



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** The Urbana Plan Commission  
**FROM:** Lorrie Pearson, AICP, Planning Manager and Zoning Administrator  
**DATE:** August 3, 2018  
**SUBJECT:** Plan Case 2346-T-18: An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance to combine the Mixed-Office-Residential (MOR) Development Review Board and the Design Review Board

---

### **Introduction**

The Zoning Administrator requests an amendment to the Zoning Ordinance to combine the functions of the MOR Development Review Board and the Design Review Board into a single board. Most of the proposed substantive changes were discussed at the April 19, 2018, Plan Commission meeting and were recommended for approval. Prior to sending the amendments to City Council, it was discovered that a portion of the text that was not intended to be deleted was inadvertently omitted from the exhibit showing the changes. The omission could be interpreted as language proposed to be deleted. As a result, Plan Commission is requested to consider the amendment again during a new public hearing. Minor other new edits are also proposed.

### **Background**

The MOR Development Review Board was created in 1991 to review development proposals in the MOR, Mixed-Office Residential, Zoning District. The board was restructured into a 7-person, appointed body in 2003, and design guidelines to assist in the review of development proposals were adopted in 2004.

The Design Review Board was created as a 7-member board in 2009 to review development projects within the Lincoln-Busey Corridor Overlay District by using the Lincoln-Busey Corridor Design Guidelines. The purview of the board expanded in 2010, when the East Urbana Design Overlay District was created and the board was charged with reviewing projects in that district using the East Urbana Design Guidelines.

There are many commonalities between the two boards. They share four of the same members and have similar application and approval processes. The proposed text amendment would group all responsibilities for both boards into one board: the Design Review Board. The single board would oversee design review for the MOR zoning district, Lincoln-Busey Corridor Design Review Overlay District, and the East Urbana Design Review Overlay District.

## 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. Below is a summary of those changes.

Most of the changes were discussed at the April 19, 2018, Plan Commission meeting under Plan Case #2339-T-18. Please refer to the summary and discussion of those changes in Exhibit B. At that meeting, Plan Commission voted 8-0 to recommend approval of those changes. Exhibit C provides a link to the meeting minutes and the video from that meeting.

Recognizing that the text amendment would need to be reconsidered by the Plan Commission, staff took the time to clarify much of the language to be consistent with best legal practices. The other more substantive changes not previously discussed are summarized below.

### Omitted Language in Section VIII-4 Location of Parking Facilities

The previous version of Zoning Ordinance Changes inadvertently omitted several paragraphs of existing language from Section VIII-4. This new version of Exhibit A includes that language which was not intended to be deleted.

### Proposed Section XI-12.K

If an application is denied by the Board, the applicant can resubmit the application for a new hearing. The current language calls for the next meeting to be within 30 days of submittal of a new application. The proposed language would change that time to 45 days to be consistent with the processing timeframes of a new application and to provide more flexibility for meeting scheduling. Staff aims to schedule meetings as soon as possible, but other schedules can make a 30-day turnaround time difficult to achieve.

## Summary of Findings

1. The proposed amendment will assist with the administration of two very similar boards.
2. The proposed change in board composition will better ensure quorum and timely processing of applications.
3. The proposed change corrects the previous omission of an exemption for single-family homes and historic landmarks or districts in the East Urbana Design Review Overlay District.
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 has the following options for recommendation to the Urbana City Council regarding Plan Case No. 2346-T-18:

1. Forward this case to City Council with a recommendation to approve as presented;

2. Forward this case to City Council with a recommendation to approve as modified by specific suggested changes; or
3. Forward this case to City Council with a recommendation to deny.

## **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 forward Plan Case No. 2346-T-18 to the Urbana City Council with a **recommendation to APPROVE** the proposed text amendment to combine the MOR Development Review Board and the Design Review Board.

Attachments: Exhibit A: Zoning Ordinance Changes  
Exhibit B: Summary and Discussion of Zoning Ordinance Changes First Heard under Plan Case #2339-T-18  
Exhibit C: April 19, 2018, Plan Commission meeting page containing approved meeting minutes, video of meeting, and staff memorandum for Plan Case #2339-T-18: <https://www.urbanaininois.us/node/6997>

# Exhibit A: Zoning Ordinance Changes

## Table of Contents

<b>ARTICLE V. USE REGULATIONS.....</b>	<b>37</b>
Section V-1. Uses Permitted by Right, Conditional Uses, and Special Uses.....	37
Section V-2. Principal and Accessory Uses .....	37
Section V-3. Table of Permitted Uses, by District .....	38
Section V-4. Regulation of Adult Entertainment Uses.....	39
Section V-5. Additional Use Regulations in the R-6B District.....	39
Section V-6. Regulation of Community Living Facilities .....	40
Section V-7. Additional Use Regulations in the B-2 District .....	40
Section V-8. <del>Additional Use Regulations in the MOR District</del> <u>Reserved</u> .....	40
Section V-9. Regulations for Common-Lot-Line Dwelling Units.....	41
Section V-10. Additional Regulations in the MIC District.....	42
Section V-11. Residential Occupancy Limits.....	42
Section V-12. Regulation of Home Occupation.....	43
Section V-13. Regulation of Medical Cannabis Uses.....	45
<i>Table V-1. Table of Uses.....</i>	<i>46</i>
<b>ARTICLE XI. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FEES .....</b>	<b>151</b>
Section XI-1. Zoning Administrator.....	151
Section XI-2. Plan Commission.....	152
Section XI-3. Zoning Board of Appeals .....	154
Section XI-4. City Council.....	159
Section XI-5. Building Permits.....	160
Section XI-6. Certificates of Occupancy.....	161
Section XI-7. Amendments.....	163
Section XI-8. Fees .....	164
Section XI-9. Fines .....	164
Section XI-10. Notification Requirements .....	165
Section XI-11. Protest Procedures.....	167
Section XI-12. <del>MOR Development Design</del> Review Board .....	167
Section XI-13. Boneyard Creek Commissioner .....	173
Section XI-14. Changes of Zoning, Variances, and Other Modifications of the Zoning Ordinance in an Annexation Agreement .....	173
Section XI-15. <del>Design Review Board</del> .....	174

