum number of days permitted per year.



- Add a missing footnote to title of Table IX-9, Freestanding Shopping Center Signs.
- Clarify that height limits in Table IX-10, Standards for Multifamily Residential Identification Signs, only apply to freestanding signs.

Article XI. Administration, Enforcement, Amendments and Fees

- Add Paragraph XI-1.B.12 to authorize Zoning Administrator to issue Home Occupation Permits.
- Amend Paragraph XI-3.C.2.c to remove redundant variance criteria language.

This paragraph requires the Zoning Board of Appeals to initially make a finding that special

circumstances or practical difficulties exist regarding a property. The next six criteria address whether or not there are special circumstances or practical difficulties. The initial determination is made redundant by the next six criteria, so staff proposes to remove the requirement for the initial finding.

- Amend Paragraph XI-12.D, E and G regarding the MOR Development Review Board.

This board only meets as required and may hold meetings less than once per year. Therefore the board should elect a chair as needed and should not be required to meet annually to elect a chair.

Article XII. Historic Preservation Ordinance

- Amend Paragraph XII-3.C to remove the one year term limit on Chair and Vice Chair.

Administration of this commission would be made easier if the Chair and Vice Chair are elected as needed.

Article XIII. Special Development Provisions

- Amend Section XIII-3.C to correct numbering errors.
- Amend Section XIII-4 regarding the Boneyard Creek District.

The proposed amendment would update the Zoning Ordinance to reference the 2008 Boneyard Creek Plan. It would also allow for location of facilities based on future amendments to the Boneyard Creek Plan. Finally, the proposed amendment would clarify procedures for Creekway permit applications.

Summary of Staff Findings

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

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

Options

The Plan Commission may choose to forward the amendment in whole or with specific suggested changes. If the Plan Commission feels that a certain change requires additional analysis and discussion, a separate Plan Case can be created and discussed at a later meeting.

The Plan Commission has the following options for recommendation to the Urbana City Council regarding Plan Case 2208-T-13. The Plan Commission may:

- a. forward this case to City Council with a recommendation for approval as presented herein;
- b. forward this case to City Council with a recommendation for approval as modified by specific suggested changes; or
- c. forward this case to City Council with a recommendation for denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Plan Commission recommend **APPROVAL** of the proposed multipart text amendment to the Zoning Ordinance in its entirety, as presented herein.

Attachments:

Exhibit A: Zoning Ordinance Proposed Changes

Exhibit B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Exhibit A: Proposed Zoning Ordinance Changes

Section I-1

I-1.R To provide procedures for appeals, variations from, and amendments to the Zoning Ordinance, in conformance with the State Zoning Act (65 ILCS 5/11-13-1).

Section II-3

Assisted Living Facility: A facility that provides residences and care for seniors and others in need of assistance with some activities of daily living, but not in need of nursing care.

Building Area: See “Floor Area, Building Gross.”

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

Dwelling, Single-Family (Extended Group Occupancy): A building containing only one dwelling unit and occupied at any given time by a group consisting of only:

1. A household as defined herein; and
2. Such additional persons who are permanent members of a housekeeping unit, and in a *loco parentis* relationship with one or more members of the basic group such as foster children or persons in a group home licensed by the State of Illinois.

Farmer’s Market: An event held periodically at which a group of farmers and artisans sell produce they have grown, goods they have prepared, and/or crafts they have created directly to the public.

Floor Area, Gross: The total area of all floor levels of a building. Gross floor area will be measured to the outer face of the exterior wall, or in the absence of an exterior wall, to the furthest extension of the edge of the floor surface. Gross Floor Area regulations are found in Section VI-4.

~~Gross Floor Area includes public egress/ingress balconies, stairs, and stairwells.~~

~~Gross Floor Area excludes:~~

- ~~1. Areas used for parking facilities within the principal building.~~
- ~~2. Areas used as private balconies.~~
- ~~3. Areas used for basements in single family dwellings.~~
- ~~4. Areas used for and solely dedicated to the housing of mechanical systems.~~
- ~~5. Areas used as unfinished attics.~~

- ~~6. Areas used for detached accessory structures to single and two-family dwellings and which are used for storage or parking. Said accessory structure must conform to Section V-2.D.7.~~

Open Space: The portion of ground level area of a lot which is unobstructed from the ground level upwards and which meets the following criteria listed in Section VI-4.D., except as provided in point 5 below:

- ~~1. Its minimum dimensions are 15 feet by 15 feet;~~
- ~~2. At least 50% of such area is in lawns, live plantings, and other permeable ground cover;~~
- ~~3. No more than 50% of such area is covered by paving for sidewalks, leisure and recreational areas such as patios, tennis courts, and swimming pools;~~
- ~~4. No part of such area is used for parking, drives, or loading areas;~~
- ~~5. For residential uses, at least 75% of such area shall be accessible to and for the use of all residents of the building; except that, in the case of a residential building where all units open directly onto open space at ground level, up to 75% of such required open area may be divided, as equally as practicable, among all the dwelling units as private open space, provided that each unit shall have at least 150 square feet with a minimum dimension of nine feet.~~

~~The following areas may also be considered open space, provided that they do not comprise more than 25% of the total open space, and shall be considered in the percentage limitation specified in point 3 above:~~

