



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

m e m o r a n d u m

**TO:** The Urbana Plan Commission  
**FROM:** Lily Wilcock, Planner I  
**DATE:** July 12, 2019  
**SUBJECT:** Plan Case 2384-T-19: An application by the Urbana Zoning Administrator to amend the Urbana Zoning Ordinance with minor changes to Article IV (Districts and Boundaries), Article V (Use Regulations), Article X (Nonconformities), Article XI (Administration, Enforcement, Amendments, and Fees), Article XIII (Special Development Provisions), and to make any other changes that are deemed necessary to provide clarity and ease of administration.

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### **Introduction**

The Zoning Administrator requests a multipart amendment to the Zoning Ordinance to fix incorrect or missing references, and to amend Plan Commission procedures to reflect Open Meetings Act requirements and to change the process for protesting Champaign County Zoning Board of Appeals cases. The changes will reduce inconsistencies and update regulations to meet current professional practices, which will make daily administration of the Zoning Ordinance easier. On their own, each of these changes would not warrant a separate text amendment; they are therefore being combined into one “omnibus” text amendment.

### **Discussion**

This memorandum explains the Zoning Ordinance 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.

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

## **Proposed Text Changes**

### General Change:

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

### Article IV. Districts and Boundaries

1. Remove the Boneyard Creek District and Business Development and Redevelopment District from the zoning districts list

Section IV-1 lists all zoning districts in the City of Urbana. The list only includes base zoning districts and does not include overlay districts. The Boneyard Creek District and Business Development and Redevelopment Districts are both special overlay districts and do not belong in the list of base zoning districts. In addition, the Business Development and Redevelopment District is no longer relevant and is proposed for removal (see below).

2. Remove the zoning district description for Business Development and Redevelopment District

The Business Development and Redevelopment District was established to support the implementation of the Downtown Strategic Plan (YEAR?), which has been superseded by more recent plans. The redevelopment of the district was overseen by the Urbana Business District Development and Redevelopment Commission, which has not in many years. The overlay district is effectively dead and should be removed from the Zoning Ordinance.

### Article V. Use Regulations

3. Remove/move references to regulations for particular overlay districts, and accessory off-street parking

Section V-3. D. refers to special regulations for the Boneyard Creek District and the defunct Business Development and Redevelopment (BDR) District. It also refers to a deleted section of the Zoning Ordinance. The reference to the BDR district and the associated reference to a deleted section should be removed.

Section V-3.E. is unnecessary and should be removed. Section V-3.F. restates the content of Section V-3.E. but in greater detail.

### Article VI. Development Regulations

4. Correct a reference in Section VI-8. Outdoor Lighting Requirements

The section referenced does not exist. It should refer to Section VI-8.E instead.

### Article VIII. Parking and Access

5. Correct a reference in Section VIII-4.C and Table VIII-7 to Section V-3.D.

Section V-3 was recently amended, which made this reference incorrect. The change will fix the incorrect reference.

### Article X. Nonconformities

6. Clarify that expanding nonconforming accessory parking areas is not allowed if the expansion would increase its nonconforming status.

Section X-2.B. allows nonconforming parking areas to be expanded, but it does not provide any details on how the expansion may occur. The intent of this section is to allow expansion of parking areas if the expansion conforms to current standards. Adding a reference to accessory parking in Section X-3.C. will help clarify the intent of Section X-2.B.

### Article XI. Administration

7. Amend Section XI-2. Plan Commission and Section XI.3. Zoning Board of Appeals to provide consistency with other Planning and Zoning boards

An August 2018 text amendment combined the Design Review Board and Mixed Office and Residential Design Review Board. The proposed amendment will apply the same procedural steps to the Plan Commission and Zoning Board of Appeals that were adopted in that text amendment.

8. Add reference to the Urbana City Code for the Powers of Duties of Plan Commission

Chapter 18 of the City Code created the Plan Commission and details its powers and duties. Repeating these within the Zoning Ordinance is unnecessary and would make future updates more burdensome. Including a reference to City Code will ensure consistency between the two documents.

### Article XIII. Special Development Provisions

9. Include the Section XIII-8. Southeast Urbana Overlay District in the contents of the article

The Southeast Overlay District was recently created, but the table of contents in Article XIII had not been updated to include the new section.

## **Summary of Findings**

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

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

## **Options**

The Plan Commission may choose to forward the amendment in whole or with specific suggested changes to City Council. 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 2384-T-19:

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. 2384-T-19 to the Urbana City Council with a recommendation to **APPROVE**, in its entirety, the proposed multipart text amendment to the Zoning Ordinance

Attachments: Exhibit A: Zoning Ordinance Proposed Changes

# ARTICLE IV. DISTRICTS AND BOUNDARIES

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

In order to carry out the purposes of this Ordinance, as specified in Section I-1, by classifying, regulating, and restricting the location of buildings erected or structurally altered for specific uses, by regulating the use of land and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings, and by regulating off-street parking facilities for certain uses, the City of Urbana, Illinois, is hereby divided into ~~21~~<sup>23</sup> zoning districts, which are hereby established as follows:

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

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## Section IV-2. Purpose of Districts

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~~K. The *BDR, Business Development and Redevelopment District* pertains to downtown Urbana and surrounding area, and is intended to support implementation of the goals and policies of the Downtown Strategic Plan. These efforts are guided by the Urbana Business District Development and Redevelopment Commission.~~

