



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Elizabeth H. Tyler, AICP, Director/City Planner

**DATE:** October 6, 2003

**SUBJECT:** Plan Case No. 1865-T-03: Request by the Zoning Administrator to amend the Urbana Zoning Ordinance with respect to the Mixed Office Residential (MOR) District.

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### **Introduction**

The Zoning Administrator is requesting an amendment to the Zoning Ordinance to make several modifications pertaining to the Mixed Office Residential (MOR) District that extends along portions of Green, Elm, and Race Streets. The proposed amendments encompass the following:

- Clarification of the intent statement
- Reconstitution of the Development Review Board
- Revision to Development Review Board procedures
- Revision to Development Review Board criteria for approval
- Introduction of design guidelines for Development Review Board use
- Modifications to allowable parking area design
- Streamlining of review process
- Provisions to improve public participation

In addition, a number of other related issues and action items are discussed:

- Demolition procedures
- Adjustments to development regulations (FAR and lot area)
- Adjustments to permitted use table
- Potential sites for rezoning
- Adjustment to permit parking area
- Adjustment to definition of bedroom
- Parking requirements for multi-family residences
- More extensive review of proposals around Historic Properties

## **Background**

### **History of the MOR Zoning District**

The Mixed-Office Residential (MOR) Zoning District was created in 1990 as a result of the Downtown to Campus Plan. The Downtown to Campus Plan addressed the larger neighborhood located between Downtown Urbana and the University of Illinois and addressed the goal of “achieving a desirable and compatible balance among the area’s diverse residential, commercial and institutional land uses in order to protect the historical, architectural, economic and environmental character of the neighborhood.” Land use designations in the plan included the Mixed Residential/Office designation which is defined as:

“a mixture of residences, offices and small shops that are primarily located in older residential buildings. The reason for allowing the re-use of these buildings is to provide the owners with a greater economic return than can be gained from renting only to residential tenants. This will provide an incentive to retain these structures rather than raze them and build large apartment buildings. By allowing such mixed uses, the City hopes to preserve the character and appearance of these areas as well as strengthen the attraction between the campus and Downtown Urbana by encouraging more activity along Green Street. This type of mixed development must be done very carefully with special care given to the scale of new buildings and the location of parking areas on these lots.”

The resulting MOR Zoning District was one of several new designations foreseen by the plan, many of which involved an effective downzoning of properties to protect the neighborhoods to the east of the University campus. Approximately 90 properties along Green Street and Elm Street from Race Street to Busey Avenue were rezoned from high-density residential zoning classifications to the new MOR Zoning District. The intention of the district, as stated in the Zoning Ordinance, was to promote a mix of small-scale residential, office and business uses through the adaptive re-use of the existing structures. It was envisioned that the old homes along the Green and Elm Street corridors that had been traditionally divided for multiple apartments could be rehabilitated and transformed into less intense uses including “boutique” type of businesses and offices. In order to maintain an appropriate level of density and intensity in the district, specific limitations were implemented which regulate how much of a lot can be developed. It was further envisioned that the scale and design of new development would be harmonious with the existing neighborhood and would be constructed to fit the character of the existing development. The MOR district does not restrict the demolition of existing structures and allows new construction provided that it is “compatible” with the neighborhood. Multi-family development is a permitted use in the district.

The Zoning Ordinance was also amended to include provisions for a Development Review Board to review any development proposals in the district. The Development Review Board is comprised of five city staff members, including three members from the Community Development Services Department and two members from the Urbana Public Works

Department. Article XI-12 outlines thirteen review criteria that the Board is to consider when deciding on development proposals. The criteria range from general issues of neighborhood compatibility to technical issues of access and drainage. The Board is specifically restricted from considering design considerations as a part of its review process and limited in its review to site plan, layout and massing considerations. A unanimous vote of the Board is required in order for a proposal to proceed to construction. If the Board does not unanimously approve a development proposal, the case is taken to the Urbana Zoning Board of Appeals for final determination.

A copy of the current zoning regulations pertaining to the MOR zone is attached along with a map showing the lots that are contained within the MOR. This map shows a total of 98 properties zoned MOR: 49 along Green Street, 39 along Elm Street, 6 on Race Street, 2 on Birch Street, and 1 on McCullough Street. Of these 98 properties, 13 (13%) are estimated to be owner-occupied based on tax assessor's data (circled on the attached map). Of the owner-occupied properties, 6 are on Green, 6 are on Elm, and 1 is on McCullough.

### **Projects in the MOR Zoning District**

Since the inception of the MOR district in 1990 and the beginning of 2003, there were 14 requests made to the Development Review Board. Of the approved requests, the most significant projects have been new multi-family construction located at 604½ West Elm Street, the "Aspen on Green" at 308 West Green Street, 712 West Green Street and 611 West Green Street. There have also been a number of remodeling projects approved, including those for the Lindley House Bed and Breakfast, Timothy John's Salon at 404 West Green, the conversion of 401 West Elm Street to offices, and the conversion of 511 West Green Street for a Christian Counseling Center.

Although the original concept for the district was to adaptively reuse existing structures for new small-scale commercial, office and residential uses, the primary demand from developers has been to construct new multi-family developments. The economic advantage foreseen in the Downtown to Campus Plan for adaptive reuse has not been apparent. This may be due to a number of factors, including limited demand for retail and office space in this area, the relative strength of the multi-family market in such close proximity to the University, construction costs associated with adaptive reuse, structural difficulties in meeting code requirements for commercial uses - for concerns such as fire protection and ADA compliance, and lack of available short-term parking.

In 2003, the DRB reviewed three development proposals for multi-family development within a small stretch of the 600-700 block of West Green Street. The multi-family project proposals at 605, 611, and 701 West Green represented the first development proposals in the district in nearly seven years and generated concern from the neighborhood regarding the regulations of the district and the process for approval through an internally staffed Development Review Board. The review process for these projects also raised concerns on the part of the Development Review Board members regarding the appropriateness of their role as both technical reviewers and decisionmakers for these controversial projects and the restrictions on addressing design

considerations as a part of the review process, when design modifications are often necessary to achieve the compatibility purposes of the District.

Following extensive review and project modifications, the Development Review Board granted approval of an eight-unit apartment development at 611 West Green, a six-unit building at 605 West Green, and an eight-unit building at 701 West Green Street. The 611 and 701 West Green Street projects also obtained minor setback variances from the Zoning Board of Appeals. Under provisions of the Historic Preservation Article of the Zoning Ordinance, the Historic Preservation Commission provided input to the Development Review Board and the Zoning Board of Appeals regarding the impacts of the proposal at 611 West Green on the Ricker House which holds local landmark designation and is located directly across the street from the property at 611 West Green.

### **Interim Development Ordinance**

As a direct response to the recent apartment proposals along West Green Street, a petition containing 185 signatures was submitted to the City Council requesting a moratorium on development in the MOR zone to allow time for the City to amend the regulations so that any redevelopment would be governed by specific design criteria, to limit zoning density to maintain the historic feel of the area as articulated in the 1990 Downtown to Campus Plan and to include citizen participation as a part of the Development Review Board.

On July 21, 2003 the Urbana City Council adopted Ordinance No. 2003-07-073 (copy attached), an Interim Development Ordinance (IDO), as an amendment to the Urbana Zoning Ordinance for the purpose of creating a 120-day moratorium on any non-exempt development in the MOR, Mixed-Office Residential Zoning District. The purposes of the IDO and the moratorium were as follows:

- To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.
- To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
- To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
- To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.

- To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

The IDO identified a number of exceptions to the moratorium to accommodate special circumstances with certain restrictions, including then pending cases before the Development Review Board; a pending demolition case; exceptions to directly protect the health, safety, and general welfare of the public; exceptions to allow demolition and reconstruction related to fire, explosion, or act of God; and exceptions in cases of hardship. Since enactment of the moratorium, one exception has been granted to allow for repair of an exterior staircase due to safety concerns. The moratorium will expire on November 21, 2003.

