

ORDINANCE NO. 7374-9

AN ORDINANCE AMENDING ORDINANCE NO. 7374-6

(Usable Open Space)

Adopted by the Urbana City Council  
June 4, 1973

AN ORDINANCE AMENDING ORDINANCE NO. 7374-6

WHEREAS, on May 21, 1973, the City Council, after due deliberation, passed Ordinance No. 7374-6, entitled "An Ordinance Amending Certain Sections of the Urbana Zoning Ordinance", which said ordinance was recommended by the Urbana Plan Commission in case No. 871, and

WHEREAS, through oversight, certain dates to have been specified in the ordinance were not so specified by the City Council of Urbana, Illinois,

THEREFORE BE IT ORDAINED that:

Section 1. Ordinance No. 7374-6 be and is hereby amended to reflect the dates as indicated on the attached pages which are incorporated herein by reference.

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1 - 2 - 4 of the Illinois Municipal Code.

Section 3. This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 4<sup>th</sup> day of June, 1973.

PASSED by the City Council this 4<sup>th</sup> day of June, 1973.

  
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Duane Eckerty, City Clerk

APPROVED by the Mayor this 5<sup>th</sup> day of June, 1973.

  
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Hiram Paley, Mayor


CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the attached Ordinance to be duly published in pamphlet form on the 7<sup>th</sup> day of June, 1973.

  
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Duane Eckerty, City Clerk

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk, City of Urbana, do herewith certify that I caused the attached Ordinance #7374-9, "An Ordinance Amending Ordinance No. 7374-6", Ordinance No. 7374-6 being "An Ordinance Amending Certain Sections of the Urbana Zoning Ordinance" (Usable Open Space), to be duly published in pamphlet form, on the 7th day of June, 1973.

  
Duane Eckerty  
City Clerk

7374-9

THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN  
ORDINANCE NO. 7374-9 AND IS INCORPORATED  
THEREIN BY REFERENCE.

Ruth S. Brookens, City Clerk

Date

Tourist House: A building originally designed for or occupied by a family or families in which there is provided lodging for transient guests.

Trailer: Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which is, has been, or reasonably can be, equipped with wheels or other devices for transporting the structure from place to place.

Trailer, Travel: A vehicle designed for recreational use and which does not come within the definition of a mobile home under the terms of this chapter.

Usable open space: See definition on Page 10A.

Warehouse: A building used for the storage of goods for compensation or the storage of goods which will be sold elsewhere or subsequently transported to another location for sale.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Required: That minimum yard, the dimensions of which are set by various sections of this Chapter with or without the presence of a building on the lot containing the yard.

Yard, Front: A yard extending across the front of a lot between the side lot lines.

Yard Line: That edge of a yard, as defined elsewhere, which does not coincide with a lot line.

Yard, Rear: A yard extending across the rear of a lot, measured

Usable open space: except as otherwise provided, ground level areas unoccupied and unobstructed from the ground upward. The minimum dimension of usable open space shall be fifteen (15) feet, except as otherwise provided herein. Lawns and plantings, other areas of permeable ground cover, sidewalks on the lot, and paved areas for leisure and recreation such as patios, tennis courts, and swimming pools, may be included as usable open space. Balconies with a minimum dimension of four feet six inches (4'6"), and roof areas free of all obstructions and available for safe convenient use for leisure and recreation may be included as up to twenty-five percent (25%) of the required usable open space. In no case shall any area included as part of the required open space be used for parking or loading areas or driveways, nor shall less than 50% of the required usable open space be in ground level lawns and plantings. For residential uses, at least seventy-five percent (75%) of the required usable open space shall be accessible to and for the use of all residents of the building. All measurements are to be made in a horizontal plane.

front yards. Instead, there shall be minimum front yards of fifteen (15) feet.

3. Where a lot is located at the intersection of two (2) or more streets, no building shall be built within a triangular area having as vertices the following three points: the point of intersection of the center lines of the two intersecting streets and, measured from the point of intersection of the two street center lines, the point on each street centerline located, in the direction of the subject property, a distance of seventy-five (75) feet plus one-half of the width of the other street measured at a point one hundred (100) feet in the direction of the subject property, from the point of intersection of the two street centerlines. But in no case shall the front yard be less than fifteen (15) feet. No accessory building shall project into the front yard on either street. (11-1-71)

C. Side Yards: There shall be a side yard on each side of a building having a width of not less than five (5) feet, but the sum of both side yards shall not be less than twelve (12) feet.

D. Rear Yard: There shall be a rear yard having a depth of not less than ten (10) feet.

E. Usable open space: A minimum of forty percent (40%) of a lot upon which a building is erected shall be devoted to usable open space.

dwelling or a two-family dwelling shall contain an area and have a width as required for such dwelling in Section 34.17 of Article V hereof.