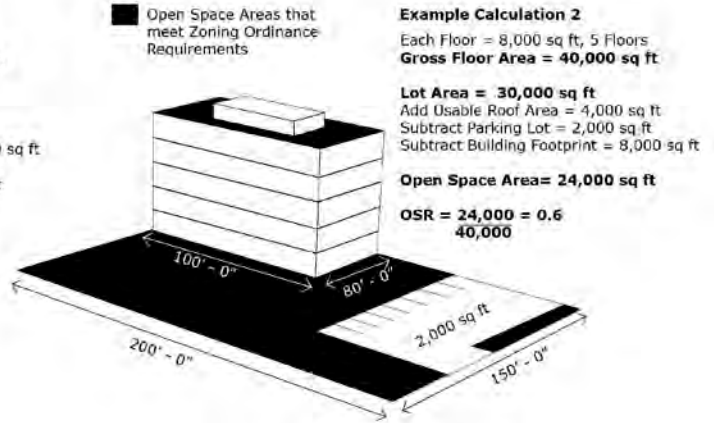
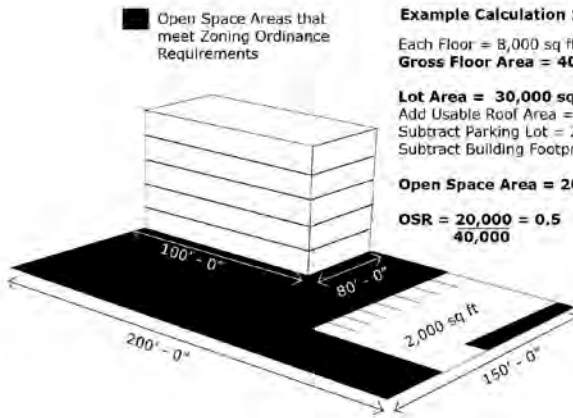
- ~~1. Roof areas free of all obstructions and available for safe and convenient use for leisure and recreation, and with minimum dimensions of 15 feet by 15 feet;~~
- ~~2. Private balconies having a minimum dimension of four feet, six inches by four feet, six inches if there is a minimum clearance of seven feet six inches between the floor of such balcony and the underside of the balcony immediately next above;~~
- ~~3. The ground area immediately below a private balcony if there is a minimum clearance of seven feet six inches between the ground level and the underside of the balcony immediately next above.~~

Roadside Produce Sales Stand: A temporary sale of agricultural produce from an individual producer. Goods may be sold from a temporary shelter such as a tent or from a vehicle. Roadside sales require a permit from the City Clerk.

Figure 2. Open Space Ratio

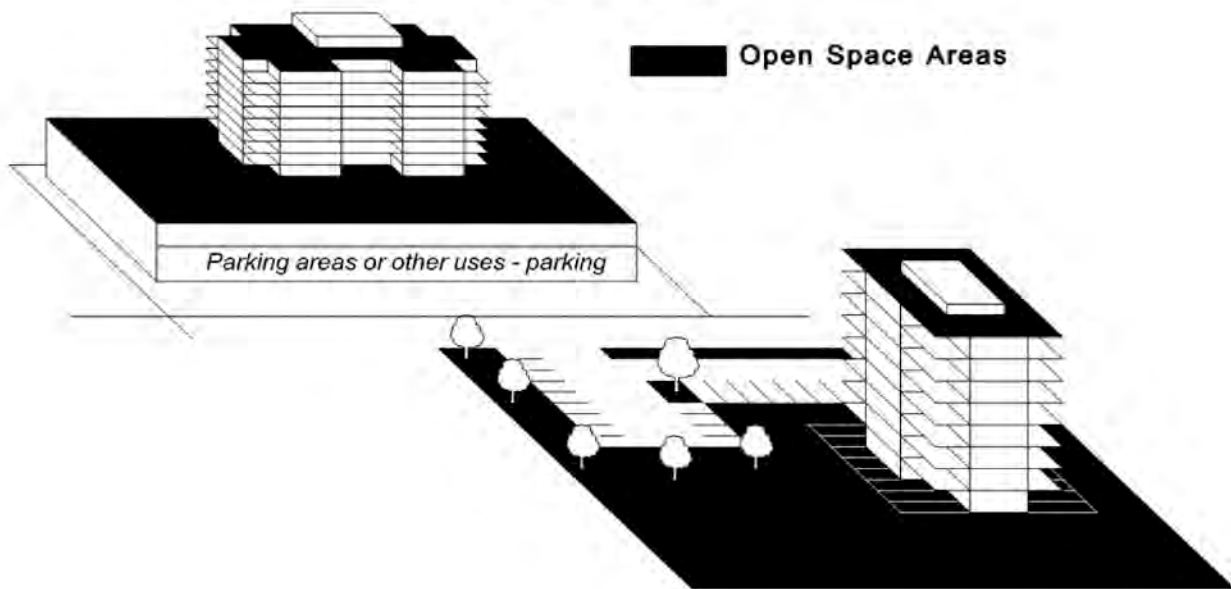
Open Space Ratio

$$\text{Open Space Ratio} = \frac{\text{Open Space Area}}{\text{Gross Floor Area}}$$



Note: All Open Space and Gross Floor Area must meet all requirements of Article II of the Urbana Zoning Ordinance

Open Space



Note: All Open Space and Gross Floor Area must meet all requirements of Article II of the Urbana Zoning Ordinance

Section V-2.D.7.c

c) The gross floor area of a shed, as defined herein, shall not exceed 400 120 square feet.

Section V-9

B. General Provisions

- ~~1.~~ ~~The provisions of the BOCA National Building Code, as adopted by the City of Urbana, shall apply to common-lot-line dwelling units rather than the provisions of the BOCA National Existing Structures Code, even if a structure exists at the time the subdivision is recorded.~~
- ~~2.~~
1. All common-lot-line dwelling units shall have an Owner's Certificate recorded with the Champaign County Recorder's Office providing for the perpetual maintenance of the common-lot-line dwelling units as specified in Section 21-19-D of Chapter 21 of the Urbana City Code.
- ~~3.~~
2. All fee simple transfers of ownership that were approved by the City of Urbana prior to May 1, 1993 shall be deemed to be legal and conforming uses and shall not require any further approval of a subdivision plat to be established as common-lot-line dwelling units.