## **Section V-8. ~~Additional Use Regulations in the MOR District Reserved~~**

~~(Ord. No. 2009-03-015)~~

- ~~A. Within MOR Zoning Districts, site plans for all changes of use, building additions, exterior building remodeling, new construction, and parking lot construction or expansion shall comply with the MOR zoning ordinance requirements and applicable design guidelines. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.~~
- ~~B. Site plans shall be reviewed by the MOR Development Review Board, except for plans that can be administratively approved as provided in paragraph C below. The Board shall consider the MOR Site Plan Review Criteria (Section XI-12.1) and a plan's consistency with the Mixed-Office Residential Design Guidelines when making a decision.~~
- ~~C. To encourage the adaptive re-use of principal buildings, the following proposed changes to an existing principal building may be administratively reviewed for compliance with Zoning Ordinance requirements and Mixed-Office Residential Design Guidelines:~~
- ~~1. Increasing the footprint of the building by 15 percent or less; or~~
  - ~~2. Increasing the floor area ratio by 15 percent or less; or~~
  - ~~3. Making no substantial changes to the principal building's appearance or scale, as determined by the Zoning Administrator in consultation with the Chair of the MOR Development Review Board;~~
- ~~D. Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects.~~
- ~~1. For site plans incorporating the adaptive re-use of existing structures, the MOR Development Review Board is empowered to authorize modifications from the following Zoning Ordinance standards on a case-by-case basis in accordance with the purpose and objectives of the MOR District regulations:~~
    - ~~a) Section VIII-3, Design and Specifications of Off-Street Parking;~~
    - ~~b) Section VIII-4, Location of Parking Facilities;~~
    - ~~c) Section VIII-5, Amount of Parking Required; except that no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;~~
    - ~~d) Section VIII-6, Off-Street Loading Regulations;~~
    - ~~e) Article VI, Development Regulations; and~~
    - ~~f) Chapter 7 of the City Code, Fences.~~
- ~~E. Appeals. See Section XI-3.D for information regarding the appeals process. All appeals must be filed within 45 days as prescribed by the State Zoning Act (65 ILCS 5-11-13-12).~~

## Section VIII-4. Location of Parking Facilities

- A. The Zoning Administrator or his/her duly authorized agent shall cause parking citations to be issued for violations of this ~~Section~~section.
- B. All off-street parking spaces required by this ~~Article~~ article shall be located on the same zoning lot as the use to which they are accessory, except as provided herein.
- 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.G.
- D. Except as otherwise allowed herein, off-street parking is prohibited in a required front, rear, or side yard, in a required open space area, or on an unapproved parking surface ~~is prohibited~~.
- E. Except for driveways serving a single-family or two-family residence, no parking space shall be permitted where the exiting vehicle must be backed into or out of a public street. Vehicles are allowed to back out toward public alleys when proper aisle widths are provided.
- F. *Parking in a Required Yard is Prohibited Except as Follows:*
  - 1. Access drives clearly serving single-family dwelling units, individual townhouses or duplex dwelling units may contain required parking for licensed passenger vehicles in the required front or side yard. Such area devoted to parking and access thereto shall not exceed 45% of the total lot width for single-family or duplex dwelling units. Drives serving individual townhouse units shall not exceed 45% of the total lot width or 18 feet, whichever is greater. Such spaces may be stacked. Accessory spaces provided pursuant to Section VIII.4.J shall not be located in a required front yard. (Ord. No. 2009-09-103)
  - 2. Accessory off-street parking may be located in the required side yard and rear yard, provided that the parking is located behind the rear 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)
  - 3. Off-street parking in a required rear yard is prohibited in the MOR District unless ~~it is determined by the MOR Development Design Review Board determines~~ it is determined by the MOR Development Design Review Board determines that a combination of fencing and/or vegetation ~~have~~ has been installed and maintained to meet the requirements of Section VIII-3.F and ~~which~~ can reasonably be expected to shield such parking from view from adjacent residential structures within five years of the date on which such parking is allowed.
  - 4. In the B-2 and B3-U Zoning Districts, parking is permitted ~~to locate~~ is permitted in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-2, B-3, or B-3U and ~~if~~ the adjacent area is also used for parking.
  - 5. In the B-3 Zoning District, parking ~~may locate~~ is permitted in the required side yard setback (up to within 18 inches of the property line per Section VIII-4.G) if the zoning district adjacent to the setback is designated B-1, B-2, B-3, B-3U, B-4, B-4E, IN-1, or MIC and ~~if~~ the adjacent area is also used for parking.
  - 6. Parking in the B-2, B-3, B-3U, ~~and~~ IN-1, and IN-2 Zoning Districts ~~shall be permitted to~~ may encroach ten feet into the required front yard if the buffer yard requirements set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8 are met.
- G. Where parking is permitted in a required yard in any zoning district, a minimum space of 18 inches shall be maintained from the nearest edge of the parking lot to the property line. A minimum of three

feet shall be maintained from the nearest edge of the parking lot to the property line where parking lot screening is required in conformance with Section VIII-3.F.

- H. In residential zoning districts, the following shall regulate the parking of commercial vehicles, recreational vehicles, watercraft, trailers, and off-road vehicles:
1. Recreational vehicles and watercraft, either of which are greater than 20 feet in length, and off-road vehicles shall be stored only in the following manner:
    - a) Inside a carport or garage in conformance with Section V-2.D.7;
    - b) Outside behind the face of the principal building; or
    - c) Outside in the front yard at least five feet from the front lot line provided:
      - 1) Said parking is for loading and unloading operations completed within a 24 hour period; or
      - 2) Space is not available in the side yard, or there is no reasonable access to either the side yard or rear yard. A lot will be deemed by the Zoning Administrator to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or landscaping. A corner lot will be deemed to have reasonable access to the rear yard.
  2. The length of the watercraft for the purpose of this paragraph shall not include any portion of any trailer used for transporting the watercraft that extends beyond the watercraft itself.
  3. For any single or two-family residential use, the parking surface of accessory off-street parking for recreational vehicles, watercraft, and off-road vehicles or trailers shall consist of either asphalt, concrete, brick, CA-10 or equivalent gravel, 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 to Section VIII-3.A. Accessory parking surfaces on the site of single or two-family residences shall meet the requirements of Section VIII-4.J. No recreational vehicle shall be occupied while stored.
  4. No more than two commercial vehicles shall be parked on the zoning lot at any one time. Commercial vehicles stored outside must be parked on an approved driveway or parking space. Such commercial vehicles shall not exceed three-quarter ton capacity and shall be used by an occupant of the dwelling for personal or business transportation. Commercial vehicles engaged in a lawful construction or service operation on the site are exempt from this requirement.
- I. Any vehicle regulated by this section that is stored outside shall be in mechanically and legally operable condition.
- J. In order to provide single and two family residential uses an opportunity to establish an accessory parking area, a maximum of two accessory, off-street parking spaces may be constructed for single and two family residences for passenger vehicles, recreational vehicles, watercraft, and off-road vehicles. Said accessory parking must be in addition to and on other than the access drive and shall not be located in the required front yard. The surface for such a storage area 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. Said accessory parking area shall have approved access thereto. Dirt, woodchip, or sod surfaces are prohibited. (Ord. No. 1999-08-079, 08-03-99)