2. A lot upon which there is erected a multiple family dwelling shall contain an area of not less than 1,000 square feet per family and, except lots of record on December 17, 1956, an average width of not less than sixty (60) feet. The lot area per family requirement shall not apply to dormitories, fraternities or sororities where no cooking is done in individual rooms or apartments.

B. Yards: The front yard, side yard and rear yard regulations are the same as those in the R-1 District.

C. Usable open space: A minimum of forty percent (40%) of a lot upon which a building is erected shall be devoted to usable open space.

ARTICLE VI-A

R-3 District -- Multiple Family Residential Only

SECTION 34.22. USE REGULATIONS: In the R-3 District, no building or land shall be used, and no building shall be hereafter erected, converted, enlarged or structurally altered, except for one or more of the following uses:

A. Any use permitted in the R-1 District -- Single and Two Family Residential.

B. Multiple Family Dwelling.

SECTION 34.23. PARKING REGULATIONS: Whenever a building is erected, converted, enlarged, or structurally altered for the use permitted in the R-3 District, there shall be provided and available and accessible off-street parking area as shall be required by the applicable provisions of Article XI hereof.



Art. 7.3.29-9  
(0-5)

**SECTION 34.24. HEIGHT REGULATIONS:** No building hereafter erected or altered shall exceed three (3) stories, nor shall it exceed thirty-five (35) feet in height, except as provided in Article XII hereof.

**SECTION 34.25 AREA REGULATIONS:** Every dwelling hereafter erected, enlarged, relocated or reconstructed shall be located upon lots containing the following areas and yards:

**A. Intensity of Use:**

1. A lot upon which there is located a single-family dwelling or a two-family dwelling shall contain an area and have a width as required for such dwelling in Section 34.17 of Article V, hereof, as amended.

2. A lot on which there is erected a multiple family dwelling shall contain an area of not less than one thousand (1,000) square feet per family and an average width of not less than fifty-seven (57) feet.

**B. Yards:** The front yard, side yard and rear yard regulations are the same as those in the R-1 District.

**C. Usable open space:** A minimum of forty percent (40%) of a lot upon which a building is erected shall be devoted to usable open space.

**ARTICLE VI-B**

**R-4 District -- Multiple Family Residential -- High Density**

**SECTION 34.26 USE REGULATIONS:** In the R-4 District, no building or land shall be used and no building shall be hereafter erected, converted, enlarged or structurally altered, except for one or more of the following uses:

- A. Apartment and Multiple-Family Dwelling.
- B. Group Houses.
- C. Two-Family or Duplex Dwelling
- D. Single-Family Dwelling.

M. Fall-out Shelters.

N. Day Care Facility - subject to the applicable provisions of

Article V, Section 34.14 hereof. (2-15-71)

SECTION 34.27 PARKING REGULATIONS: Whenever a building is erected, converted, enlarged or structurally altered for the use permitted in the R-4 District, there shall be provided an available and accessible off-street parking area as shall be required by the applicable provisions of Article XI hereof.

SECTION 34.28 HEIGHT REGULATIONS: No building hereafter erected or altered shall exceed ninety-nine (99) feet in height except as provided in Article XII hereof.

SECTION 34.29 AREA AND YARD REGULATIONS: Every building hereafter erected, enlarged, relocated or reconstructed shall be located upon an area or lots containing the following minimum area and yards:

Lot Area . . . . . 6,000 Square Feet

Lot Width . . . . . 57 Feet

Front Yard (Setback) . . . . . 20 Feet

Side Yard . . . . . 5 Feet

Rear Yard . . . . . 20 Feet

Lot Coverage:

Interior Lot . . . . . 30 Percent

Corner Lot . . . . . 35 Percent

Lot Area Per Dwelling Unit:

Efficiency . . . . . 500 Square Feet

1 and 2 Bedrooms . . . . . 600 Square Feet

3 or more Bedrooms . . . . . 700 Square Feet

Usable open space: A minimum of forty percent (40%) of a lot upon which a building is erected shall be devoted to usable open space.

fifty (2,250) square feet per family and an average width of not less than fifty-seven (57) feet.

3. Usable open space: A minimum of forty percent (40%) of a lot upon which a building is erected shall be devoted to usable open space.

B. Yards: The front yard, side yard and rear yard regulations are the same as those in the R-1 District except that if a building exceeds one (1) story in height all yards shall be increased in relation to the overall building height by adding three (3) feet for each additional story over one to the minimum yard requirements.

E. Usable open space: A minimum of fifty percent (50%) of a lot upon which a building is erected shall be devoted to usable open space.