Section V-12. Regulation of Home Occupation.

The intent of this section is to allow for and regulate Home Occupations in such a manner as to prevent such uses from detracting from the residential character of the neighborhood in which they occur. Home Occupations shall be limited to accessory uses that take place entirely within a principal dwelling (or garage for vehicle repair). Home Occupations may accept customers/clients by appointment only, and are limited in the number of deliveries that may occur. No retail sales or stock in trade, other than sales incidental to a professional or service use shall be allowed. Limited mail-order and internet sales shipped to customers may be allowed.

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

- A. Without a Certificate of Occupancy, any activity that meets (but does not exceed) the following criteria:
 1. There are no persons, other than members of the immediate family residing in the dwelling unit, engaged in the home occupation; and
 2. There are no signs on the premises identifying the home occupation other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and
 3. The occupation is wholly operated and contained within the dwelling; and
 4. No materials or equipment are stored outside the dwelling unit; and

5. No more than two commercial or business vehicles used in conjunction with the home occupation may be on the premises at any one time and no more than five vehicle visits or deliveries may occur per day; and
6. No more than two commercial or business vehicles used in conjunction with the home occupation may be parked on the premises or on an abutting street; and
7. No mechanical or electronic equipment is used which creates objectionable noise, odors, or electronic impulses, or otherwise create a nuisance discernible beyond the property lines of the premises.

Table V-1

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
<u>All Other Retail Uses</u>							C			S	C	P	P	P	P			C	C	
<u>Farmer's Market</u>												P	P	P	P		S			
Church, Temple, or Mosque	S	S	S	P	P	P	P	S	S	P	P	S	P	P	P		S	P	C	
<u>Movers</u>													P						P	P
Automobile/Truck Repair													P		C				P	P
<u>Truck Rental</u>													P						P	P
Dwelling, Single-Family (Extended Occupancy)	P	P	P	P	P	P	P	P	P	C	P		P					P		
<u>Home for the Aged Assisted Living Facility</u>				C	P	P	P				P	C	P	C	C			P		

Section VI-4 Floor Area and Open Space

A. Floor Area shall be regulated as follows:

Gross floor area will be measured to the outer face of the exterior wall, or in the absence of an exterior wall, to the furthest extension of the edge of the floor surface.

1. Gross Floor Area includes stairs, stairwells and public egress/ingress balconies, stairs, and stairwells.
2. Gross Floor Area excludes:
 - a) Areas used for parking facilities within the principal building.

- b) Areas used as private balconies.
- c) Areas used for basements in single-family dwellings.
- d) Areas used for and solely dedicated to the housing of mechanical systems.
- e) Areas used as unfinished attics.
- f) Areas used for detached accessory structures to single and two-family dwellings and which are used for home maintenance, storage or parking. Said accessory structure must conform to Section V-2.D.7.

D. Open Space

Open space shall be provided in the amounts required in Table VI-3 of the Urbana Zoning Ordinance. The following restrictions shall apply to required open space areas:

1. Its minimum dimensions are 15 feet by 15 feet;
2. At least 50% of such area is in lawns, live plantings, and other permeable ground cover;
3. No more than 50% of such area is covered by paving for sidewalks, leisure and recreational areas such as patios, tennis courts, and swimming pools;
4. No part of such area is used for parking, drives, or loading areas;
5. For residential uses, at least 75% of such area shall be accessible to and for the use of all residents of the building; except that, in the case of a residential building where all units open directly onto open space at ground level, up to 75% of such required open area may be divided, as equally as practicable, among all the dwelling units as private open space, provided that each unit shall have at least 150 square feet with a minimum dimension of nine feet.

The following areas may also be considered open space, provided that they do not comprise more than 25% of the total open space, and shall be considered in the percentage limitation specified in point 3 above:

1. Roof areas free of all obstructions and available for safe and convenient use for leisure and recreation, and with minimum dimensions of 15 feet by 15 feet;
2. Private balconies having a minimum dimension of four feet, six inches by four feet, six inches if there is a minimum clearance of seven feet six inches between the floor of such balcony and the underside of the balcony immediately next above;
3. The ground area immediately below a private balcony if there is a minimum clearance of seven feet six inches between the ground level and the underside of the balcony immediately next above.

Section VI-5.B

B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment, or swimming pool shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):

1. Cornices, sills, belt courses, eaves, and other ornamental features to a distance of not more than two feet, six inches.

2. Fire escapes to a distance of not more than five feet, or enclosed fire escapes and enclosed balconies leading from fire towers in required rear yards, when such projection is not more than ten feet and when the main structure was built prior to the November 6, 1950. The encroachment or projection shall not be permitted on new construction.

~~3. Uncovered stairways and necessary landings, to a distance of not more than four feet, six inches, provided that each stair and landing shall not extend above the entrance floor of the building, except for the railing, not to exceed three feet in height, when the main structure was built prior to November 6, 1950. This encroachment or projection shall not be permitted on new construction.~~

3. Access to buildings and outdoor living areas when consisting of uncovered stairways, stairway landings, and stoops which are at or below the plane of the ground floor of a building constructed prior to November 6, 1950, may encroach up to five feet into a required yard, but not within six inches of a property line.

4. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided further, that in no case shall a bay window or chimney project into a required yard more than one-third of said side yard.

~~5. Terraces and open unenclosed porches, that is, porches which may have roofs and mesh screening but which are not glassed in or otherwise walled or enclosed above a height of two and one-half feet above the porch floor, to an encroachment of five feet into a minimum required yard outlined in Table VI-3, regardless of the average setback, but not within five feet of the lot line. Open guardrails, when required by the Building Code, shall not be construed as a violation of this requirement. In addition, ramps or other structures for handicapped accessibility may encroach into required yards.~~

5. Outdoor living areas raised nine or more inches above existing grade, such as porches, terraces and decks, and which are open to the elements, may encroach up to five feet into a minimum required yard as specified in Table VI-3, regardless of average setback, but not within five feet of a property line. For the purposes of this provision, the definition of "open to the elements" shall include and allow any roof, awning, or pergola covering a raised outdoor living area, enclosed with mesh screening and screen frames but which are not glassed in or otherwise walled or enclosed above a height of 30 inches above the floor of the raised outdoor living area, and/or any balustrade required for guardrail safety.