- K. Parking located at ground level below any portion of a principal structure shall be prohibited in the MOR District. Parking located underground below a principal structure shall be allowed in the MOR District in accordance with the provisions of Article VIII.
- L. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use, subject to the following:
1. If the principal use and the off-site parking are located in the same district, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.
  2. If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:
    - a) The off-site parking shall be permitted by right if either the principal use or a "principal use parking lot," or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1.
    - b) The off-site parking shall require a special use permit if a) above is not applicable.
    - c) The petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained off-site, satisfies parking requirements for the principal use and that said parking spaces are dedicated to serve the principal use.
  3. If the off-site parking is located within 600 feet of property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VIII-2.
  4. If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1.
  5. In all cases in which off-site parking is permitted, the Certificate of Occupancy for the principal use shall specify the required number of parking spaces to be maintained in the accessory off-site parking. The Certificate of Occupancy shall state that the parking space sufficient to meet ordinance requirements is maintained on and/or off-site.



## Section XI-12. MOR Development Design Review Board

### A. *Creation and Purpose*

1. ~~Upon the effective date of this amendment, The Design Review Board is hereby there created a shall MOR Development Review Board to administer the site plan design review procedures in the MOR, Mixed-Office Residential Zoning District, Lincoln-Busey Corridor Overlay District, and East Urbana Design Review Overlay District in conformance with the requirements of this Sectionsection.~~
2. ~~The MOR Development Review Board is created for the purpose of reviewing and approving or disapproving all site plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.~~
3. 2. The MOR Development Review Board has the following objectives for reviewing site plan proposals in the MOR, ~~Mixed-Office Residential Zoning District~~:
  - a) Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area; ~~and~~
  - b) Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines; and
  - c) Determine if proposed development plans meet the intent of the district as stated in Section IV-2.H~~I~~.
3. The Board has the following objectives for reviewing applications in the Lincoln-Busey Corridor Overlay District and East Urbana Design Review Overlay District:
  - a) Review the design of new construction to ensure compatibility with the neighborhood's visual and aesthetic character through the use of the adopted design guidelines; and
  - b) Determine if applications meet the intent of the district as stated in the adopted design guidelines.

### B. *Powers and Duties.* The MOR Development Review Board shall have the following powers:

1. ~~The MOR Development Review Board may To~~ adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
2. To hold public hearings and ~~to~~ review applications for development within the MOR, ~~Mixed-Office Residential Zoning District, Lincoln-Busey Corridor Overlay District and East Urbana Design Review Overlay District~~ as specified in ~~this section~~ Section XI-12.A.2. The MOR Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in ~~this section~~ Section XI-12.G.
3. ~~To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.~~
3. To deny an application based on design considerations even if the effect of doing so would be to deny development of a use permitted by right. However, in rendering a decision on an application, the Board is not otherwise authorized to prohibit or deny a land use that is permitted by right in the applicable zoning district.

4. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. *Membership*

1. ~~The MOR Development Review Board shall consist of seven regular members and two alternate members. A quorum of the MOR Development Review Board shall be constituted by four~~Four members shall constitute a quorum. The Mayor shall appoint the members, ~~of the Board shall be appointed by the Mayor and approved by~~ subject to City Council approval. ~~The membership~~ Membership to the Board shall consist of the following individuals so that the Board can ~~multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:~~
  - a) A member of the ~~Urbana-Plan Commission;~~
  - b) A member of the ~~Urbana Historic Preservation Commission;~~
  - c) A licensed architect;
  - d) ~~An owner-occupant of property in the MOR, Mixed-Office Residential Zoning District; A local developer;~~
  - e) ~~A resident living inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District; Three individuals, from any three of the following distinct categories:~~
    - 1) A resident living inside or within 250' of the MOR District
    - 2) A resident living inside or within 250' of the Lincoln-Busey Corridor Design Review Overlay District
    - 3) A resident living inside or within 250' of the East Urbana Design Review Overlay District
    - 4) An owner of a local business with fewer than 40 employees
  - f) ~~Two alternate members from different categories in subparagraph "e" of this paragraph. Alternate members may participate, vote, and contribute to establishing a quorum only in the absence of or due to the recusal of any regular member.~~
  - f) A local developer;
  - g) ~~An owner of a local small business with fewer than 40 employees.~~
2. ~~MOR Development Review Board members shall serve three-year terms, without compensation, and shall serve terms of three years. Members may be reappointed at the conclusion of their terms. The Mayor may appoint members for terms of fewer than three years during the initial appointment to achieve staggered term expirations.~~
3. The Mayor shall declare vacant the seat of any MOR Development Review Board member who fails to attend three consecutive meetings without ~~notification~~ prior notice to the Secretary, of the Board or who fails to attend at least one-half of all meetings held during any one-year period ~~12 consecutive months~~. In such cases ~~as well as for resignations, and in cases in which a vacancy occurs by reason of resignation, incapacity, death, or any other vacancy reason,~~ the Mayor shall appoint a successor, ~~with approval of the~~ subject to City Council approval.

D. *Officers; Secretary.*

1. ~~There shall be a Chair and a Vice-Chair elected by the MOR Development Review Board~~ The Board annually shall elect from its regular members, a Chair and Vice-Chair, each of whom shall serve a one-year term and shall be eligible for re-election.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the ~~MOR Development Review Board~~ shall be a representative of the Community Development Services Department ~~of the City of Urbana~~. The Secretary shall:
  - a) Take minutes of each ~~MOR Development Review Board~~ meeting, an original of which shall be kept on file in the ~~office of the~~ Community Development Services Department;
  - b) Provide administrative and technical ~~assistance~~ support to the ~~MOR Development Review Board~~ to assist it in making the decisions and findings as provided herein;
  - c) Publish and distribute to the ~~MOR Development Review Board~~ copies of the minutes, reports and decisions of the ~~MOR Development Review Board~~;
  - d) Give notice as provided herein or by law ~~for~~of all public hearings conducted by the ~~MOR Development Review Board~~;
  - e) Advise the Mayor of vacancies on the ~~MOR Development Review Board~~ and expiring terms of ~~MOR Development Review Board~~ members;
  - f) Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the ~~MOR Development Review Board~~ on all appeals from decisions of the ~~MOR Development Review Board~~ and ~~on~~ any other matters requiring Zoning Board of Appeals or City Council consideration; and
  - g) Have no vote.