ARTICLE XXIV

Planned Unit Developments

5-17-71

SECTION 34.97 DEFINITION AND GOALS:

A. Definition: The term "Planned Unit Development" means an area for which a unitary site plan has been prepared establishing, among other things, land uses, open space allocations, onsite circulation for both pedestrians and automobiles, parking, setbacks, housing densities, building spacings, land coverage, landscaping relationships with adjoining areas and streets, building heights, accessory uses, and architectural treatment.

B. Goals: The general goals of Planned Unit Developments are:

- 1. To promote flexibility in design and land development.
- 2. To promote an efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities.
- 3. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
- 4. To provide for more usable and suitably located recreation facilities and other public and common facilities that would otherwise

TABLE 1

RESIDENTIAL PLANNED UNIT DEVELOPMENT STANDARDS

Zoning District	Maximum Building Height	Minimum Lot Area (1)	Minimum Area in Useable Open Space (2)	Minimum Area in Common Space (3)	Maximum Lot Coverage (4)	Maximum Net Density in Dwelling Units per acre (5)	Minimum Yards (Exterior) (6)		
							Front	Side	Rear
AG	35 feet or 3 stories	200,000 Sq. feet	50%	15%	20%	6	25	10	25
RS	" "	"	50%	15%	20%	7	25	10	25
R-1	" "	"	50%	15%	20%	13	25	10	25
RM*	" "	"	45%	10%	25%	25	25	10	25
R-2	" "	"	45%	10%	25%	55	25	10	25
R-3	" "	"	45%	10%	25%	55	25	10	25
R-4	None	"	45%	10%	25%	90	25(7)	10(7)	25(7)

- 60,000 sq. ft. minimum permitted if lot is surrounded on all sides by public streets or public land.
- Does not include paved areas, parking lots or buildings.
- Such common open space may be dedicated to the public. Not less than ten (10) percent of such common open space shall be devoted to active recreational use in single and two family developments and not less than fifteen (15) percent of such common open space shall be devoted to active recreational use in multiple family developments.
- Percent of total area of Residential Planned Unit Development.
- Total site area exclusive of public and private streets and roadways divided by total number of dwelling units.
- Around perimeter of entire Planned Unit Development.
- Required yards in R-4 Districts must be increased by 3 feet for each story in height over 3 stories. For any side of a Residential Planned Unit Development that fronts on a street, a minimum setback of 25 feet shall be provided.

\* (7-6-71)

after provided.

SECTION 34.70 PROHIBITION OF ENLARGEMENT OR ALTERATION:

(a) Except as provided for in Subsection (b) below or in Section 34.70-A, no existing building which does not conform to the use, area or density regulations of the district in which such building is located shall be enlarged, extended, or structurally altered, unless such use or location is changed to a use or location permitted in the district in which such building or structure is located. A non-conforming use occupying a part of a building shall not be extended beyond that part of the building originally designed for such use and in no case shall any addition be made which will provide for the expansion of the non-conforming use. A non-conforming use of land shall not be extended.

(b) Any residential building, whether such be legally conforming or legally non-conforming which exists on the 14th day of June, 1973, which does not conform to the useable open space requirements, shall not be considered a non-conforming structure by reason of the failure of such structure to meet the useable open space requirements solely because certain areas which would otherwise qualify as useable open space, do not meet the 15 linear feet minimum dimension, and such structures may thereafter be structurally altered, extended, reconstructed or enlarged, provided, however, that such structural alteration, extension, reconstruction or enlargement does not reduce the useable open space of the lot to less than that required in the zone wherein such building is situated if the useable open space definition, as set forth in this Zoning Ordinance, is applied without regard to the 15 linear foot minimum dimension, and provided further, that even though such useable open space is not reduced below that required in the zone in which such building is situated, no part of such structurally altered, extended, recon-

structed or enlarged building shall be placed so that its new position, if different than its position on the 14th day of June, 1973, would reduce the useable open space to less than is required in the zone wherein such building is situated if the full definition of useable open space were applied to such lot.

SECTION 34.70-A CHANGE OF NON-CONFORMING USE: The substitution of one non-conforming use for another, or the addition of another non-conforming use to a present non-conforming use may be permitted when such substitution or addition is equal to, or is more restricted than, the classification of the former use and such substitution or addition does not increase congestion in the streets, endanger the health, safety, morals, or general welfare of the district in which it is located, and complies with all parking regulations applicable to the new use. In order to have such a proposed change reviewed, the Petitioner shall submit a fee equal to that required for an amendment to the Zoning Ordinance to the Administrative Officer. In considering such substitution or addition, the Administrative Officer charged with the enforcement of this Chapter shall submit the request to the Board of Appeals, and the Board of Appeals shall, within thirty (30) days after receiving the request, return to the Officer charged with the enforcement of this Chapter, recommendation of acceptance or