### **Previous Efforts at Amendment**

Extensive amendments to the MOR zone have been proposed in the past. The amendments were proposed in reaction to concerns that the adaptive reuse of structures was not being successfully promoted and that development was not occurring as envisioned in the Downtown to Campus Plan. In 1997, a broad-based committee of volunteers representing property owners within the MOR, residents adjacent to the MOR, architects, historic preservation, City Council, MOR business owners, and staff convened and recommended a number of amendments. The recommendations included:

- Change of name to the “Business-Residential District” (BRD) to allow for improved marketing of the area.
- Recomposition of the Development Review Board to consist of the Zoning Administrator, City Engineer, a practicing licensed architect, a resident or property owner within the district, and a resident or property owner within 250 feet of the district.
- Streamlining of the approval process to allow for Development Review Board granting of variances and conditional use permits.
- Development Review Board review of new construction site plans only with administrative review of alterations to existing construction.
- Review of Special Use Permits by the Plan Commission without the need for Development Review Board review as well.
- Multiple-family use of existing structures for four or fewer units to be approved administratively; multiple-family use of existing structures for more than four units and new multiple-family structures of less than four units to require Development Review Board approval; and new multiple-family structures of greater than four units to require a Special Use Permit.

The proposed amendments were reviewed by the Plan Commission in 1998. Minutes from the Plan Commission meetings show that a number of changes were suggested by the Commission that would have entailed significant departures from the staff and Committee recommendations, particularly with respect to the review role of the Plan Commission. The suggested amendments were not

completed by staff (likely due to major staff changes at the time) and were never considered by the City Council.

In the intervening years, City staff has continued to receive comments on the MOR District. Most of these comments have been from local architects and developers who have noted concern with the restricted floor area ratio requirements in the district and the difficulty of being able to design new construction to fit within the existing lotting pattern in the area.

In preparing the current amendment proposal, staff has reviewed and considered the previous amendment proposals and has discussed the proposed changes with members of the previous committee. Several suggestions of this previous effort are reflected in the current proposal.

### **Amendment Review Process**

In preparing the proposed amendment, staff have undertaken extensive research including:

- Review of previous MOR cases
- Review of building permit activity in the MOR District
- Inventory of property ownership patterns
- Inventory of land use patterns
- Visual inventory of all properties in the MOR District
- Architectural inventory of all properties (under preparation for design guidelines)
- Focus group discussions with affected residents, developers, Mayor, Councilmembers, existing Development Review Board members, City Attorney, and Chief Administrative Officer

Preliminary input has been sought from the Plan Commission in the study session held on September 18, 2003. Specific input on the design guidelines was sought from the Historic Preservation Commission on October 1, 2003. A summary of the specific design suggestions made by the Commission is attached.

Staff are also working with a graduate student architect who is student director of CIVITAS, a newly founded design center located at the University of Illinois at Urbana-Champaign. Development of design guidelines for the MOR District is the first professional project for the CIVITAS design center. CIVITAS is also engaged in a design workshop focusing on the Lincoln Square Mall area. It is anticipated that the design guidelines, to be prepared in pattern book form, will be completed by the beginning of the Spring semester. The design guidelines are proposed to be referenced in the Zoning Ordinance as a stand-alone document that may be updated separately.

## **Summary of Proposed Amendment**

Attached to this Memorandum is a copy of the existing regulations of the Zoning Ordinance as they pertain to the MOR District. Pertinent sections include Sections IV-2.1, Purpose of Districts; Section V-8, Additional Use Regulations in the MOR District; Section VIII-3.J., Location of Parking Facilities; and Section XI-12, Development Review Board. These pertinent sections are proposed for major revisions as shown in the attached copy of the proposed regulations. The revisions are extensive enough that strike-through and underlining is not effective. The proposed revisions by section are summarized as follows:

### **Section IV-2.1, Purpose of Districts**

The existing purpose statement for the MOR has been criticized during public comment at the Development Review Board and Plan Commission meetings as being vague and contradictory. The proposed purpose of the District is made more concise and less confusing in its intent as follows:

*The MOR, Mixed-Office Residential District is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The adaptive re-use of existing, older structures is encouraged in order to promote their economic viability and to preserve and extend the useful life of such structures. New construction shall be designed and constructed in a manner that best preserves the character of the district.*

The revised purpose statement makes clear that both adaptive reuse and new construction are permitted in the district, but that adaptive reuse is encouraged.

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

Minor wording changes to this section are proposed for improved clarity as to the application of the MOR.

### **Section VIII-3, Location of Parking Facilities**

This section has been amended to allow for parking below a principal structure in accordance with the parking standards of the ordinance and subject to the provisions of the MOR Design Guidelines. The Guidelines are anticipated to allow partial subgrade parking only if it is located away from the street and is screened architecturally and/or with landscaping. The intent of this amendment is to allow for alternatives to surface parking lots but to avoid the detrimental appearance of first-level parking.

## **Section XI-12, Development Review Board**

This section has been completely revised as follows:

### **A. Creation and Purpose**

The purpose and objectives of the Development Review Board are clarified consistent with the purpose of the District.

### **B. Powers and Duties**

This new section sets forth the powers and duties of the Development Review Board. A newly proposed ability of the Development Review Board to grant conditional use permits and minor variances and to recommend approval of special use permits and major variances is set forth. Currently, the Development Review Board is only enabled to grant minor variances in certain circumstances.

The previous amendment effort included a number of ways in which development review in the MOR zone could be streamlined, including allowing the Development Review Board to grant its own conditional uses and variances. The previous effort also allowed for review of larger projects by the Plan Commission. With the currently proposed emphasis on design guidelines, staff feels that the Development Review Board will be the most appropriate body to review development proposals in the MOR zone. The ability to appeal to the Zoning Board of Appeals is also an important element that should be retained. The previous suggestion to allow the Development Review Board to grant minor variances on new construction and conditional use permits should be pursued. In addition, the Development Review Board could also provide recommendations on Major Variances and/or Special Use Permits to the City Council, thereby avoiding the need to undergo review at three levels.

By allowing the Development Review Board to take the place of Zoning Board of Appeals action in the case of conditional use permit and all minor variances, of Zoning Board of Appeals recommendation to the City Council in the case of major variances, and of the Plan Commission in making recommendations to the City Council for special use permits and major variances, the review process can be streamlined and decisions that are more consistent with the development plan review can be ensured. This will also allow for improved public participation in that fewer meetings will be required to follow a case. Because the Development Review Board is proposed to consist of Mayoral-appointed stakeholders (see below), it will be better able to provide the function that the Zoning Board of Appeals and Plan Commission currently serve in reviewing variances, conditional use permits, and special use permits in the MOR zone. The Development Review Board will be required to follow the same procedures and review that are currently followed by the Zoning Board of Appeals and Plan Commission in reviewing variances, conditional use permits, and special use permits.



### C. Membership

Membership of the Development Review Board is modified to include a representative of the Plan Commission, a representative of the Historic Preservation Commission, a licensed architect, an owner of property within the district, and a citizen residing within the district or within 250 feet of the district. As with other City boards and commissions, the Development Review Board members will be appointed by the Mayor with City Council approval. The proposed amendment is to provide for improved citizen and stakeholder participation on the Development Review Board and will allow City staff to provide professional support in making recommendations to the Board. By including a licensed architect and qualified member of the Historic Preservation Commission, the Development Review Board will be in a stronger position with respect to reviewing responsiveness to design guidelines.

### D. Officers.

As with other City Boards and Commissions, procedures are established for Board officers.

### E. Meetings

As with other City Boards and Commissions, procedures are established for Board meetings. The Review Board meetings are required to be held in the evening which will help to promote improved citizen participation.

### F. Application and Development Plan Submittal Requirements

This new section sets forth the requirements for applications and for development plan submittals, which were previously limited to site plans alone. The development plan submittal is proposed to include site plans, elevations, and floor plans for the proposal, as well as site plans, elevations, and/or perspectives for adjacent structures. Submittal of the required information is intended to provide the Development Review Board with sufficient information to review established criteria, make recommendations for improvements, and render decisions.

### G. Development Review Board Review Procedures

This section has been revised to modify the review times to a more realistic time frame, to require public notice within 250 feet (as opposed to the current limit of 100 feet), and to clarify the approval procedures of the Development Review Board. The ability to appeal to the Zoning Board of Appeals is retained. The development review board submittal shall also be used for any necessary conditional use permits or special use permits, but the separate procedures for these permissions must be followed.