When replacing or upgrading an existing porch and/or porch stairs in an R-1, R-2, R-3, or MOR zoning district, the replacement porch and/or porch stairs may be constructed in the location of the existing porch and/or porch stairs but no closer than six inches from any property line, measured from the closest part of the structure. The porch stairs may further encroach if required to bring the rise/run of the stairs up to current Building Code standards.

6. Porte-cocheres or canopies to a distance of no more than two feet, six inches.

7. Driveways, walks, fences, walls, and underground structures, provided that any fences or other landscape improvements comply with "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, and with all provisions of the Urbana City Code regarding fencing, and also provided that all parking and access thereto comply with Section VIII-4 of this Ordinance.

8. Concrete, asphaltic concrete, or other all-weather surfaces; however parking is allowed only in accordance with provisions of Article VIII of this Ordinance.

9. Accessory structures in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts that do not have a building area greater than 750 square feet are permitted in required side and rear yards, and can not extend nearer than 18 inches as measured from the closest part of the structure, including the roof, to the property line.

a) One Garage. When replacing an existing private garage in an R-1, R-2, or R-3 zoning district, the replacement garage may be constructed in the location of the existing garage but no closer than six inches from a side or rear lot line, measured from the closest part of the structure, if all of the following conditions apply:

- 1) The subject lot is 60 feet wide or less;
- 2) No building exists on the adjacent property which is within three feet of the existing garage on the subject property;
- 3) No gutters or other appurtenances will extend across the property line; and
- 4) In the case of existing single-car garages, the replacement garage shall be a maximum of 352 square feet, or no larger than the existing garage, whichever is greater. In the case of existing two-car garages the replacement garage shall be a maximum of 576 square feet, or no larger than the existing garage, whichever is greater.

b) Two Garages or Shared Garage. In the R-1, R-2, and R-3 zoning districts, when replacing either (a) an existing shared private garage or (b) two existing garages, on adjacent lots and separated by a distance of two feet or less, replacement garages may be constructed as common-lot-line garages, if all of the following conditions apply:

- 1) The subject properties share a common driveway and access drive;
- 2) The owners of the subject properties execute and record a required maintenance agreement that contains, at a minimum, the information required for common-lot-line subdivisions as described in Sections 21-19.d.1 to 21-19.d.5 of the Urbana City Code; and
- 3) Replacement garages meet all applicable building codes.

10. Flagpoles, decorative lights, lattices, bird baths, bird houses, and other landscape features.

11. Balcony which is open, as defined in Article II of this Ordinance, provided that they do not occupy in the aggregate more than one-third of the length of the building wall per floor on which they are located. In no case shall any private open balcony be located within five feet of the property line.

12. See Section VIII-4 for allowable parking uses in required yards.

13. Ground-mounted solar panels up to a height of six feet in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B or R-7 Districts are permitted in required side and rear yards, but shall not extend nearer than 18 inches as measured from the closest part of the structure to the property line.

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

15. Ramps or other structures for handicapped accessibility may encroach into required yards.

Table VI-3 Footnote 3

3. In the AG, CRE, B-1, B-2, MOR, and IN-1 Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.~~GF~~.3 and S VI-5.~~HG~~.1 respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; However, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

Section VIII-3 F

1. One shade tree shall be ~~provided~~ planted for every nine parking spaces provided on a lot. Trees may be planted at intervals of less than nine spaces to achieve a more even spacing along the row. Where this ratio results in a fraction, the fraction shall always be rounded upward to the next highest number (e.g. 11.1 trees = 12 trees to be planted.)

2. Tree plantings shall begin within 20 feet ~~from~~ of the ends of adjoining parking rows.

Section VIII-4

H. In residential zoning districts the following shall regulate the parking of commercial vehicles, recreational vehicles, watercraft, trailers, and off-road vehicles: ...

3. For any single or two-family residential use, the parking surface of accessory off-street parking for ~~passenger~~, recreational vehicles, watercraft and off-road vehicles or trailers shall consist of either asphalt, concrete, brick, CA-10 or equivalent gravel ~~contained by curbing or approved landscape edging treatment~~, or other surface approved by the Zoning Administrator. CA-10 or gravel parking shall be contained by curbing or approved landscape edging treatment. For any multiple-family residential use, the parking surface of any such parking lot shall conform with Section VIII-3.A. Those accessory parking surfaces on the site of single- or two-family residences shall meet the requirements of paragraph J below.

4. No recreational vehicle shall be occupied ~~used for living, sleeping, or housekeeping purposes~~ while stored.

Section VIII-5.

L. Off-street parking reduction for designated Legacy Trees

Upon application and subsequent verification by the City Arborist, new construction or significant structural alterations to existing buildings shall be entitled to a reduction in the minimum parking requirements of Section VIII-5, if the lot containing the proposed development has a designated Legacy Tree(s). This reduction shall not apply to single and two family residences.

For the purpose of providing an incentive, said minimum parking requirements set forth in Section VIII-5 may be reduced by no more than 30 percent. The reduction in the minimum number of parking spaces shall only be allowed if the reduction in the amount of required parking pavement is necessary to preserve the root zone of the Legacy Tree(s) on that lot. The City Arborist shall issue a certificate to the Community Development Department confirming that a reduction may be earned under the provisions of this section.