*E. Meetings.*

1. ~~Meetings of the MOR Development Review Board shall be called as needed.~~
2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings ~~of the MOR Development Review Board~~ shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. ~~At any meeting of the MOR Development Review Board, any~~ Any interested person may appear at any open meeting and be heard either in person or by an authorized agent or attorney.

*F. Decisions.*

1. Every Board member present must vote "aye" or "nay" unless that ~~Board~~ member abstains due to an announced conflict of interest.
2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
3. Approval of ~~a site plan~~ an application shall require a simple majority vote and shall be calculated on the basis of those voting members present and not abstaining.

*G. Application and Development Plan Submittal Requirements*

~~1. A request for development plan approval by the MOR Development Review Board shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the required plans, and shall be filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.~~

1. An applicant for any proposed project located within the MOR District, Lincoln-Busey Corridor Overlay District, or East Urbana Design Review Overlay District, the applicant shall submit a Design Review Board application to the Secretary of the Board unless the project is exempt from design review.

2. A project is exempt from design review if:

a) The City does not require a building permit for the project;

b) The project does not include exterior construction or alteration; or

c) The project involves property located within the East Urbana Design Review Overlay District and any of the following applies: the project involves a single-family dwelling, the property is a local historic landmark, or the property is within a local historic district.

3. Only the following persons may submit an application to the City: the owner of more than 50% of the subject property, a contract purchaser of the subject property, or a person with evidence of written consent from the owner.

2 4. Development Plans Applications shall be filed with the Secretary of the Board on forms provided by the City and accompanied by must contain the following information:

a) Scaled drawings showing: Size and dimensions of the parcel to be developed drawn to scale

1) Size and dimensions of the parcel to be developed;

b) Locations and widths of adjacent rights-of-ways, sidewalks and street pavement;

c) Identification of neighboring property owners listed identified on the site plan;

d) Locations of all existing structures on the parcel;

e) Locations of adjacent parcels and structures;

f) Locations and sizes of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;

g) Locations and layouts of any proposed access drives, parking areas and walkways;

h) Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;

i) Elevations or perspectives of adjacent existing structures;

j) Floor plans indicating the interior layout of the proposed structure or addition;

k) Locations of existing trees and shrubs; and

l) Locations of proposed landscaping;

m) Detail view drawings as necessary to show key design elements

- m) 11) Relevant site details, including lighting, dumpster locations, signage, and other features;
  - b) Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;
  - c) Elevations or perspectives of adjacent existing structures;
  - d) Detail view drawings as necessary to show key design elements;
  - e) Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).
  - f) The fee as required by Section XI-8.
4. Development Plans shall be submitted at a graphic scale of no less than one inch per ten feet.
- 4.5. The MOR Development Review Board may require additional information necessary to consider applications.
- H. The Zoning Administrator, in consultation with the Chair, shall determine whether an application requires review by Board or if it is subject to administrative review. Determinations that the application is to be reviewed administratively shall be made in writing and signed by both the Zoning Administrator and the Chair.
1. Design Review Board Review. The Board shall review applications required by Section XI-12.G.1 to:
    - a) Construct a new principal structure;
    - b) Increase the building footprint of an existing principal structure by more than 15%;
    - c) Increase the floor area ratio of an existing principal structure by more than 15%;
    - d) Install or enlarge a parking lot; or
    - e) Substantially change the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Chair.
  2. Administrative Review. The Zoning Administrator or designee may conduct administrative design review of applications not to be reviewed by the Board per this section. The Zoning Administrator may approve, approve conditionally, or deny an application. Applicable design guidelines shall be the basis for administrative design review. Administrative approval or denial shall be in writing and accompanied by findings of fact. The Zoning Administrator should report the outcome of any administratively reviewed applications by listing them on the subsequent Board agenda.
- I. Within the MOR District, Lincoln-Busey Corridor Design Review Overlay District, and East Urbana Design Review Overlay District, applications requiring either Design Review Board or administrative review shall comply with the Zoning Ordinance requirements and applicable design guidelines. Wherever this Ordinance imposes greater restrictions on properties in the MOR District, Lincoln-Busey Corridor Design Review Overlay District, or East Urbana Design Review Overlay District than in other zoning districts, the greater restrictions shall govern.

J. Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects in the MOR District.

- a. For applications incorporating the adaptive re-use of existing structures in the MOR District, the Board may authorize modifications from the following Zoning Ordinance standards on a case-by-case basis in accordance with the purpose and objectives of the MOR District regulations:
  - i. Section VIII-3, Design and Specifications of Off-Street Parking;
  - ii. Section VIII-4, Location of Parking Facilities;
  - iii. Section VIII-5, Amount of Parking Required; except that no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
  - iv. Section VIII-6, Off-Street Loading Regulations;
  - v. Article VI, Development Regulations; and
  - vi. Urbana City Code Chapter 7, Fences.