A simple majority of the full membership is required for approval of development plans, rather than the current requirement for a unanimous decision. The need for unanimity is unnecessary

with a more broad-based membership, such as proposed. At the same time, because the Board would comprise only five members, a majority vote of the total membership, (i.e., at least three votes) rather than of those present and voting, is recommended to ensure that decisions cannot be made by a minority of the membership in the event of absences.

#### H. Development Plan Review Criteria

The review criteria have been rewritten to be more succinct and more relevant to the submittal documents and purpose of the MOR District. The criteria are encompassed within the following categories:

- Land Use and Development Regulations
- Compatibility with Surrounding Neighborhood
- Parking and Access
- Engineering and Drainage
- Screening and Landscaping
- Site Details
- Design Guidelines

#### I. Adjustments to Existing Codes and Regulations

The ability for the Development Review Board to make adjustments for site plan modifications and for projects that involve existing structures is retained from the existing regulations.

#### J. Design Review Guidelines

This section is reserved for reference to the Design Guidelines that are under preparation. It should be emphasized that the design guidelines will be in pattern book form for maximum choice and flexibility and are meant to be administered as guidelines rather than directives. In the interim time period until the design guidelines are completed and adopted (expected to occur in early 2004), the Development Review Board will have the ability to consider architectural design, including materials.

### **Other Issues**

A number of other related issues and actions have been discussed during preparation of the amendment but are not included in the current proposal. These include the following:

#### **Demolition Procedures**

Discussion during the Plan Commission study session and the Historic Preservation Commission included observations by some that it should be made more difficult and/or expensive to demolish existing structures in the MOR zone. The ability to make demolition decisions by right is a basic property right that is present in all other locations in Champaign-Urbana, with the exception of

historic landmarks and districts. Requiring review or limitations on the ability to demolish properties in the MOR zone would likely be seen as an erosion of basic property rights by the property owners in the MOR zone and could result in legal action on the basis of a taking. It should be noted that 87% of the properties in the MOR zone are not owner-occupied and are therefore investment properties of one type or another. These owners have previously undergone a possible perceived taking at the time of adoption of the MOR zone (which could be seen as a downzoning from the previously existing multiple family residential districts) pursuant to the Downtown to Campus Plan. For these reasons, staff does not recommend any revisions to our current demolition process as it pertains to the MOR District.

A more productive approach is to devise development regulations and incentives that help to encourage adaptive reuse as opposed to new construction. The encouragement of adaptive reuse is a basic premise of the MOR district and the current ordinance offers regulatory incentives to help encourage adaptive reuse as opposed to new construction. For example, the Development Review Board is given the latitude to vary the requirements of the Zoning Ordinance in the case of adaptive reuse. By improving the procedures pertaining to the District it is hoped that adaptive reuse can be more successfully encouraged.

In addition, as a separate initiative, financial incentive programs could be considered by the City to encourage the re-use of existing structures in this and/or other areas of the City. Historic properties that are listed as National or local landmarks are already available for federal and state tax credits.

### **Revisions to the Table of Uses**

City staff reviewed the Table of Uses in the Zoning Ordinance with respect to identifying any revisions that would help to encourage adaptive reuse of existing structures in the MOR zone and to identify any uses that might be unacceptably impacting upon adjacent residential uses. It was determined that all appropriate commercial uses are already allowable within the MOR district and that with appropriate Development Review Board review and conditions, the allowable commercial uses would be compatible with adjacent residential uses. No revisions are proposed.

### **Adjustments to Development Regulations**

A number of architects, developers, and property owners have argued that the development regulations in the MOR district are overly restrictive and that they have a detrimental effect upon the ability to design buildings that are cost-effective, attractive, and suitable for modern uses. The specific regulations that have been challenged include the floor area ratio which is set at 0.70 and the limitation of the floor area ratio to a maximum lot area of 8,500 square feet. A review of the initial MOR regulations reveals that staff at that time initially proposed holding the allowable density to that allowed in the R-5 district, which has an FAR of 0.90, and at the same time to limit the effects of lot consolidation by setting the maximum lot area to which the FAR may be applied to the approximate equivalent of a lot and a half. By dropping the FAR to 0.70, and also holding the applicable lot area to 8,500 square feet, the adopted regulations are substantially stricter than had

been empirically justified by staff at the time. Adjustments proposed by architects who have attempted to design buildings in the MOR District are to modestly increase the FAR to 0.75 and/or to allow the lot area to which the FAR applies to be increased to 12,000 square feet or the equivalent of two lots. This would still keep the density midway between the R-4 and R-5 levels, but would allow for improved architectural flexibility in design.

The current MOR regulations effectively limit the size of a building to 5,950 square feet, as illustrated in the attached Powerpoint presentation. If the FAR were increased to 0.75, it would increase the allowable floor area to 6,375 square feet. If the allowable area were increased to 12,000 square feet and the FAR held at 0.70, it would allow a building of up to 8,400 square feet to be located on the larger lot area. If both adjustments were made, the allowable building size would increase to 9,000 square feet, a 50% increase over the existing limitations. One possibility would be to allow an increase in square footage up to a certain higher limit only with a special use permit and approval by City Council.

In more recent discussions, a number of individuals have suggested that the density regulations in the MOR District need to be dramatically increased due to the area's importance as a connection between downtown and the University, its potential as a mass transit link along a possible tramline, and as a means of encouraging more intense development in the City and less sprawl outside of the City.

Other individuals have argued that the densities in the MOR District should be reduced to single-family densities in order to reduce impacts on the adjacent residential neighborhood, to reduce the number of vehicles in the area associated with multiple-family residences, and to keep the "green" in Green Street. Staff does not recommend that the allowable densities be reduced in the MOR District due to the series of trade-offs in zoning rights that occurred at the time of the Downtown to Campus Plan. A further reduction in these zoning rights could likely be seen as a "taking" and result in legal action against the City.

One novel approach to addressing the differing views on density would be to implement a transfer of development rights approach within the District to allow for trading of density rights to appropriate locations.

Because there are such differing views on the appropriate density to apply in this area, no specific adjustments are recommended by staff at this time.

## **Related Actions**

During preparation of the proposed amendments, the need for a number of related actions has arisen. These will require follow-on actions separate from the current proposal.

## **Potential Sites for Rezoning**

The parcel-by-parcel review of the district showed some sites along the eastern edge of the Green/Elm corridors and in the Race Street area that might be more suited to a downtown zoning designation. Rezoning of these properties would help to provide additional properties that can be developed consistent with the goals of the Downtown Strategic Plan.

## **Adjustment to Permit Parking Area**

Pursuant to review of the three recent development proposals along the south side of Green Street, it was discovered that on-street impacts of these new multiple-family projects on the adjacent single-family neighborhood (High Street and Illinois Streets, in particular) could be exacerbated by the ability of the apartment residents to obtain on-street parking permits. By modifying the district boundaries so that it does not include the south side of Green Street, this consequence of development can be avoided. This action will take a legislative adjustment to the on-street parking program.

## **Adjustment to Definition of Bedroom**

In reviewing the floor plans for one of the recent proposals along Green Street, it became apparent that the current Zoning Ordinance may allow for studios or loft spaces (as designated on floor plans) that may easily be used as bedrooms, but which may not be counted with respect to parking requirements. The City of Champaign Zoning Ordinance addresses this by requiring parking for such areas. A similar adjustment should be made to the Urbana Zoning Ordinance. Because it would pertain to multiple-family residences in any of the zoning districts and not be limited to the MOR, this potential amendment is not encompassed in the current plan case.

## **Historic Preservation Review of Proposals Around Historic Properties**

Section VII.3.F.11 of the Zoning Ordinance requires Historic Preservation Commission comment on zoning changes, special uses, conditional uses, MOR review, and variances that are “located contiguous to or separated only by public right-of-way from designated landmarks and historic districts”. The Commission did provide comment on the proposal at 611 Green Street since it is located immediately across Green Street from the Ricker House. However, because the proposals at 605 and 701 Green Street are located “catty corner” from the Ricker House, they were not submitted for comment by the Historic Preservation Commission. Members of the Plan Commission and the Historic Preservation Commission disagreed with the review decision as to contiguity. Interpretation of this provision to provide for a more inclusive definition of “contiguity” can be done administratively by the Zoning Administrator. Clarification can then be provided as a part of a future omnibus amendment for Zoning Ordinance corrections and clarifications.