Table VIII-7. Parking Requirements by Use

Use	Number of Spaces Required
Public Utility Plants <u>or Storage Building</u> (not including offices)	None
Building Material, <u>Hardware</u> and Garden Sales or Similar Uses	1 for every 300 sq. ft. of floor area
Restaurant or Similar Uses	1 for every 100 sq. ft. of floor area, including <u>excluding</u> outdoor seating areas
Hospital or Clinic	1 space for each bed based on permitted bed occupancy and 1 space for each employee on regular work day shift (beds do not include bassinets)
Church, Temple <u>or Mosque</u>	1 for every 5 seats in the principal assembly area, <u>or 25% of the capacity in persons of an open assembly area (per VIII-5.H)</u>
Public or Private Parochial Elementary <u>or</u> Junior High School, or Senior High School	1 for every 8 auditorium seats, or 1 for every 30 classroom seats <u>plus 1 for every 50 classroom seats in the 11th and 12th grade, whichever is greater</u>
Gasoline Station/ <u>Convenience Store</u>	1 for every 300 sq. ft. of retail floor area; pump locations do not count as parking spaces
<u>College or University Facility</u>	<u>Based on the individual uses housed within the subject building.</u>

Section IX-3

D. *Measurement of Business Frontage.* Business frontage is the lineal footage of a lot, fronting the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage. (Ord. No. 2011-02-007, 2-21-2011; Ord. No. 84585-73, § 2, 4-15-85)

Section IX-4.1.3

3. *Banners.* In addition to any permitted grand opening signs, each business shall be allowed up to four ~~separate~~ one-week banner displays per business frontage per calendar year. Banner displays may be consecutive or concurrent, but shall not exceed four weeks per calendar year for one banner, or one week for four banners. Banners must be securely fastened at both ends to a building or other structure, or at one side if displayed as a vertical banner secured to the ground. If more than one business is located on a particular lot, then each business on that lot shall be allowed up to four separate temporary sign displays per calendar year for each portion of the lot

that abuts a public street or alley. ~~The total length of time for those four displays on a particular business frontage shall not exceed four weeks per calendar year.~~

- a) The area of temporary banner signs shall be restricted to 100 square feet for wall banner signs or wall-mounted banner signs, ~~and~~ 50 square feet for freestanding banner signs, and 25 square feet for vertical banners secured to the ground on one side.
- b) A temporary banner sign shall be set back at least ten feet from the front property line, or shall be displayed so that the bottom edge of the sign is at least ten feet above grade level at all points.

Table IX-9 (Title)

TABLE IX-9 FREESTANDING SHOPPING CENTER SIGNS⁴

TABLE IX-10

Maximum Height of Sign
5 feet <u>for freestanding signs</u>

Section XI-1.B.12

12. Issue all home occupation permits where authorized by this ordinance, and keep permanent and accurate records thereof;

Section XI-3.C.2.c

~~In determining whether or not a variance should be granted, the body considering the variance shall: first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties, with reference to the parcel concerned, in carrying out the strict application of the ordinance; and consider the following additional guiding factors criteria:~~

Section XI-12

D. *Officers.*

1. There shall be a Chair and a Vice-Chair elected by the MOR Development Review Board, ~~who shall each serve a term of one year and shall be eligible for re-election. Elections shall be held annually.~~

E. *Meetings.*

1. Meetings of ~~the MOR Development Review Board shall hold at least one meeting per year.~~
~~Meetings shall~~ be called as needed.

G.2 Site Development Plans must contain the following information: ...

Article XII

XII-3.C *Officers.* There shall be a Chair and a Vice-Chair elected by the Preservation Commission, ~~each of whom shall serve a term of one year and shall be eligible for re-election. Elections shall be held annually.~~

Article XIII

C. *Goals*

The general goals of a planned unit development are:

1. To encourage high quality non-traditional, mixed use, and/or conservation development in areas identified in the Comprehensive Plan;
2. To promote infill development in a manner consistent with the surrounding area;
3. To promote flexibility in subdivision and development design where necessary;
4. To provide public amenities not typically promoted by the Zoning Ordinance;
5. To promote development that is significantly responsive to the goals, objectives, and future land uses of the Urbana Comprehensive Plan;
6. To provide a higher level of street and pedestrian connectivity within the development and the surrounding neighborhood in accordance with the Urbana Comprehensive Plan.
7. To coordinate architectural styles, building forms, and building relationships within the development and the surrounding neighborhood;
8. To encourage the inclusion of a variety of public and private open space, recreational facilities, greenways and trails not typically promoted by the Zoning Ordinance;
9. To conserve, to the greatest extent possible, unique natural and cultural features, environmentally sensitive areas, or historic resources, and to utilize such features in a harmonious fashion.

Section XIII-4. Special Procedures in the Boneyard Creek District

C. *General Consideration.* Upon the review of a Creekway permit, the following factors shall be considered.

1. Whether the Creekway permit is compatible with the 2008 Boneyard Creek Master Plan as it may be amended from time to time in a manner consistent with the Urbana Comprehensive Plan.

E.

3. *Building Line.* Boneyard Creek corridor limit lines shall be as indicated either on the 1978 Boneyard Creek Master Plan or the 2008 Boneyard Creek Master Plan, as applicable engineering drawings that are hereto attached and incorporated herein. The building line shall be set back five feet from the corridor limit lines. No fence or structure, other than sidewalks, bike paths, and drainage facilities, shall be permitted between the building line and the Boneyard Creek corridor limit line.

4. *Access.* In addition to frontage on a public street, additional requirements may include easements for the construction of public sidewalks, bike paths, and drainage facilities consistent with the Boneyard Creek Master Plan and any amendments thereto or subsequent plans that specifically define such elements, and, when necessary, shall include easements for construction, maintenance, and police and fire access to the riparian properties of the Boneyard Creek.