K. H. MOR Development Review Board Review Procedures

1. Once a complete application has been submitted for any project that requires review by the Board, the Secretary shall schedule a meeting of the Board to consider and act on the application request. The meeting shall be convened no later than 45 working days after the completed application has been received. Notification shall be given per Section XI-10. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the MOR Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.
2. At the Board meeting during which an application is to be considered, the Board will hold a public hearing. The Secretary shall provide notification of the public hearing per Section XI-10. After the public hearing, the Board will review the application a) according to the applicable criteria in this section; b) using the applicable adopted design guidelines; and c) considering testimony given at the public hearing, if any. The Board shall then vote on whether to approve the proposed application, according to the voting requirements as outlined in this section. After reviewing the proposed site plan according to the criteria in Section XI-12.1, the MOR Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the MOR Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the MOR Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall, upon request of the applicant, cause the Secretary of the Board to appeal the request to the Zoning Board of Appeals in accordance with Section XI-3.
3. The Board may:

- a) Approve the application. If the proposed application conforms to the requirements of this Ordinance and the intent of the adopted design guidelines, the Board shall make the appropriate findings and approve the application.
  - b) Approve the application with conditions. In approving an application, the Board may prescribe appropriate conditions and safeguards in conformity with the adopted design guidelines and this Ordinance. Violations of such conditions and safeguards are punishable under the provisions of this Ordinance.
  - c) Continue the public hearing in a manner that complies with the Open Meetings Act and invite the applicant to resubmit. If the application does not conform to the requirements of this Ordinance or to the adopted design guidelines, the Board may invite the applicant to resubmit the application, giving recommendations to the applicant to improve the design of the proposal and achieve conformity with this Ordinance and the intent of the adopted design guidelines.
  - d) Deny the application. The Board may deny the proposed application, making findings stating the inadequacies of the proposal. The Board shall state its reasons for denial in writing and should make recommendations to help the applicant bring the proposal into compliance with the design guidelines.
4. No more than five working days after the Board's decision, the Secretary shall send written notice to the applicant of the Board's decision. The notification shall address the relevant and applicable reasons for the decision as well as any recommendations given by the Board.
  5. If the application is denied, the applicant shall have the opportunity to submit a new application to the Secretary to address the Board's recommendations. The new application shall meet the requirements of this section and would be processed as specified in this section.
  6. ~~3. Site plan Application approval is required prior to the issuance of a related building permit or Certificate of Occupancy.~~
  7. ~~4. When a proposed use is permitted in the MOR District, Lincoln-Busey Corridor Design Review District or East Urbana Design Review Overlay District as a Conditional or Special Use according to Table V-1, site plan application approval by the MOR Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Article VII. The MOR Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan application.~~
  5. ~~Any order, requirement, decision or condition of approval made by the MOR Development Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the MOR Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove a proposed site plan.~~
  8. ~~6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.~~
  9. ~~7. The procedure for amending a site plan an application already approved by the MOR Development Review Board or for a requesting to changes to conditions attached to the approval of a site plan an application shall be the same procedure as a new site plan application request.~~

~~10. 8.~~ Approval of an ~~application site plan~~ pursuant to ~~this Section XI-12~~ shall become null and void unless a building permit or Certificate of Occupancy is issued ~~within no more than one year~~ after the date on which the Board approves the site plan. ~~A one-year extension may be granted by~~ ~~the Zoning Administrator may grant a one-year extension~~ when a written request is submitted prior to the expiration of the one-year term.

~~11. 9.~~ ~~Any~~ The City may revoke any building permit or Certificate of Occupancy issued pursuant to an approved ~~site plan application~~ ~~may be revoked by the City~~ for failure to comply with the conditions of approval.

L. I. Site Plan Application Review Criteria within the MOR District.

~~Site plans Applications~~ for new construction not incorporating the adaptive re-use of existing structures ~~within the MOR District~~ must demonstrate conformance with the land use and development standards of ~~the Urbana Zoning this~~ Ordinance. In addition, ~~the Board shall review site plans applications~~ (including, elevations, and floor plans) according to the criteria listed below.

1. *Compatibility with Surrounding Neighborhood.* Proposals shall demonstrate consistency with the intent of the MOR, ~~Mixed-Office Residential Zoning District~~ as stated in Section IV-2.H. ~~In reviewing proposals~~ ~~the MOR Development Review Board~~ shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.
2. *Parking and Access.* Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII ~~of the Urbana Zoning Ordinance~~ and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise, and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of ~~handicapped disabled~~ persons and that the location and design of ~~handicapped disabled persons~~ parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.
3. *Screening and Landscaping.* Proposals shall demonstrate the preservation of existing natural features where practical. ~~The MOR Development Review Board~~ shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and screening requirements identified in ~~the Urbana Zoning this~~ Ordinance. ~~The MOR Development Review Board~~ shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.
4. *Site Details.* Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. ~~The MOR Development Review Board~~ shall determine if the site details ~~are in conformance with~~ conform to the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.
5. *Design Guidelines.* ~~The MOR Development Review Board~~ shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. ~~Proposals shall demonstrate general conformance with adopted design guidelines for the MOR, Mixed-Office Residential Zoning District as specified in this section~~ ~~Section XI-12.J.~~