## **Parking for Multi-Family Residences**

Also discussed at the Plan Commission meeting was the possible need to re-examine off-street parking requirements for multi-family uses. Currently, the City requires no less than one parking space for each one-bedroom unit, but only 0.50 spaces per bedroom for apartments with two and more bedrooms. As bedroom sizes increase, additional parking is required. In recent years, car ownership in general, and by students in particular has risen. In some instances, this has resulted in an overflow of parking onto adjacent streets and neighborhoods. Staff has conducted extensive background research into the pros and cons of adjusting the multiple-family parking requirements and has presented these to the City Council. Positive reasons for increasing requirements include the provision of parking that is closer to actual documented demand and reduction of impact on surrounding streets and properties. Negatives include an effective downzoning of properties that are currently zoned multi-family (if compensatory changes in development regulations are not made), a loss of incentive to keep car ownership/use down to encourage transit use and other modes of travel, and an increase in paved areas for parking. These are issues that transcend the MOR district and should be dealt with in a more comprehensive fashion.

## **Summary of Staff Findings**

1. The proposed amendment would assist in the administration and enforcement of the Zoning Ordinance.
2. The proposed amendment is consistent with goals and objectives of the Comprehensive Plan and Downtown to Campus Plan by encouraging the adaptive reuse of structures in the MOR zone and by requiring new development to be compatible with the district as a whole.
3. The proposed amendment will allow for more citizen and stakeholder participation in the Development Review Board process.
4. The proposed amendment will help to encourage appropriate and compatible design in the MOR zone through the use of design guidelines and appropriate review criteria.
5. The proposed amendment will improve and streamline the review procedures of the Development Review Board.

## **Options**

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 1865-T-03, the Plan Commission may:

- a. forward this case to City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance, as presented herein.

- b. forward this case to City Council with a recommendation for approval of the proposed text amendment to the Zoning Ordinance, as modified by specific suggested changes.
- c. forward this case to City Council with a recommendation for denial of the proposed text amendment to the Zoning Ordinance.

### **Staff Recommendation**

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

Attachments:      Map of Existing MOR District  
                         Summary of Existing MOR Regulations  
                         Ordinance Enacting an IDO  
                         Background Slide Presentation  
                         Existing MOR Regulations  
                         Proposed MOR Regulations (Text Amendment)  
                         Historic Preservation Commission Design Guideline Ideas



Properties in the  
M.O.R., Mixed-Office Residential  
Zoning District

Properties Zoned MOR

Owner Occupied





# MOR MIXED OFFICE RESIDENTIAL ZONING DISTRICT

## ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the MOR Zoning District is as follows:

"The MOR Mixed Office Residential District is intended to provide areas for a limited variety of business, office and residential land uses in proximity to low density residential dwellings in order to promote the economic viability and preservation of older residential structures while protecting the aesthetic and residential character of the area. The development regulations and permitted uses make this district suitable for properties which may no longer be viable as strictly residential uses but are located in a residential setting. This district is intended to encourage the adaptive re-use of these older residential structures as an incentive to preserve and extend the useful life of such structures while also allowing compatible new development. The MOR District is also intended to promote the conservation of buildings and neighborhoods, which in combination or individually, are of unique community and neighborhood significance."

"The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected."

*Please note: Section XI-12 of the Ordinance provides that the Development Review Board must approve of site plans for any of the following proposed changes to properties in the MOR District:*

- Changes to uses in existing structures,
- Additions or exterior remodeling of existing structures,
- Construction of new structures or parking areas.

*Please refer to that Section for information on procedures before the Development Review Board.*

Following is a list of the Permitted Uses, Special Uses and Conditional Uses in the MOR District. Permitted Uses are allowed by right. Special Uses must be approved by the City Council. Conditional Uses must be approved by the Board of Zoning Appeals.

### PERMITTED USES:

#### **Public and Quasi-Public Facilities -**

Church or Temple  
Institution of an Educational, Philanthropic or  
Eleemosynary Nature  
Municipal or Government Building

Public Library, Museum or Gallery  
Public Park

#### **Residential Uses -**

Bed and Breakfast, Owner Occupied  
Bed and Breakfast Inn  
Boarding or Rooming House  
Dormitory  
Dwelling, Duplex

Dwelling, Duplex (Extended group occupancy)  
Dwelling, Multifamily  
Dwelling, community living facility, Category I,  
Category II and Category III

## MOR Zoning District Summary cont.

### Permitted Uses cont.

#### **Residential Uses** -

Dwelling, Single Family (Extended group occupancy)  
Dwelling, Single Family

Two-Unit Common-Lot-Line Dwelling  
Home for the Aged

#### **Resource Production and Agricultural Uses** -

Garden Shop  
Greenhouse (not exceeding 1,000 sq. ft.)

Plant Nursery

#### **Business Uses - Personal Services**

Barber Shop  
Beauty Shop  
Massage Parlor  
Mortuary  
Health/Fitness Club

Pet care/ Grooming  
Shoe Repair Shop  
Tailor and Pressing Shop

#### **Business Uses - Business, Private Educational and Financial Services**

Bank, Savings and Loan Association  
Private Kindergarten or Day Care Facility  
Check Cashing Service

Professional and Business Office  
Vocational, Trade or Business School  
Copy and Printing Service

#### **Business Uses - Food Sales and Services**

Cafe  
Confectionery Store

Convenience Store

#### **Business Uses - Retail Trade**

Antique or Used Furniture Sales and Service  
Apparel Shop  
Art and Craft Stores and Studios  
Bicycle Sales and Service  
Bookstore  
Drugstore  
Electronic Sales and Service  
Florist  
Furniture Store-Office Equipment Sales  
Hardware Store  
Jewelry Store

Music Store  
Pet Store  
Photographic Studio and Equipment Sales and Service  
Shoe Store  
Sporting Goods  
Stationery-Gift Shop-Art Supplies  
Tobacconist  
Variety-Dry Goods Store  
Video Store

#### **Business Uses - Recreational**

Billiard Room  
Dancing School  
Non-Residential Athletic Training Facility

Private Indoor Recreational Development  
Theater, Indoor

### **SPECIAL USES:**

#### **Public and Quasi-Public Facilities** –

Principal Use Parking Garage or Lot

#### **Residential Uses** –

Home for adjustment;

#### **Business Uses** –

Meat and Fish Market

**MOR Zoning District Summary cont.**

**CONDITIONAL USES:**

**Business Uses -**

Lodge or Private Club  
 Residential Athletic Training Facility  
 Restaurant

Bakery (Less than 2,500 sq. ft.)

**DEVELOPMENT REGULATIONS IN THE MOR DISTRICT**

ZONE	MIN LOT SIZE	MIN OR AVERAGE WIDTH	MAX HEIGHT	MAX FAR	MIN OSR	MIN FRONT YARD	MIN SIDE YARD	MIN REAR YARD
MOR	6,000	60'	35'	0.70 <sub>2</sub>	0.30 <sub>2</sub>	15' <sub>1</sub>	7(17) <sub>3</sub>	10'

**FAR= FLOOR AREA RATIO**  
**OSR= OPEN SPACE RATIO**

1. In the MOR District, the required front shall be the average depth of the existing buildings in the block, or 15 feet, whichever is greater as required in Section VI-5-D(1).
2. In the MOR District, no more than 8500 square feet of a lot may be counted towards the calculation of the FAR or the OSR. However, if a lot has an area greater than 17,000, the lot may contain two or more principal structures based on a ratio of one structure for each 8500 square feet, subject to the Zoning Board of Appeal's authorization of issuance of a conditional use permit for multiple buildings on a single lot.
3. In the MOR District, the sum of the two (2) required side yards shall not be less than seventeen (17) feet.

**Section XI-12. Development Review Board for the MOR**

*A. Creation and membership.*

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedure in the MOR District in conformance with the requirements of this Section XI-12.
2. The Development Review Board shall consist of the following five (5) members who shall be employees of the City of Urbana:
  - a. The Zoning Administrator or representative
  - b. The City Planner or representative
  - c. The City Engineer or representative
  - d. The City Arborist or representative
  - e. The Building Safety Division Manager or representative
3. The Zoning Administrator or representative shall serve as chairman of the Development Review Board.