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## ARTICLE V. USE REGULATIONS

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

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- D. Properties within the Boneyard Creek District and ~~Business Development and Redevelopment District~~ are subject to special rules and procedures as set forth in Section XIII-4\_ and ~~Section VII-9~~ respectively.
- ~~E. See Section VIII-4.L for regulations associated with accessory off-street parking.~~
- E. ~~F.~~

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## ARTICLE VI. DEVELOPMENT REGULATIONS

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### Section VI-8. Outdoor Lighting Requirements

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#### C. Applicability

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

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## ARTICLE VIII. PARKING AND ACCESS

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

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

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

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

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## ARTICLE X. NONCONFORMITIES

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

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

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

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### Section XI-2. Plan Commission

A. *Appointment and Membership.* Refer to Chapter 18 of the Urbana City Code.

B. *Proceedings of the Plan Commission.*

1. All meetings of the Plan Commission shall be held at the call of the Chairman, at such times and places within the City of Urbana as the Plan Commission may determine. In no case shall a period of more than three months elapse between meetings of the Plan Commission.

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

- ~~2. All meetings of the Plan Commission shall be open to the public except as allowed by "An Act in Relation to Meetings" (Open Meeting Act), as approved on July 11, 1957, as subsequently amended.~~

- ~~3.~~ 2. The presence of a majority of the members of the Plan Commission shall constitute a quorum at a meeting of the Plan Commission. No action shall be taken by the Plan Commission unless a quorum is present.

- ~~4.~~ 3. The Plan Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.

- ~~5.~~ 4. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.

- ~~6.~~ 5. Every rule, regulation, amendment, order, requirement, decision, or determination of the Plan Commission shall, without undue delay, be filed in the Office of the City Clerk, and shall be a public record.

- ~~7.~~ 6. In the performance of its duties, the Plan Commission may incur such expenditures as are authorized by the City Council.

- ~~8.~~ 7. The City Planner, or his/her representative, shall serve as Secretary to the Plan Commission.

- ~~9.~~ 8. The City Planner shall advise the Urbana Plan Commission and shall make oral or written recommendations as necessary concerning zoning matters and other business of the Plan Commission.

C. *Powers and Duties of the Plan Commission.* ~~The Plan Commission shall have the following powers and duties~~Refer to Chapter 18 of the Urbana City Code.:

- ~~1. To prepare and recommend to the City Council a comprehensive plan for the City and its peripheral area and, from time to time, to review and propose any needed amendments to the plan;~~
- ~~2. To prepare and recommend to the City Council, from time to time, plans for specific improvements in pursuance of the official comprehensive plan;~~
- ~~3. To consider all amendments to the Urbana Zoning Ordinance, and make recommendations thereon to the City Council, as provided in Section XI-7 of this Article;~~
- ~~4. To consider all proposed special uses, and make recommendations thereon to the City Council, as provided in Article VII of the Urbana Zoning Ordinance;~~
- ~~5. To review subdivision plans and make recommendations thereon to the City Council, as provided in Chapter 21 entitled "Subdivisions and Other Land Developments" of the Urbana City Code;~~
- ~~6. To review the zoning and special use cases before the Champaign County Zoning Board of Appeals which are located within one and one-half miles of the limits of the City of Urbana, and textual amendments to the Champaign County Zoning Ordinance under considerations by the Champaign County Zoning Board of Appeals, and to make recommendations thereon to the City Council;~~
- ~~7. To consider any proposed annexation agreement which prescribes any zoning classification for the property to be annexed other than that automatically provided for in Section IV-5 of the Zoning Ordinance, and make recommendations thereon to the City Council as provided for in Section XI-14 of this Article. (Ord. No. 9495-95, 4-17-95)~~
- ~~8. Such other responsibilities as may be specifically delegated to the Plan Commission by the City Council, or by the Urbana Zoning Ordinance.~~

## Section XI-3. Zoning Board of Appeals

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### B. *Proceedings of the Board*

- ~~1. All meetings of the Board shall be held at the call of the Chair, or as determined by the rules of the Board, at such times and places within the City of Urbana as the Board may determine. All meetings shall conform to the requirements of the Open Meetings Act. All meetings shall be held in a public place designated by the Chair, and be open to the public, except as allowed by law. Any interested person may appear at any open meeting and be heard either in person or by an authorized agent or attorney.~~
- ~~2. All meetings of the Board shall be held in a public place designated by the Board, and shall be open to the public, except as allowed by "An Act in Relation to Meetings" (Open Meetings Act), as approved on July 11, 1957, as subsequently amended. At any meeting of the Board or at any hearing held by the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.~~
- ~~2. 3. The Board shall adopt rules necessary for the conduct of its affairs and consistent with the provision of this Ordinance and the laws of the State of Illinois.~~
- ~~3. 4. Authorizations.~~

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

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

**Section XIII-1. Telecommunications Facilities, Towers and Antennas**

**Section XIII-2. Mobile Home Parks**

**Section XIII-3. Planned Unit Developments**

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

**Section XIII-5. Neighborhood Conservation Districts**

**Section XIII-6. Condominium Conversions**

**Section XIII-7. Wind Energy Systems**

**Section XIII-8. Southeast Urbana Overlay District**

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