M. J. Design Guidelines Review within the MOR District.

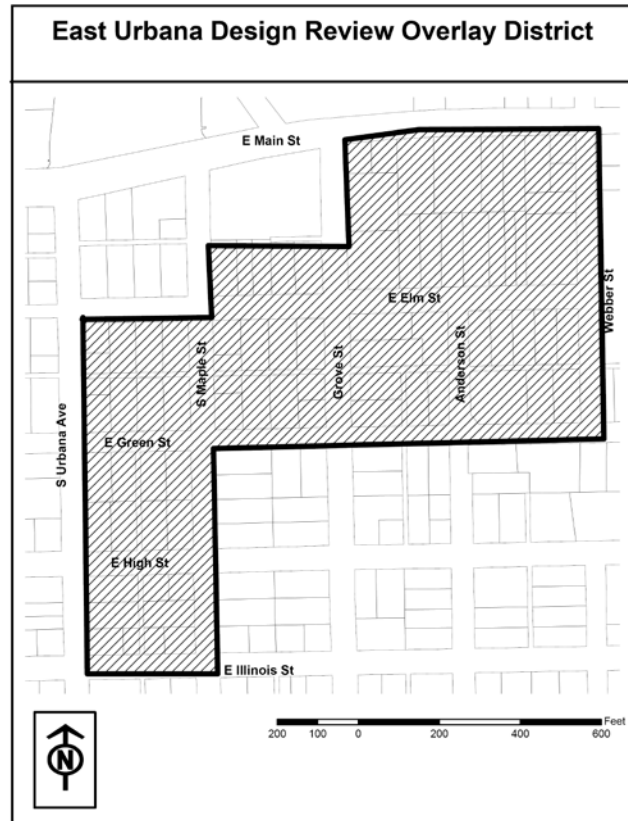


1. In reviewing development proposals in the ~~M.O.R., Mixed-Office Residential Zoning~~ MOR District, the ~~MOR Development Review~~ Board shall determine conformance with all of the guidelines contained in the adopted design guidelines for the MOR District ~~M.O.R., Mixed-Office Residential Design Guidelines~~, including such factors as architectural appearance, massing, placement of structures, orientation, openings, outdoor living space, landscaping, parking areas, building materials, and architectural details, as well as the overall compatibility of the proposal with the residential character of the district. In addition to proposals demonstrating conformance with the adopted ~~D~~design G~~guidelines~~ for the district as specified in ~~Section XI-12.J~~ this section and compatibility with the residential character of the district, the following design items shall be required:
  - 1- a.) The main entrance of the building must be on the street side of the building. If the lot has more than one street frontage, then the main entrance shall be on the more major frontage;
  - 2- b.) Facades with street frontage shall contain window openings and shall not be blank;
  - 3- c.) Parking shall be located behind the principal structure and not in the façade zone.
2. ~~The Design Guidelines shall be adopted under a separate ordinance and shall be housed in the City of Urbana Community Development Services Department. Any~~ The Plan Commission meeting at which it considers any P~~proposed amendments to the “M.O.R., Mixed-Office Residential Zoning District adopted D~~design G~~guidelines” shall include be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a its recommendation on any proposed amendments to the Urbana City Council for final action. The City Council shall consider the proposed amendments and the recommendation of the Plan Commission. If the City Council’s decision on the proposed amendments is favorable, it shall approve the amendments by ordinance.~~

N. Design Review within Lincoln-Busey Corridor Overlay District and East Urbana Design Review Overlay District.

1. Applications must demonstrate conformance with the land use and development standards of this Ordinance.
2. The Board shall review and consider applications according to the criteria listed in the design guidelines enacted by the City Council for the specific geographic area in which the subject parcel is located. In reviewing development proposals, the Board shall determine conformance with the intent of the design guidelines as contained in the adopted design guidelines manual, as well as the overall compatibility of the proposal with the character of the neighborhood.
3. “Adopted design guidelines” as referred to herein are the design guidelines associated with a design review overlay district, as adopted by ordinance.
4. The following design overlay districts in the City of Urbana have adopted design guidelines manuals:
  - a) Lincoln-Busey Corridor Overlay District. Bounded by Illinois Street to the north, Busey Avenue to the east, Pennsylvania Avenue to the south, and Lincoln Avenue to the west. The Lincoln-Busey Corridor Design Overlay District was created by Ordinance No. 2009-01-005. The Lincoln-Busey Corridor Design Guidelines were adopted, on January 20, 2009, under Ordinance No. 2009-01-004.
  - b) East Urbana Design Review Overlay District. Generally bounded by South Urbana Avenue, East Elm Street, Grove Street, East Main Street, South Webber Street, East Green Street, South Maple Street, and East Illinois Street, as more particularly illustrated below. The East

Urbana Design Review Overlay District was created by Ordinance No. 2010-06-044 and amended under Ordinance No. 2010-08-073, and the East Urbana Design Guidelines were adopted under Ordinance No. 2010-06-045 and amended under Ordinance No. 2010-08-073.



5. The Plan Commission meeting at which it considers any new design guidelines or proposed amendments to adopted design guidelines shall include a public hearing. The Plan Commission shall forward its recommendation on any new design guidelines or proposed amendments to adopted design guidelines to the City Council for final action.

O. Compliance with Regulations. Except in compliance with the provisions of this section, no person shall construct upon or alter the exterior of any real property subject to this section prior to obtaining a valid design review permit from the Zoning Administrator. Violations of this section are subject to penalties and fines as provided in Article XI.

P. Appeals. Any person aggrieved by an order, requirement, decision, or condition of approval made by the Design Review Board may file an appeal with the Zoning Board of Appeals in accordance with the procedures contained in Section XI-3D. Upon filing of an appeal, the Secretary shall submit a complete record of the Design Review Boards' minutes, findings, and decision to the Zoning Board of Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove an application.

## **Section XI-15. Design Review Board**

(Ord. No. 2009-01-005)

A. Creation and Purpose

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

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

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

~~C. Membership~~

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

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

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

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

- ~~e) Three residents of Urbana. The residents shall include a representative from each design review district who resides in the district. If there is only one design review district, the second and third residents should reside elsewhere in the City.~~
- ~~2. Design Review Board members shall serve without compensation and shall serve terms of three years. Members of the MOR Development Review Board shall be automatically reappointed to the Design Review Board if reappointed to the MOR Development Review Board. The additional three members may be reappointed at the conclusion of their respective terms.~~
- ~~3. The Mayor shall declare vacant the seat of any Design Review Board member who fails to attend three consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases, as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.~~

~~D. Officers.~~

- ~~1. There shall be a Chair elected by the Design Review Board, who shall serve a term of one year and shall be eligible for re-election. Elections shall be held annually.~~
- ~~2. The Chair shall preside over meetings. In the absence of the Chair, those members present shall elect a temporary Chair.~~
- ~~3. Secretary. The Secretary of the Design Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
  - ~~a) Take minutes of each Design Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;~~
  - ~~b) Provide administrative and technical assistance to the Design Review Board to assist in making decisions and findings as provided herein;~~
  - ~~c) Publish and distribute copies of the minutes, reports and decisions of the Design Review Board;~~
  - ~~d) Give notice as provided herein or by law for all public hearings conducted by the Design Review Board;~~
  - ~~e) Advise the Mayor of vacancies on the Design Review Board and expiring terms of Design Review Board members;~~
  - ~~f) Prepare and submit to the Zoning Board of Appeals and the City Council a record of the proceedings before the Design Review Board on any other matters requiring Zoning Board of Appeals consideration; and~~
  - ~~g) Have no vote.~~~~

~~E. Meetings.~~

- ~~1. The Design Review Board shall hold at least one meeting per year. Meetings shall be called as needed.~~
- ~~2. All meetings shall conform to the requirements of the Illinois Open Meetings Act. All meetings of the Design Review Board shall be held in a public place designated by the Chair, and shall be~~

~~open to the public, except as allowed by law. At any meeting of the Design Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.~~

~~F. Decisions.~~

- ~~1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.~~
- ~~2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.~~
- ~~3. Approval of an application shall require a majority vote of those members present and not abstaining, but in no case shall action be taken by fewer than 4 votes in total.~~

