

AN ORDINANCE ADOPTING THE 1979 COMPREHENSIVE  
AMENDMENT TO THE 1950 ZONING ORDINANCE OF  
THE CITY OF URBANA, ILLINOIS

WHEREAS, in 1973 the Urbana City Council directed the Urbana Plan Commission to undertake a comprehensive updating and revision of the 1950 Urbana Zoning Ordinance as amended to date;

WHEREAS, the Urbana Plan Commission in 1974 held three (3) special meetings to discuss with the public the proposed zoning ordinance (October 10, 1974 at Yankee Ridge School; October 17, 1974 at Washington School; and October 24, 1974 at the Urbana City Building);

WHEREAS, the Urbana Plan Commission in 1977 drafted a zoning text and map dated May, 1977 and held neighborhood informational meetings on June 14, 1977 at Martin Luther King School; June 15, 1977 at Yankee Ridge School; and June 16, 1977 at the Urbana City Building with public notice having been given on June 15, 1977;

WHEREAS, numerous comments, verbal and written, were received as part of the public review process of the first draft and the Plan Commission held study sessions addressing each comment as compiled on the first draft;

WHEREAS, the Urbana Plan Commission later drafted a second draft zoning text and map dated November, 1977 and held public hearing (on the second draft - text and map) on December 15, 1977 at the Urbana City Building with notice having been given on November 30, 1977;

WHEREAS, based on verbal and written comments received during the public hearing and written comments when the public record was still open for testimony; a third draft (map and text) dated March, 1978 was prepared by the Plan Commission and recommended to the Urbana City Council for approval on February 9, 1978;

WHEREAS, an amended map was recommended by the Plan Commission to the Urbana City Council on August 24, 1978;

WHEREAS, the Urbana City Council held three (3) study sessions on the Comprehensive Amendment Text on April 24, 1978; May 8, and May 22, 1978 and one (1) study session on the Map on October 13, 1978;

WHEREAS, after deliberation on the proposed zoning ordinance and map the Urbana City Council referred the proposed zoning ordinance and map back to the Urbana Plan Commission for further public hearings, which public hearings were then held on the following dates: February 26, 27, 28 and March 1, and March 6, 1979, all pursuant to published notice; and

WHEREAS, again numerous comments, verbal and written, were received as part of the public review process and the Urbana Plan Commission then held study sessions regarding such comments; and

WHEREAS, thereafter the Urbana Plan Commission after deliberating on the comments and suggestions and criticisms received during said public hearings revised their recommendation pursuant thereto and now recommends the proposed text and proposed map contained therein.

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

Section 1. The City Council of the City of Urbana, as an exercise of its home rule power under Article VII, Section 6 of the Constitution of the State of Illinois, 1970 hereby finds and declares that public notice of the deliberations of the Urbana Plan Commission on this ordinance and the pendency of the enactment of this ordinance have been legally adequate and sufficient.

Section 2. That the attached text and maps are hereby adopted.

Section 3. That an ordinance entitled the Zoning Ordinance of the City of Urbana, Illinois adopted by the Urbana City Council on the 21st day of September, 1970, and all subsequent amendments thereto which were enacted prior to this comprehensive amendment, are repealed upon the taking effect of this ordinance.

Section 4. The City Clerk of the City of Urbana, Illinois is hereby authorized and directed to cause this ordinance to be published in pamphlet form.

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.

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 17th day of December, 1979.

PASSED by the City Council this 17<sup>th</sup> day of December, 1979.

Ruth S. Brookens  
RUTH S. BROOKENS, City Clerk

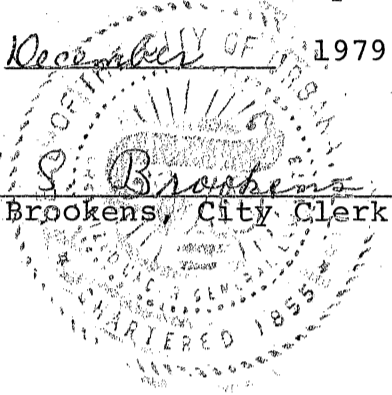
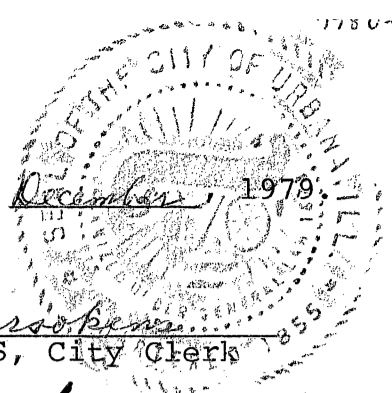
APPROVED by the Mayor this 26<sup>th</sup> day of December, 1979.