*B. Purpose and Objectives.*

1. The purpose of the Development Review Board is to review and approve or disapprove all site plans for changes to uses in existing structures, for additions for exterior remodeling of existing structures and for construction of new structures and parking areas in the MOR District.

2. The objectives of the Development Review Board in administering the site plan review requirement in the MOR District are to:
  - a. Encourage compatible new construction or rehabilitation and alteration of existing structures;
  - b. Encourage compatibility and minimize impacts between the proposed land use and the surrounding area;
  - c. Encourage the maintenance, preservation and enhancement of both individual structures and the neighborhood's visual and aesthetic character;
  - d. Encourage the economic use of older structures in a manner compatible with the neighborhood;
  - e. Encourage flexibility and creativity in meeting the requirements of the Zoning Ordinance and the Urbana City Code;
  - f. Provide for the resolution of requests for site plan approvals in conformance with the purpose of the MOR District and the requirements of the Zoning Ordinance.

*C. Site plan review procedures.*

1. A request for site plan approval shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the site plan, and shall be filed with the City Planner. Each request shall be submitted with the required fee as provided in Section XI-8.
2. The Development Review Board may adopt its own rules, regulations and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois. All site plans submitted for review shall contain the information required by the Development Review Board.
3. Within fifteen (15) working days after the completed application, site plan, fee and supporting documentation have been received, the City Planner shall convene a meeting of the Development Review Board 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 one hundred (100) feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than seven (7) days prior to said meeting.
4. All meetings of the Board shall be held in a public place designated by the Chairman, and shall be open to the public, except as allowed by law. At any meeting of the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.
5. After reviewing the proposed site plan according to the criteria and standards in Section XI-12-D, the Development Review Board shall vote to approve or disapprove the proposed site plan. All decisions of the Development Review Board shall require a unanimous vote. If less than all five (5) members of the Development Review Board are present at the meeting, the request shall be tabled until all members are present, provided, however, that all proposed site plans shall be voted on within thirty (30) days of the initial application. A less than unanimous decision by the Board shall cause the City Planner to appeal the request to the Board of Zoning Appeals in accord with Section XI-3. The Development Review Board may impose conditions or requirements which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance only when site plan adjustments for an existing structure are only approved as an incentive to re-use the existing structure in accordance with Section XI-12-E.
6. If the proposed site plan conforms to the general standards and specific requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve

the proposed site plan. If the proposed site plan does not conform with the general standards and specific requirements of this Ordinance, the Development Review Board shall so find and disapprove the proposed site plan. The applicant shall be notified in writing of the Board's decision within five (5) working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board.

7. If the proposed site plan is not approved, the applicant shall be given a reasonable opportunity to resubmit the site plan with modifications to specifically address the findings of the Board. Site plan approval is required prior to the approval of any request for a building permit or a Certificate of Occupancy in the MOR District. Site plan approval is also required for all requests for conditional uses and special uses in the MOR District. The decision of the Development Review Board concerning the site plan shall be submitted to the appropriate body reviewing the conditional use and special uses requests. The approved site plan becomes the official plan for the property and is the final site plan submitted with a request for a building permit in the MOR District. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
8. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
9. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question and shall also keep records of its findings and official decisions.
10. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.
11. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the site plan is approved by the Board.
12. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

*D. Design review criteria and standards.*

All site plans will be reviewed by the Development Review Board according to the criteria and standards listed below. No site plan shall be approved by the Development Review Board unless the plan complies with the requirements of this Ordinance, is consistent with the intent and purpose of the MOR District, and is compatible with the land uses surrounding the site.

1. Will the proposed land use conform with the purpose of the MOR District as stated in Section IV-2-H, and with the table of permitted uses listed in Table V-1? Will the project design be harmonious with adjacent land uses and the character of the surrounding neighborhood?
2. Will the proposed site plan and structure(s) conform to the development regulations in Article VI? Will the proposed site plan be compatible with the surrounding neighborhood? Will the proposed use overburden the capacities of existing streets, utilities, sewers and other public facilities?
3. Will the location, orientation, setbacks, spacing and placement of the structure(s) harmonize with the surrounding neighborhood and minimize the impact of their use and bulk on adjacent properties?

4. Will drives and parking areas be located, designed and controlled to move traffic conveniently and safely in a manner which minimizes traffic friction, noise and visual impacts?
5. Will adequately sized and designed parking areas be located to meet the requirements of Article VIII except as modified by the Development Review Board?
6. Will safe and convenient provisions for the movement of handicapped persons and parking for the vehicles of the handicapped be accommodated in the project design in conformance with the requirements of the State of Illinois?
7. Will the project design encourage the preservation of natural features such as mature trees and other healthy vegetation?
8. Will the project design conform to the sign regulations in Article IX?
9. Will the location and construction of fencing and screening conform to the requirements of the Urbana City Code?
10. Will the project design conform to customary engineering, site development and site landscaping standards?
11. Will landscaping berms, fences and/or walls be provided to screen adjacent properties from possible negative influences that may be created by the proposed use?
12. Will the design of drives and parking areas result in a minimum area of asphalt or concrete? Will drainage be provided in conformance with the requirements of the Urbana City Code?
13. Will the location of exterior trash dumpsters, storage areas and loading areas be screened from adjacent properties and streets? Will exterior lighting be directed away from adjacent structures?

The Development Review Board shall not consider the architectural style, appearance, color, building materials, or architectural details of the structure in reviewing a proposed site plan except as such factors affect the placement of the building, drives and parking areas on the site.

*E. Site plan adjustments.*

1. In order to encourage the compatible re-use of existing structures in accord with the purpose and objectives of the MOR District, the Development Review Board is hereby authorized to approve site plan adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code in accordance with the provisions of Section XI-12-E(3).
2. When changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing structures is proposed, the Development Review Board is hereby authorized to approve site plan adjustments or modifications of the requirements of the Zoning Ordinance and City Code. Construction of new buildings shall conform to all requirements of the Urbana Zoning Ordinance and Urbana City Code unless a general or specific variance is granted by the Board of Zoning Appeals or Urbana City Council in accordance with Section XI-3-C. The purpose of this provision is to provide an incentive to re-use the existing structures, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District.
3. In accord with the purposes of the Zoning Ordinance, the Development Review Board is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District that are consistent with the purposes of the MOR District:
  - a. Section VIII-2, Design and Specifications of Off-Street Parking;

- b. Section VIII-3, Location of Parking Facilities;
  - c. Section VIII-4, Amount of Parking Required; except that no adjustment in excess of twenty-five (25) percent of the full parking requirements may be approved by the Development Review Board and no adjustment 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-5, Off-Street Loading Regulations;
  - e. Article VI, Development Regulations; except that the Development Review Board is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) and no others; and
  - f. Chapter 7 of the City Code, Fences.
4. None of the provisions of this Section XI-12 shall prevent or otherwise restrict the ability of a property owner to request a general variance or specific variance or to receive approval of a request for a general variance or specific variance from the Board of Zoning Appeals or City Council in accordance with the provisions of Section XI-3 of this Ordinance.

For more information on zoning in the City of Urbana call or visit:

**City of Urbana**  
**Community Development Services Department**  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2440  
(217) 384-2367 fax  
[www.city.urbana.il.us](http://www.city.urbana.il.us)

Revised 4/12/02

***PASSED ON JULY 21, 2003***

**ORDINANCE NO. 2003-07-073**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA**

(To add Section XI-15, Interim Development Ordinance -  
Moratorium on development in the M.O.R., Mixed-Office  
Residential Zoning District- Plan Case No. 1859-T-03)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a Comprehensive Amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District call into question their compliance with the stated intent of the district; and



WHEREAS, the City of Urbana intends to conduct a review of regulations and procedures of the M.O.R., Mixed-Office Residential Zoning District to address these concerns; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance in order to create a 120-day moratorium on the issuance of demolition and new building permits in the district; and

WHEREAS, the Interim Development Ordinance submitted to the Urbana Plan Commission included the following goals: 1) To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined. 2) To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties. 3) To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district. 4) To consider

architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district. 5) To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility; and

WHEREAS, on July 10, 2003, the Urbana Plan Commission voted 6-0 to recommend approval of Plan Case 1859-T-03; and

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

Section 1. The Zoning Ordinance of the City of Urbana is hereby amended by adding a new Section XI-15 to be titled "M.O.R., Mixed-Office Residential Moratorium" which provides as follows:

**Section XI-15. M.O.R., Mixed-Office Residential Moratorium**

**A. Statement of Purpose** - The purposes of the regulations contained in this Article are:

1. To preserve and protect the health, safety, and welfare of the citizens of the City by preventing further development in the M.O.R., Mixed-Office Residential Zoning District which may conflict with

the intent of the Zoning Ordinance for a period of 120 days during which time the specific requirements and procedures of the district can be re-examined.