~~G. Applications.~~

- ~~1. With the exception of exempt projects as defined in this Section, any person, firm or corporation applying for a building permit for a property within a design review overlay district, shall submit a Design Review Board application to the Urbana Zoning Administrator if the project would:
  - ~~a) Construct a new principal structure; or~~
  - ~~b) Alter the exterior of any existing principal structure; or~~
  - ~~c) Install or enlarge a parking lot.~~~~
- ~~2. Submittal Requirements. The Design Review Board Secretary shall have five working days to determine whether an application is complete. If the Secretary finds the application incomplete, he/she shall notify the applicant, who shall have five working days from the date notified to submit the missing information. An application shall be considered complete if accompanied by, at a minimum, the following information:
  - ~~a) A scaled drawing showing:
    - ~~1) Size and dimensions of the subject parcel drawn to scale;~~
    - ~~2) Location and widths of adjacent rights-of-ways, sidewalks and street pavement;~~
    - ~~3) Identification of neighboring property owners listed on the application;~~
    - ~~4) Location of all existing structures on the parcel;~~
    - ~~5) Location of adjacent parcels and structures;~~
    - ~~6) Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;~~
    - ~~7) Floor plans;~~
    - ~~8) Location and layout of any proposed access drives, parking area and walkways;~~
    - ~~9) Location of existing trees and shrubs and proposed landscaping;~~
    - ~~10) Relevant site details including lighting, dumpster locations, signage, and other features;~~~~~~

- b) ~~Elevation renderings of the proposed structures or additions indicating the proposed materials to be used in construction;~~
- c) ~~Detail view drawings as necessary to show key design elements; and~~
- d) ~~Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).~~

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

~~The Design Review Board may require additional information as necessary.~~

- 3. ~~Upon receipt of a complete Design Review Board application, and in conformance with the following guidelines, the Zoning Administrator shall determine whether applications require review by the Design Review Board, administrative review, or are exempt projects.~~

~~3. *Design Review Board Review.* The Design Review Board shall review applications required by Section XI-15.G.1 for building permit applications involving:~~

- f) ~~Construction of a new principal structure; or~~
- g) ~~Increasing the building footprint of an existing principal structure greater than 15%; or~~
- h) ~~Increasing the floor area ratio of an existing principal structure by more than 15%; or~~
- i) ~~Installing or enlarging a parking lot; or~~
- j) ~~Substantially changing the appearance and/or scale of an existing building, as determined by the Zoning Administrator in consultation with the Design Review Board chair.~~

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

- 4. ~~*Administrative Review.* The Zoning Administrator or designee may conduct administrative design review of applications not to be reviewed by the Design Review Board per Section XI-15.G.4.a. The Zoning Administrator may approve, approve conditionally, or deny an application. Applicable design guidelines shall be the basis for administrative design review. Administrative approval or denial shall be in writing and should be accompanied by findings of fact. The Zoning Administrator should report the outcome of any administratively reviewed applications by listing on subsequent Design Review Board agendas.~~

~~5. *Exempt Projects.* Within design review overlay districts, construction or alteration:~~

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

~~\_\_\_\_\_ shall be exempt from design review.~~

#### ~~H. Design Review Board Review Procedures~~

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

and 3) considering testimony given at the public hearing. The Design Review Board shall then vote on whether to approve the proposed application, according to the voting requirements as outlined in Section XII-15.F.3.

The Board may:

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

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

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

- 3. ~~Application approval is required prior to the issuance of a related building permit or Certificate of Occupancy.~~
- 4. ~~Any order, requirement, decision or condition of approval made by the Zoning Administrator or Design Review Board is appealable by any person aggrieved thereby to the Zoning Board of Appeals in accordance with the procedures of Section XI-3.C. Upon the filing of an appeal, the complete record of the Design Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Zoning Board of Appeals shall have the final authority to approve or disapprove an application.~~
- 5. ~~The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.~~
- 6. ~~The procedure for amending an application already approved by the Design Review Board, or for a request to change conditions attached to the approval of an application, shall be the same procedure as a new application request.~~
- 7. ~~Approval of an application pursuant to Section XI-15 shall become null and void unless a related building permit or Certificate of Occupancy is issued within one year after the date on which the Board approves the application. A one-year extension may be granted by the Zoning~~

~~Administrator when a written request with substantial basis is submitted prior to the expiration of the one-year term.~~

~~I. Any building permit or Certificate of Occupancy issued pursuant to an approved application may be revoked by the City for failure to comply with the conditions of approval.~~  
*Application Review Criteria.*

~~6. Applications must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance.~~

~~7. Applications shall be reviewed and considered by the Design Review Board according to the criteria listed in the design guidelines enacted by the Urbana City Council for the specific geographic area in which the subject parcel is located. In reviewing development proposals, the Design Review Board shall determine conformance with the intent of the design guidelines as contained in the adopted design guidelines manual, as well as the overall compatibility of the proposal with the character of the neighborhood.~~

~~J. Design Review Overlay Districts and Adopted Design Guidelines~~

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

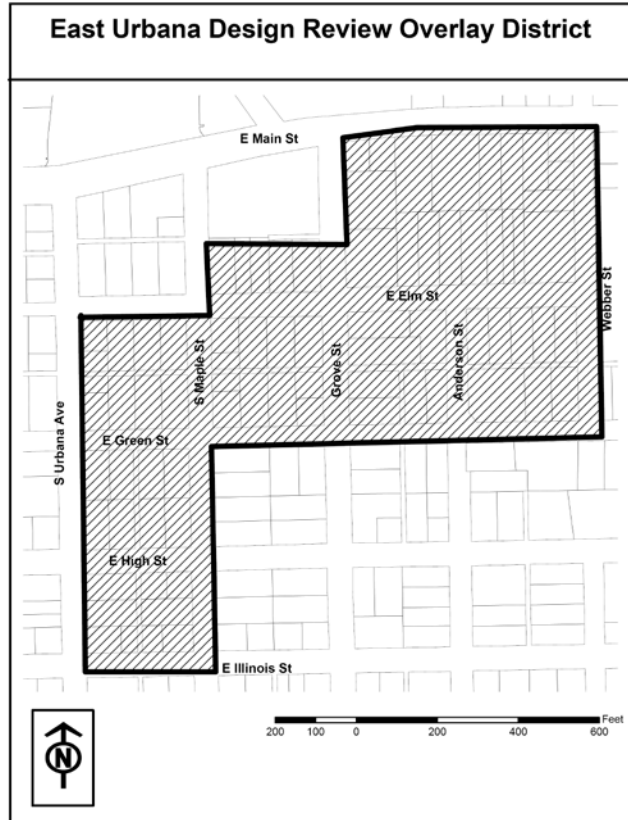
~~"Adopted design guidelines" as referred to herein are the design guidelines associated with a design review overlay district, as adopted by ordinance.~~