G.

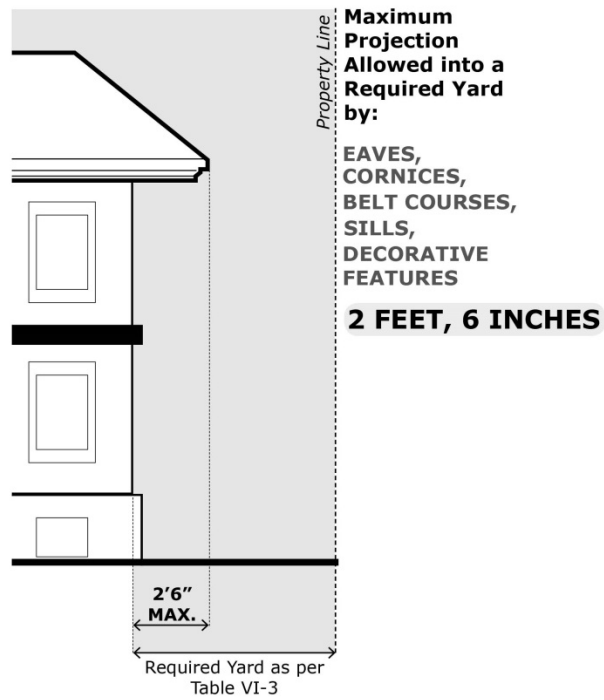
2. *Application Requirements.* After the preliminary conference, and on forms provided by the Zoning Administrator, a written application shall be filed by the owners of the subject property within the Boneyard Creek District with the Zoning Administrator. Such application shall indicate the reasons for which any modification in the underlying zoning requirements is sought; and information necessary for determining whether a Creekway permit shall be issued. In addition to the information required by this section, the applicant shall provide all other information required by the Rules of Procedure promulgated for the Boneyard Creek District by the Plan Commission.

H. When the Zoning Administrator approves a permit, a notice of intent to grant a Creekway permit and a copy of the ~~proposed permit application~~ application shall be transmitted to the Plan Commission ~~and the Boneyard Creek Commissioner prior to their next regular meeting.~~ If no objection is received from ~~either the Plan Commission, or the Boneyard Creek Commissioner~~ any aggrieved party or public official within ten days from its date of transmittal, the Zoning Administrator shall grant such permit. During such ten-day period, any aggrieved party or any public official or entity may appeal the Administrator's proposed grant of the Creekway permit to the City Council.

J. *Plan Commission Determinations.* The Plan Commission shall determine whether the reasons set forth in the application justify the granting of the Creekway permit based upon the criteria specified in Section XIII-4.C. Notice of hearing for Plan Commission determinations shall be given in the manner required by Section XIII-M of the Urbana Zoning Ordinance. The Plan Commission shall have the following options:

EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.1



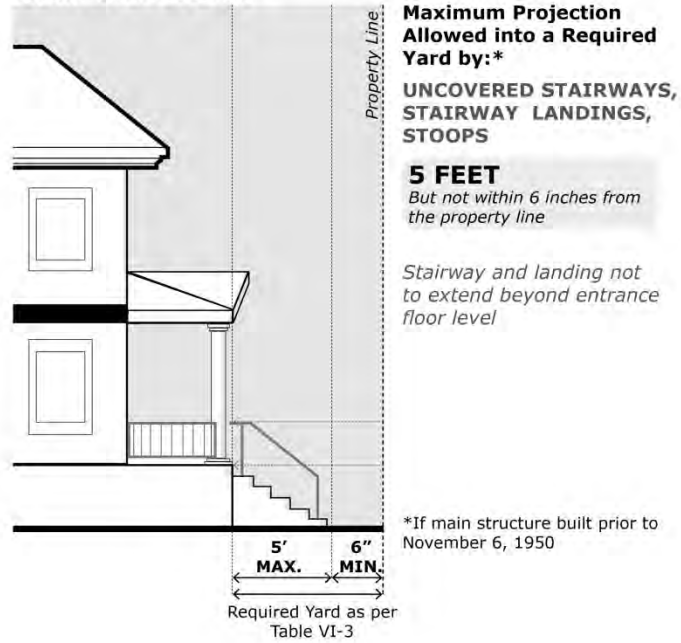
Section VI-5 Yards B.2



*If main structure built prior to November 6, 1950

EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.3



Section VI-5 Yards B.4

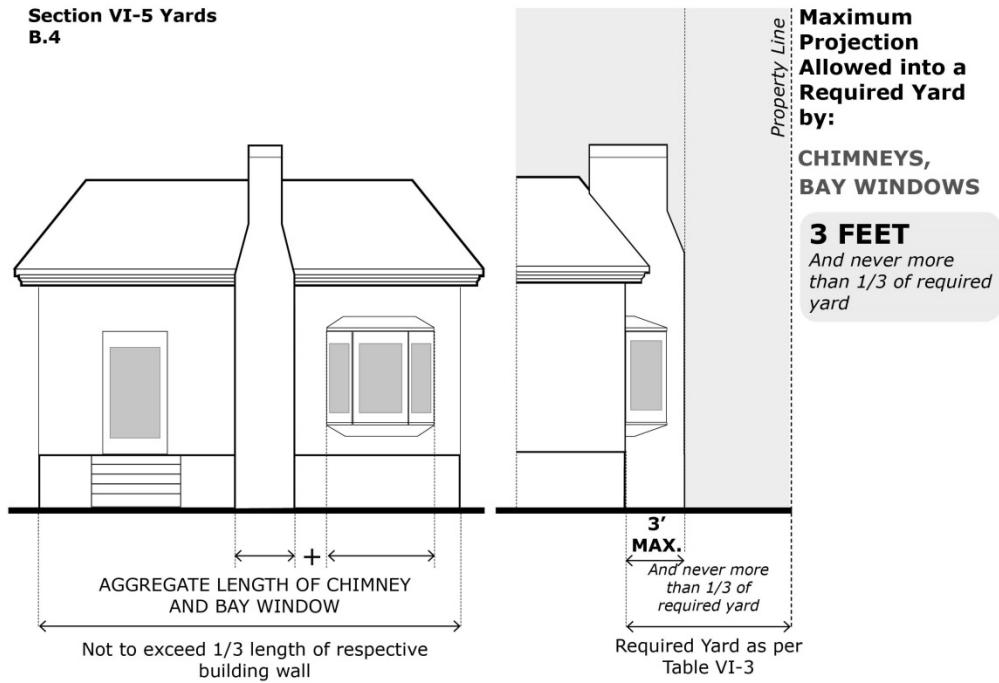
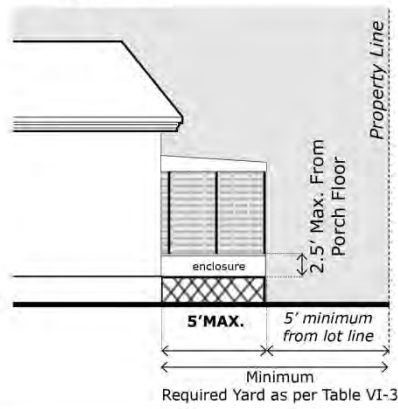


EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B. 5



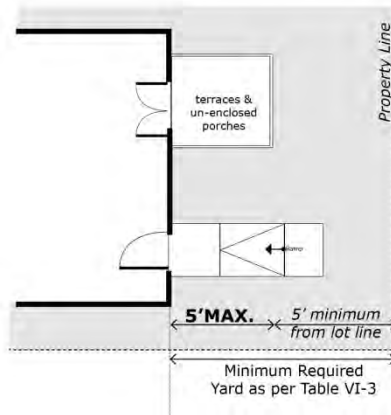
Maximum Projection Allowed into a Required Yard by:

Terraces & Open Un-enclosed Porches

which may have roofs and mesh screening but which are not glassed in or enclosed above 2.5 feet from porch floor

5 FEET

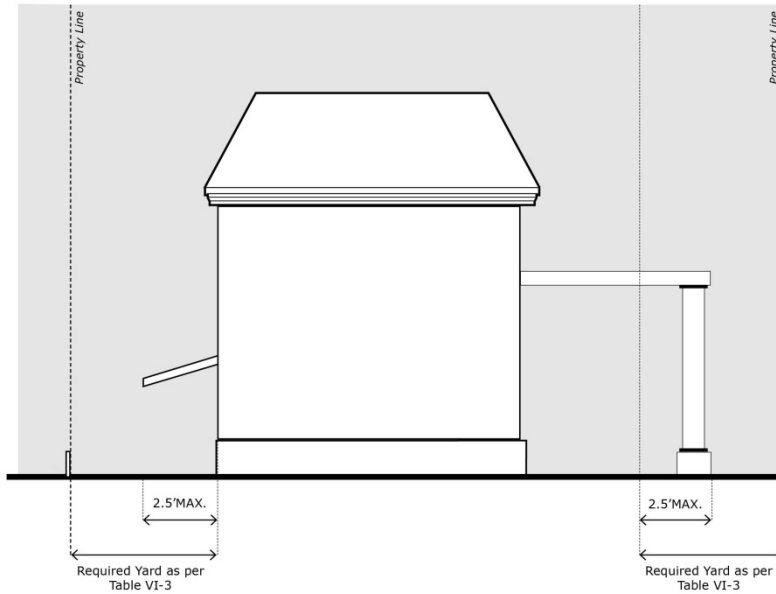
Regardless of average setback, but not within 5 feet of lot line



Exception:

Ramps & Structures for Handicapped Accessibility may encroach into a required side yard

Section VI-5 Yards B. 6



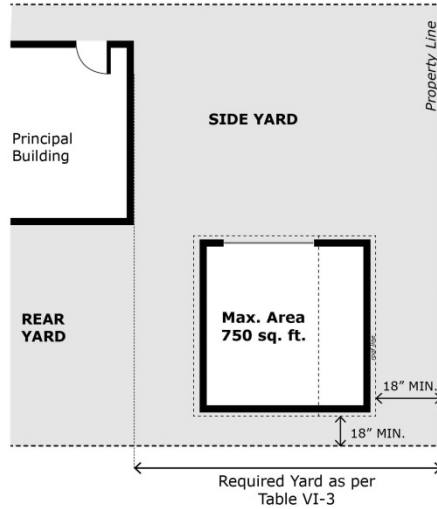
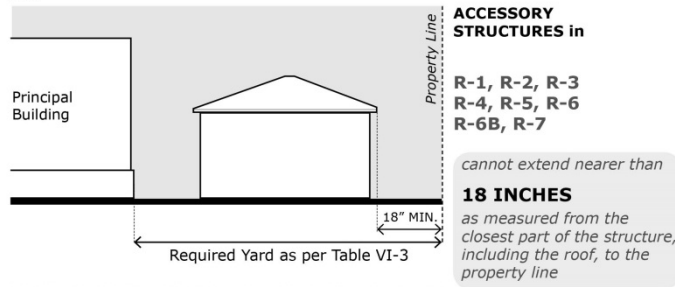
Maximum Projection Allowed into a Required Yard by:

PORT-COCHERES,
CANOPIES

2.5 FEET

EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.9



Section VI-5 Yards B.9 a)