2. To prevent development in the district which may be incompatible in scale, bulk, design and massing from the neighborhood and adjacent properties.
3. To determine if the current regulations for the M.O.R., Mixed-Office Residential Zoning District and the procedures for the Development Review Board adequately meet the expectations and intent of the district.
4. To consider architectural and site design criteria that can be utilized to improve compatibility of proposed development within the district.
5. To consider the composition and procedures of the Development Review Board in order to most effectively review proposed development and insure compatibility.

**B. Boundaries** - All parcels with the present zoning district classification of M.O.R., Mixed-Office Residential Zoning District as identified on the official Zoning Map published by the City of Urbana on March 17, 2003 by Ordinance No. 2003-03-026.

**C. Use and Development Regulations -** No demolition or new building permits shall be issued within the M.O.R., Mixed-Office Residential Zoning District other than those that meet the requirements for the variations and exceptions listed below in Section XI-15.E. The Development Review Board shall not consider applications submitted during the duration of the Interim Development Ordinance as specified in Section XI-15.D below. The provisions of this Article shall not prevent the issuance of plumbing, electrical, mechanical permits or interior remodeling permits not affecting the use of the property.

**D. Duration -** 120 calendar days from July 22, 2003

**E. Variations and Exceptions**

*Health, Safety and General Welfare*

The Zoning Administrator may authorize a demolition or building permit when it is evident that the permit request has a direct impact on the immediate health, safety and general welfare of the public.

*Fire, Explosion, Act of God*

The Zoning Administrator may authorize the issuance of a permit for the demolition and reconstruction of any

structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph "reconstruction" means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units, which were lawfully existing in the destroyed structure on the date it was destroyed.

#### *Hardship*

The Zoning Administrator may authorize the issuance of a permit when the owner of the property demonstrates that disallowing such a permit would eliminate any reasonable use of the property.

#### *Specific Property Exceptions*

The following properties shall have specific exceptions applied to them:

611 West Green Street

Site plan review and the issuance of building permits to complete the construction of the 8-unit apartment building as approved by the Development Review Board on April 17, 2003 shall be permitted. The Development Review Board may also consider minor alterations to the approved site plan as requested by the developer.

605 West Green Street

A site plan proposal for a multi-family development at 605 West Green Street is currently being considered by the Development Review Board. Action on the case was tabled at the June 16, 2003 meeting pending revisions to be made by the applicant. Final Board review shall proceed and demolition and new building permits may be issued for the site in strict compliance with any approved site plans.

701 West Green Street

An application for development of a multi-family use was submitted to the Development Review Board for 701 West Green Street on July 16, 2003. The Development Review Board shall consider site plans submitted and demolition and new building permits may be issued for the site pending action by the Development Review Board.

410½ West Elm Street

Litigation is pending and further litigation may be filed by the City for demolition of an unsafe and dilapidated structure at 410½ West Elm Street. Demolition and other activities to render the property safe, as ordered by the court or as agreed to by the owner and the City may be permitted during the length of the IDO.

Section 2. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable, such

invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

Section 3. The provisions of this Ordinance shall take precedence and be interpreted as superseding any other Ordinance in conflict with the provisions of this Ordinance.

Section 4. This Ordinance shall be effective July 22, 2003.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

AYES:

NAYS:

ABSTAINS:

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

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Tod Satterthwaite, Mayor



**CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

*I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.*

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, the corporate authorities of the City of Urbana passed and approved Ordinance No. \_\_\_\_\_, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA

(To add Section XI-15, Interim Development Ordinance - Moratorium on development in the M.O.R., Mixed-Office Residential Zoning District- Plan Case No. 1859-T-03)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. \_\_\_\_\_ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

## **Section IV-2.I Purpose of District**

The *MOR, Mixed Office Residential District* is intended to provide areas for a limited variety of business, office, and residential land uses in proximity to low density residential dwellings in order to promote the economic viability and preservation of older residential structures while protecting the aesthetic and residential character of the area. The development regulations and permitted uses make this district suitable for properties which may no longer be viable as strictly residential uses but are located in a residential setting. This district is intended to encourage the adaptive re-use of these older residential structures as an incentive to preserve and extend the useful life of such structures while also allowing compatible new development. The MOR District is also intended to promote the conservation of buildings and neighborhoods, which in combination or individually, are of unique community and neighborhood significance.

The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected. (Ord. No. 8384-25, § 3, 10-17-83; Ord. No. 9091-59, § 2, 11-19-90; Ord. No. 9091-60, § 2, 11-19-90; Ord. No. 9091-61, § 2, 11-19-90; Ord. No. 9091-62, § 2, 11-19-90; Ord. No. 9293-72, § 1, 02-01-93)

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

- A. The purpose and intent of the MOR Mixed Office Residential District as stated in Section IV-2-H indicate that this District is unlike any other zoning district in this Ordinance. By reason of the unique purpose of this district, wherever this Ordinance imposes greater restrictions on properties in the MOR District than in other zoning districts, the greater restrictions shall govern.
- B. No land uses or structures shall be permitted in the MOR District without the approval of the Development Review Board in accordance with the site plan review procedures required in Section XI-12. (Ord. No. 9091-59. § 7, 11-19-90)

## **Section VIII-3. Location of Parking Facilities**

- J. 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 of this Ordinance.

## **Section XI-12. Development Review Board**

### *A. Creation and Membership*

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedure in the MOR District in conformance with the requirements of this Section XI-12.
2. The Development Review Board shall consist of the following five members who shall be employees of the City of Urbana:
  - a) The Zoning Administrator or representative
  - b) The City Planner or representative
  - c) The City Engineer or representative
  - d) The City Arborist or representative
  - e) The Building Safety Division Manager or representative
3. The Zoning Administrator or representative shall serve as chairman of the Development Review Board.

### *B. Purpose and Objectives*

1. The purpose of the Development Review Board is to review and approve or disapprove all site plans for changes to uses in existing structures, for additions for exterior remodeling of existing structures, and for construction of new structures and parking areas in the MOR District.
2. The objectives of the Development Review Board in administering the site plan review required in the MOR District are to:
  - a) Encourage compatible new construction or rehabilitation and alteration of existing structures;
  - b) Encourage compatibility and minimize impacts between the proposed land use and the surrounding area;
  - c) Encourage the maintenance, preservation, and enhancement of both individual structures and the neighborhood's visual and aesthetic character;
  - d) Encourage the economic use of older structures in a manner compatible with the neighborhood;
  - e) Encourage flexibility and creativity in meeting the requirements of the Zoning Ordinance and the Urbana City Code;

- f) Provide for the resolution of request for site plan approvals in conformance with the purpose of the MOR District and the requirements of the Zoning Ordinance.