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

~~c) Lincoln-Busey Corridor Overlay District. Bounded by Illinois Street to the north, Busey Avenue to the east, Pennsylvania Avenue to the south, and Lincoln Avenue to the west. The Lincoln-Busey Corridor Design Overlay District was created by Ordinance No. 2009-01-005. The Lincoln-Busey Corridor Design Guidelines were adopted, on January 20, 2009, under Ordinance No. 2009-01-004.~~

~~d) East Urbana Design Review Overlay District. Generally bounded by South Urbana Avenue, East Elm Street, Grove Street, East Main Street, South Webber Street, East Green Street, South Maple Street, and East Illinois Street, as more particularly illustrated below. The East Urbana Design Review Overlay District was created by Ordinance No. 2010-06-044 and amended under Ordinance No. 2010-08-073, and the East Urbana Design Guidelines were adopted under Ordinance No. 2010-06-045 and amended under Ordinance No. 2010-08-073.~~





2. ~~Any new design guidelines, as well as proposed amendments to adopted design guidelines, shall be considered by the Urbana Plan Commission in the form of a public hearing. The Plan Commission shall forward a recommendation on any proposed amendments to the Urbana City Council for final action.~~

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

# Exhibit B: Summary and Discussion of Zoning Ordinance Changes First Heard under Plan Case #2339-T-18

## Membership of the Board

The main proposed change to the Zoning Ordinance text is to establish the membership of the new board. The current composition of each board is summarized below and is followed by the proposed composition of one board.

### Current Design Review Board (7 members):

1. A member of the Urbana Plan Commission;
2. A member of the Urbana Historic Preservation Commission;
3. An architect;
4. A local developer;
5. Three residents of Urbana. The residents shall include a representative from each design review district who resides in the district. If there is only one design review district, the second and third residents should reside elsewhere in the City.

### Current Mixed-Office-Residential [district] Development Review Board (7 members):

1. A member of the Urbana Plan Commission;
2. A member of the Urbana Historic Preservation Commission;
3. A licensed architect;
4. A local developer;
5. An owner-occupant of property in the MOR, Mixed-Office Residential Zoning District;
6. A resident living inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;
7. An owner of a local small business with fewer than 40 employees.

### Proposed membership of a combined board (7 members and 2 alternate members), Section XI-12.C:

1. A member of the Urbana Plan Commission;
2. A member of the Urbana Historic Preservation Commission;
3. A licensed architect;
4. A local developer;
5. Three individuals, each representing one of the following distinct categories:
  - A resident living inside or within 250' of the MOR Zoning District
  - A resident living inside or within 250' of the Lincoln-Busey Corridor Overlay District
  - A resident living inside or within 250' of the East Urbana Design Review Overlay District
  - An owner of a local business with fewer than 40 employees
6. Two alternate members from different categories in #5

The proposed composition attempts to include the same categories of members as each of the individual boards, while maintaining balance in representation among the different districts. The four members that were identical on the individual boards would remain the same.

The proposal recommends seven members for the new board, which is commonly considered the ideal number of members to have on a board, and it helps ensure quorum at meetings. This would also match the number of members on the existing boards that are being combined. To reach seven members, the proposed composition includes three members from a list of four possible categories. To broaden representation, up to two alternate members from those categories is also proposed. Alternates would participate in meetings any time a regular member is not able to participate. The new provision of alternate members would have two benefits: it would allow all current members to continue to serve on the combined board, and would contribute to meeting quorum, which has been an issue in the past.

The proposed composition does not call for an owner-occupant of the MOR district, but does keep the resident requirement. As the MOR district allows for a resident from within or 250' from the district, an additional 250' radius is proposed for the Lincoln-Busy Corridor and the East Urbana Overlay Districts as well. Each of those districts is small and at times, it has been a challenge to find volunteer members to serve on the board. Allowing residents from the adjacent block will better ensure the board has representation for each review district.

Staff brought the proposed new membership of a combined board to a Joint Meeting of the MOR Development Review Board and the Design Review Board on January 25, 2018, for comment. Some members had previously expressed a desire to combine the boards; therefore there was no discussion about whether or not the boards should be combined. In addition to questions, there was one comment suggesting the language be made clearer in its intent to have alternates who represent different categories. The language has since been clarified.

### **Other Changes**

In many instances the practices or procedures of the current MOR Development Review Board and the Design Review Board are nearly identical and therefore the proposed text needed only to specify that it applied to all three districts. Any significant differences in procedures were resolved and are noted below. When a regulation differed between the two boards, the proposed text identifies which regulations apply based on the district that a property is in. References to section numbers were adjusted accordingly, and minor changes to language or numbering were made for clarity.

### **Current Section V-8 Additional Use Regulations in the MOR District**

Users of the ordinance, including property owners, developers, and design professionals, typically prefer to see regulations grouped together in as few places as possible to avoid missing important information. Currently, Section V-8 is a stand-alone section with regulations pertaining to the MOR Zoning District. This section is proposed to be moved to Section XI-12, the section of the ordinance that addresses most of the other requirements in the MOR District. These regulations have been incorporated into the proposed Sections XI-12.H, XI-12.I, XI-12.J, and XI-12.P.

### **Proposed Section XI-12.D Officers**

Currently, the MOR Development Review Board requires both a Chair and a Vice Chair, while the Design Review Board requires only a Chair. The proposed text would require a Vice Chair for the proposed Design Review Board and set one-year terms for the Chair and Vice Chair, with the option for reelection.

### **Proposed Sections XI-12.G.1-2 and XI-12.H.1-2**

The current text for both boards technically requires that an applicant submit a full application with drawings prior to any determination that a project is exempt. A project that is exempt should not be required to submit costly and unnecessary application documents. These proposed sections first list what projects are exempt, then require that an application be submitted only for projects that are not exempt.

Section XI-12.G.2.c adds language that was omitted when the Zoning Ordinance language was first adopted for the East Urbana Design Review Overlay District. The East Urbana Design Guidelines state in four different instances that single-family residential properties are to be exempt from review, yet that exemption was not added when the Zoning Ordinance language that established the district was adopted. Similarly, the Guidelines state that properties that are local historic landmarks or within a local historic district are also exempt from review. These exemptions are proposed for this section to ensure that the intent of the guidelines is explicitly reflected in the ordinance requirements.