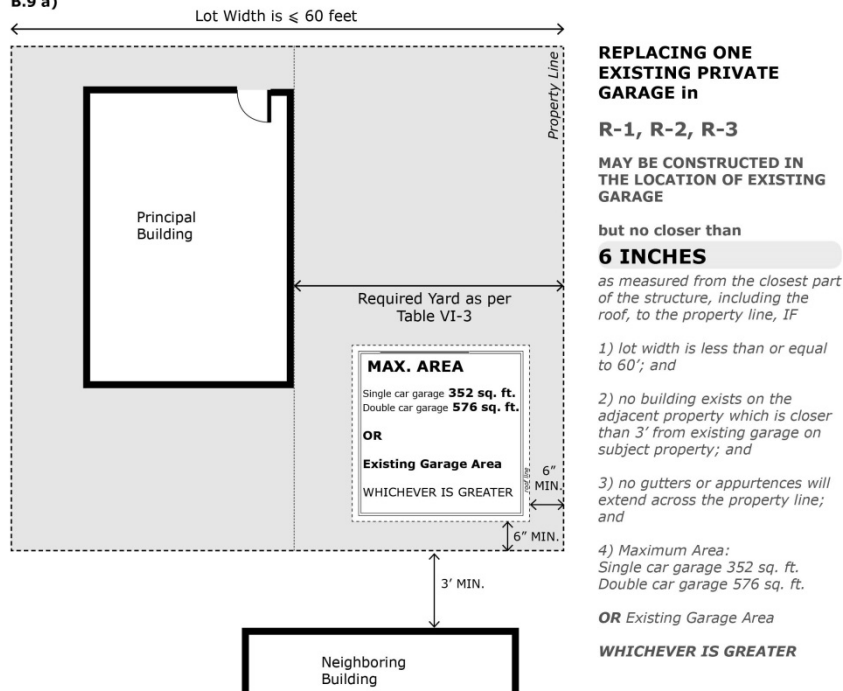
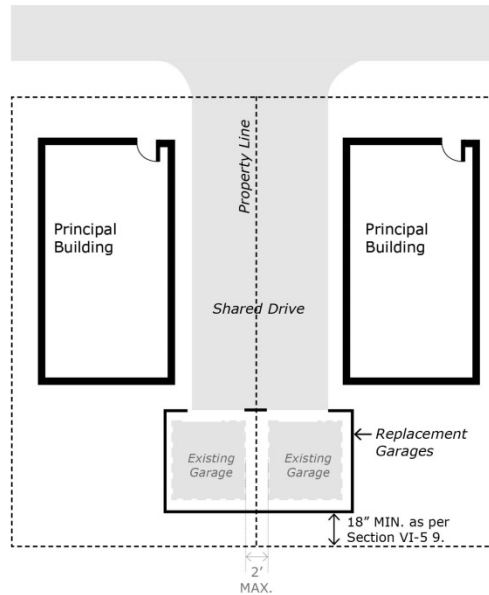


EXHIBIT B: Zoning Ordinance Section VI-5.B Proposed Illustrations

Section VI-5 Yards B.9 b)



**REPLACING
AN EXISTING SHARED
PRIVATE GARAGE**

**OR
TWO EXISTING PRIVATE
GARAGES ON ADJACENT
LOTS SEPARATED BY A
DISTANCE OF 2 FEET OR
LESS in**

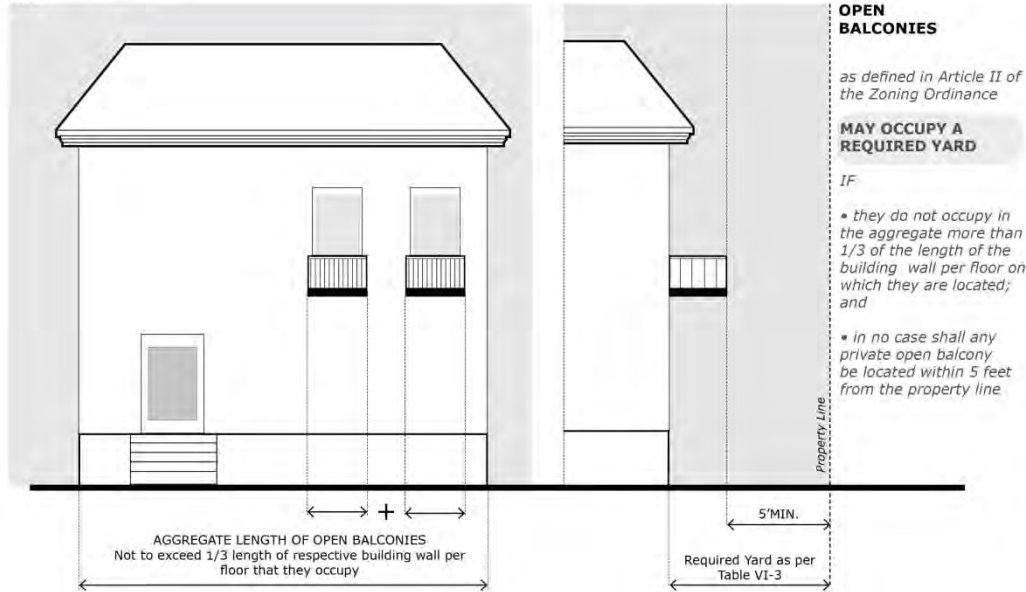
R-1, R-2, R-3

**MAY BE CONSTRUCTED AS
COMMON-LOT-LINE GARAGES**

IF

- 1) the subject lots share a common driveway and access drive; and
- 2) the owner of subject properties execute and record a required maintenance agreement; and
- 3) replacement garages meet all applicable building codes

Section VI-5 Yards B.11



**OPEN
BALCONIES**

*as defined in Article II of
the Zoning Ordinance*

**MAY OCCUPY A
REQUIRED YARD**

IF

- they do not occupy in the aggregate more than 1/3 of the length of the building wall per floor on which they are located; and
- in no case shall any private open balcony be located within 5 feet from the property line