*C. Site Plan Review Procedures*

1. A request for site plan approval shall be made by the applicant in writing on forms provided by the City, shall be accompanied by the site plan, and shall be filed with the City Planner. Each request shall be submitted with the required fee as provided in Section XI-8.
2. The Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois. All site plans submitted for review shall contain the information required by the Development Review Board.
3. Within 15 working days after the completed application, site plan, fee, and supporting documentation have been received, the City Planner shall convene a meeting of the Development Review Board 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 100 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than seven days prior to said meeting.
4. All meetings of the Board shall be held in a public place designated by the Chairman, and shall be open to the public, except as allowed by law. At any meeting of the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.
5. After reviewing the proposed site plan according to the criteria and standards in Section XI-12-D, the Development Review Board shall vote to approve or disapprove the proposed site plan. All decisions of the Development Review Board shall require a unanimous vote. If less than all five members of the Development Review Board are present at the meeting, the request shall be tabled until all members are present, provided, however, that all proposed site plans shall be voted on within 30 days of the initial application. A less than unanimous decision by the Board shall cause the City Planner to appeal the request to the Board of Zoning Appeals in accord with Section XI-3. The Development Review Board may impose conditions or requirements that it deems appropriate or necessary in order to accomplish the purposes of this Ordinance only when site plan adjustments for an existing structure are only approved as an incentive to re-use the existing structure in accordance with Section XI-12-E.
6. If the proposed site plan conforms to the general standards and specific requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the general standards and specific requirements of this Ordinance, the Development Review Board shall so find and disapprove the proposed site plan. 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.
7. If the proposed site plan is not approved, the applicant shall be given a reasonable opportunity to resubmit the site plan with modifications to specifically address the findings of the Board. Site plan approval is required prior to the approval of any request for a building permit or a Certificate of Occupancy in the MOR District. Site plan approval is also required for all requests for

conditional uses and special uses in the MOR District. The decision of the Development Review Board concerning the site plan shall be submitted to the appropriate body reviewing the conditional use and special uses requests. The approved site plan becomes the official plan for the property and is the final site plan submitted with a request for a building permit in the MOR District. They physical development and continued use of the property shall be in strict conformance with the approved site plan.

8. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
9. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question and shall also keep records of its findings and official decisions.
10. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.
11. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the Board approves the site plan.
12. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

*D. Design Review Criteria and Standards*

All site plans will be reviewed by the Development Review Board according to the criteria and standards listed below. The Development Review Board shall approve no site plan unless it complies with the requirements of this Ordinance, is consistent with the intent and purpose of the MOR District, and is compatible with the land uses surrounding the site.

1. Will the proposed land use conform with the purpose of the MOR District as stated in Section IV-2-H, and with the table of permitted uses listed in Table V-1? Will the project design be harmonious with adjacent land uses and the character of the surrounding neighborhood?
2. Will the proposed site plan and structure(s) conform to the development regulations in Article VI? Will the proposed site plan be compatible with the surrounding neighborhood? Will the proposed use overburden the capacities of existing streets, utilities, sewers and other public facilities?
3. Will the location, orientation, setbacks, spacing and placement of the structure(s) harmonize with the surrounding neighborhood and minimizes the impact of their use and bulk on adjacent properties?

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4. Will drives and parking areas be located, designed and controlled to move traffic conveniently and safely in a manner which minimizes traffic friction, noise and visual impacts?
5. Will adequately sized and designed parking areas be located to meet the requirements of Article VIII except as modified by the Development Review Board?
6. Will safe and convenient provisions for the movement of handicapped persons and parking for the vehicles of the handicapped be accommodated in the project design in conformance with the requirements of the State of Illinois?
7. Will the project design encourage the preservation of natural features such as mature trees and other healthy vegetation?
8. Will the project design conform to the sign regulations in Article XI?
9. Will the location and construction of fencing and screening conform to the requirements of the Urbana City Code?
10. Will the project design conform to customary engineering, site development and site landscaping standards?
11. Will landscaping berms, fences and/or walls be provided to screen adjacent properties from possible negative influences that may be created by the proposed use?
12. Will the design of drives and parking areas result in a minimum area of asphalt or concrete? Will drainage be provided in conformance with the requirements of the Urbana City Code?
13. Will the location of exterior trash dumpsters, storage areas and loading areas be screened from adjacent properties and streets? Will exterior lighting be directed away from adjacent structures?

The Development Review Board shall not consider the architectural style, appearance, color, building materials, or architectural details of the structure in reviewing a proposed site plan except as such factors affect the placement of the building, drives and parking areas on the site.

**E. *Site Plan Adjustments***

1. In order to encourage the compatible re-use of existing structures in accord with the purpose and objectives of the MOR District, the Development Review Board is hereby authorized to approve site plan adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code in accordance with the provisions of Section XI-12-E(3).
2. When changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing structures is proposed, the Development Review Board is hereby authorized to approve site plan adjustments or modifications of the requirements of the Zoning Ordinance and City Code. Construction of new buildings shall conform to all requirements of the Urbana Zoning Ordinance and Urbana City Code unless a general or specific variance is granted by the Board of Zoning Appeals or Urbana City Council in accordance with Section XI-3-C. The purpose of this provision is to provide an incentive to re-use the existing structures, to provide

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flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District.

3. In accord with the purposes of the Zoning Ordinance, the Development Review Board is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District that are consistent with the purposes of the MOR District:
  - a) Section VIII-2, Design and Specifications of Off-Street Parking;
  - b) Section VIII-3, Location of Parking Facilities;
  - c) Section VIII-4, Amount of Parking Required; except that no adjustment in excess of 25% of the full parking requirements may be approved by the Development Review Board and no adjustment 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-5, Off-Street Loading Regulations;
  - e) Article VI, Development Regulations; except that the Development Review Board is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) and no others; and
  - f) Chapter 7 of the City Code, Fences.
4. None of the provisions of this Section XI-12 shall prevent or otherwise restrict the ability of a property owner to request a general variance or specific variance or to receive approval of a request for a general variance or specific variance from the Board of Zoning Appeals or City Council in accordance with the provisions of Section XI-3 of this Ordinance.

## **Section IV-2.I Purpose of Districts**

The *MOR, Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The adaptive re-use of existing, older structures is encouraged in order to promote their economic viability and to preserve and extend the useful life of such structures. New construction shall be designed and constructed in a manner that best preserves the character of the district.

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

- A. 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. No changes in existing land uses or proposed new land uses and/or structures may be implemented except after review and approval by the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12.

## **Section VIII-3. Location of Parking Facilities**

- J. Parking located below a principal structure shall be allowed in the MOR District in accordance with the provisions of Article VIII of this Ordinance and the provisions of the MOR Design Guidelines as provided for in Section XI-12-J.

## **Section XI-12. Development Review Board**

- A. *Creation and Purpose*
  - 1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the development plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section XI-12.F.
  - 2. The Development Review Board is created for the purpose of reviewing and approving or disapproving all development plans for changes to uses in existing structures, for additions for exterior remodeling of existing structures, and for construction of new structures and parking areas in the MOR District.
  - 3. The Development Review Board has the following objectives for reviewing development plan proposals in the MOR, Mixed-Office Residential Zoning District:
    - a. Encourage the rehabilitation and economic use of older structures in a manner that is compatible with the neighborhood;
    - b. Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area;



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- c. Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines;
  - d. Determine if proposed development plans meet the intent of the district as stated in Article IV.2.I;
  - e. Determine if proposed development plans meet the requirements of the Urbana Zoning Ordinance.
4. The Development Review Board shall be responsible for reviewing and issuing conditional use permits in the MOR District in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section VII-1, VII-2, and VII-3; and for reviewing and issuing minor variances in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section XI-3.
5. The Development Review Board shall be responsible for reviewing and issuing recommendations on special use permits in the MOR District in place of the Plan Commission subject to the provisions and review criteria set forth in Section VII-1, VII-6, VII-7; and for reviewing and issuing recommendations on major variances in place of the Zoning Board of Appeals subject to the provisions and review criteria set forth in Section XI-3.

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

- 1. The Development Review Board may 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 as specified in XI-12.A.2. The 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 XI-12.C.
- 3. To recommend prospective Development Review Board members to the Mayor in order to fill vacancies on the Board.
- 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 Development Review Board shall consist of the following five members:
  - a. A representative of the Urbana Plan Commission;
  - b. A representative of the Urbana Historic Preservation Commission;
  - c. A licensed architect;
  - d. An owner of property in the MOR, Mixed-Office Residential Zoning District

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- e. A citizen residing inside or within 250 feet of the MOR, Mixed-Office Residential Zoning District
  - 2. The Development Review Board shall be appointed by the Mayor of Urbana and approved by the City Council. Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.
  - 3. The Mayor shall declare vacant the seat of any Development Review Board member who fails to attend three (3) 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 and a Vice-Chair elected by the Development Review Board, who shall each serve a term of one (1) 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, 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 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 Development 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 Development Review Board to assist it in making the decisions and findings as provided herein;
    - c. Publish and distribute to the Development Review Board copies of the minutes, reports and decisions of the Development Review Board;
    - d. Give notice as provided herein or by law for all public hearings conducted by the Development Review Board;
    - e. Advise the Mayor of vacancies on the Development Review Board and expiring terms of 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 Development Review Board on all appeals from decisions of the Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
    - g. Have no vote.
- E. *Meetings.* A quorum shall consist of a majority of the members of the Development Review Board then holding office, but not less than three (3).

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1. Decisions to approve proposed development plans as herein provided shall require a majority vote of all Board members.
2. Meetings shall be held at regularly scheduled times in the evening to be established by resolution of the Development Review Board at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair.
3. In the event of a Development Review Board member's abstention, which shall only be for purposes of an asserted conflict of interest, then such vote shall be recorded as an abstention, but the Chair of the Development Review Board shall rule that such vote goes with the majority of those votes actually cast.
4. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the 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 Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

*F. Application and Development Plan Submittal Requirements*

1. A request for development plan approval by the 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.
2. Development Plans must contain the following information:
  - a. Size and dimensions of the parcel to be developed drawn to scale;
  - b. Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
  - c. Identification of neighboring property owners listed on the site plan;
  - d. Location of all existing structures on the parcel;
  - e. Location of adjacent parcels and structures;
  - f. Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
  - g. Location and layout of any proposed access drives, parking area 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. Location of existing vegetation and proposed landscaping;
  - l. Detail view drawings as necessary to show key design elements;
  - m. Relevant site details including lighting, dumpster locations, signage, and other features;
  - n. 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).
3. Site Plans shall be submitted at a graphic scale of no less than one inch per one-hundred feet.
4. The Development Review Board may require additional information necessary to consider applications.

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*G. Development Review Board Review Procedures*

1. Within 45 working days but no earlier than 15 working days after a completed application, development plan, fee, and supporting documentation have been received, the Development Review Board shall convene a meeting to consider and act on the requested development 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. After reviewing the proposed development plan according to the criteria in Section XI-12-H, the Development Review Board shall vote on whether to approve the proposed development plan. All decisions of the Development Review Board shall require a majority vote of the membership. If a quorum of the Development Review Board is not present at the meeting, the request shall be tabled until a quorum of the members is achieved, provided, however, that all proposed site plans shall be voted on within 45 days of the initial application. A less than majority decision by the Board shall cause the Secretary of the Board to appeal the request to the Board of Zoning Appeals in accord with Section XI-3.
3. If the proposed development plan conforms to the general standards and specific requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed development plan. If the proposed development plan does not conform to the general standards and specific requirements of this Ordinance, the Development Review Board shall so find and disapprove the proposed development plan. 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.
4. Development plan approval is required prior to the approval of any request for a related building permit or Certificate of Occupancy in the MOR District.
5. Development plan approval is also required for all requests for conditional uses and special uses in the MOR District. Review of conditional uses and special uses by the Development Review Board shall be coordinated to allow for simultaneous review with the development plan, if so desired by the applicant. The approved development plan becomes the official plan for the property and is the final site plan submitted with a request for a building permit in the MOR District. The physical development and continued use of the property shall be in strict conformance with the approved development plan.
6. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed development plan.
7. 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.

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8. The procedure for amending a development plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a development plan shall be the same procedure as a new development plan request.
9. Approval of a development plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the Board approves the development plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
10. Any building permit or Certificate of Occupancy issued pursuant to an approved development plan may be revoked by the City for failure to comply with the conditions of approval.

*H. Development Plan Review Criteria.*

All development plans (including site plans, elevations, and floor plans) shall be reviewed and considered by the Development Review Board according to the criteria listed below.

**1. Land Use and Development Regulations**

Proposed development plans shall demonstrate compliance with the land use and development requirements of the Urbana Zoning Ordinance.

**2. 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 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.

**3. Parking and Access**

Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Subdivision 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 persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

**4. Engineering and Drainage**

The Development Review Board shall consider if the proposal will overburden the capacities of existing streets, utilities, sewers and other public facilities. The Board shall also consider the impacts of drainage and if the proposed site plan demonstrates compliance with the requirements of the Urbana Development Regulations for drainage.

**5. Screening and Landscaping**

Proposals shall demonstrate the preservation of existing natural features such as mature trees and other healthy vegetation where practical. The 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 Ordinance. The 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 considered.

**6. Site Details**

Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The Development Review Board shall determine if the site details are in conformance with 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.

**7. Design Guidelines**

The Development Review Board shall consider the architectural style, 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 XI-12.J.

*I. Adjustments to Existing Codes and Regulations*

1. In order to encourage the compatible re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Development Review Board is hereby authorized to approve adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code in accordance with the provisions of Section XI-12. The Development Review Board may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District. Construction of new buildings shall conform to all requirements of the Urbana Zoning Ordinance and Urbana City Code unless a variance is granted by the Development Review Board or Urbana City Council in accordance with Section XI-3-C.
2. In accordance with the purposes of the Zoning Ordinance, the Development Review Board is hereby authorized to make minimum adjustments or modifications to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District that are consistent with the purposes of the MOR District:
  - a. Section VIII-2, Design and Specifications of Off-Street Parking;
  - b. Section VIII-3, Location of Parking Facilities;

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- c. Section VIII-4, Amount of Parking Required; except that no adjustment in excess of 25% of the full parking requirements may be approved by the Development Review Board and no adjustment 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-5, Off-Street Loading Regulations;
  - e. Article VI, Development Regulations; except that the Development Review Board is authorized to approve only the development plan adjustments listed in Section XI-3-C(2)(c) (i.e., for minor variations) and no others; and
  - f. Chapter 7 of the City Code, Fences.
3. The Development Review Board may also make recommendations regarding major variations from the Zoning Ordinance in place of the Zoning Board of Appeals, in conformance with the procedures and criteria set forth in Section XI-3.

J. *Design Guidelines Review*

**RESERVED**

Historic Preservation Commission  
October 1, 2003 Discussion  
MOR DRB & Design Guideline Suggestions

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During the October 1, 2003 Historic Preservation Commission meeting the MOR moratorium was discussed. During the discussion session the Commission focused on important elements that should be addressed in future design guidelines for the zoning district. The following is a list of general comments taken from the discussion. The comments address the Development Review Board (DRB), the review criteria process and offer suggestions for staff to incorporate into the MOR Design Guidelines:

**DRB Process**

Property owner/developer should be added to the DRB composition  
Demolition permits shall be held until a site plan is approved by the DRB  
DRB vote should be a Supermajority Vote rather than a unanimous or majority vote  
Address “Lack of Maintenance” through the process  
Instances where it is code versus design, promote solutions (i.e. doors) that are most residential in character  
Trees should be saved, provide incentive in the process that will keep Green Street green

**Applications**

Applicants be required to produce elevations of the proposal including adjacent properties  
DRB should be provided an illustration of the proposed footprint and those of surrounding properties

**Design Guidelines**

Design Guide require that construction “display compatibility”  
Illustrate prominent architectural characteristics found in the neighborhood  
Provide simple pictures of elements that are deemed “acceptable”  
Use a variety of approaches with illustrations

**Suggested Key Elements**

- Asymmetry
- Front porches
- Narrower façade faces the street
- Major entrance on the street side
- 1-1/2 or 2-1/2 stories for buildings, maximum height to be 3 stories
- “Green space” in front-yards
- Windows facing each street frontage
- A minimum and a maximum percentage of wall face to be windows (e.g., 25 to 60%)
- Bay windows
- Windows taller than wide. (establish height to width ratios for windows).
- Gables or multi-gables
- Relatively steep roof pitch
- Relatively narrow, tall buildings
- Use of natural materials
- One central entryway for multifamily buildings
- Entryways should be inside the buildings



- Average height against surrounding buildings
- In designs without gables, dormers or other features along the front façade may improve the articulation of the structure
- Front-yard setbacks should be calculated by taking the average of adjacent properties
- Parking underground should be encouraged; sub-grade parking could be possible if designed well
- Prohibit open balconies
- No porches on second floor or higher
- Provide a foundation line (rusticated bases are common)
- Prohibit street-facing patio doors
- Encourage retention of trees
- Use residential looking doors
- Hip roofs are acceptable
- Few flat plane elevations