Jeffrey T. Markland  
JEFFREY T. MARKLAND, Mayor

CERTIFICATION OF PUBLICATION

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois do herewith certify that I caused the above ordinance to be duly published in pamphlet form on the 27<sup>th</sup> day of December, 1979.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk

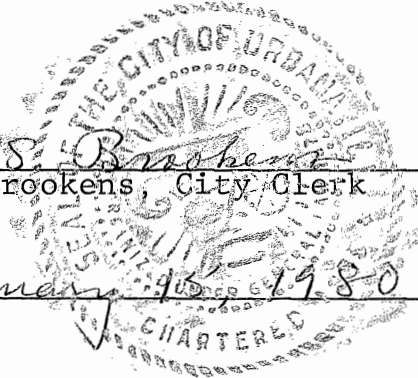


7980-68

THESE ARE THE ATTACHMENTS WHICH ARE REFERRED TO  
IN ORDINANCE NO. 7980-68 AND ARE INCORPORATED  
THEREIN BY REFERENCE.

*Ruth S. Brookens*  
\_\_\_\_\_  
Ruth S. Brookens, City Clerk

*January 15, 1980*  
\_\_\_\_\_  
Date



CLERK'S CERTIFICATE

STATE OF ILLINOIS    )  
                          ) SS  
COUNTY OF CHAMPAIGN )

I, Ruth S. Brookens, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of the legend for the zoning map attached to an ordinance entitled, "AN ORDINANCE ADOPTING THE 1979 COMPREHENSIVE AMENDMENT TO THE 1950 ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS" adopted by the City Council of the City of Urbana, Illinois on the 17th day of December, A.D. 1979, as appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 15th day of January, A.D. 1980.

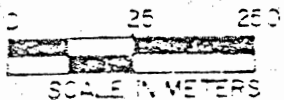
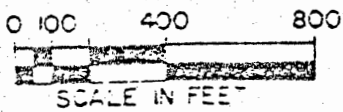
Ruth S. Brookens  
Ruth S. Brookens, City Clerk



*Legend for Urbana Zoning Map  
adopted December 17, 1979  
Ordinance 7980-68*

# LEGEND

- CRE CONSERVATION-RECREATION-EDUCATION
- AG AGRICULTURE
- R-1 SINGLE FAMILY RESIDENTIAL
- R-2 SINGLE FAMILY RESIDENTIAL
- R-3 SINGLE & TWO FAMILY RESIDENTIAL
- R-4 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL
- R-5 MEDIUM HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL
- R-6 HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL
- R-6B HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL-  
RESTRICTED BUSINESS
- B-1 NEIGHBORHOOD BUSINESS
- B-2 HIGHWAY BUSINESS
- B-3 GENERAL BUSINESS
- B-4 CENTRAL BUSINESS
- IN INDUSTRIAL
- CORPORATE LIMITS
- ZONING DISTRICT BOUNDARIES
- ◊◊◊◊ EXTRATERRITORIAL PLANNING & SUBDIVISION  
APPROVAL BOUNDARY
- PANEL MATCHING LINE
- ◻ BUSINESS DEVELOPMENT & REDEVELOPMENT AREA



# URBANA ZONING ORDINANCE

# 1579

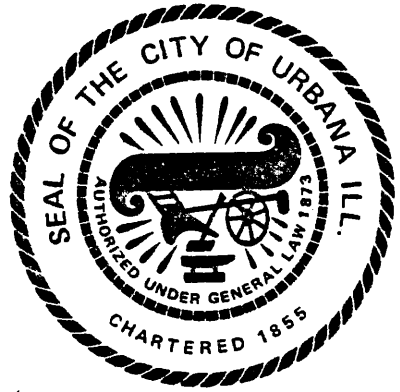


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ARTICLE I  
GENERAL PROVISIONS

<u>Section</u>	<u>Subject</u>
1	Purpose
2	Title
3	Effective Date
4	Publication in Pamphlet Form

Section I-1 Purpose

The purpose of this Zoning Ordinance, applicable in the City of Urbana, Illinois, is to implement the policies of the City of Urbana as expressed in the Comprehensive Plan of the City, adopted by the City Council on July 22, 1968, as amended by the Comprehensive Plan Update adopted by the City Council on December 17, 1973, and as it may be further amended from time to time, in accordance with the objectives of Division 13, "Zoning," of Article 11, Chapter 24 of the Illinois Revised Statutes, and under the home rule authority granted to the City of Urbana pursuant to Article VII, Section 6(a) of the Illinois Constitution of 1970.

Specific policies intended to be implemented by this Zoning Ordinance include, but are not limited to, the following:

- A. To provide adequate light, pure air, and safety from fire and other dangers;
- B. To conserve the value of land, buildings, and structures;
- C. To reduce and avoid congestion in the public streets;
- D. To promote the public health, safety, comfort, morals, and general welfare, in accordance with a well-considered and comprehensive plan for the use and development of property.
- E. To regulate the height and bulk of buildings and structures hereafter to be erected;
- F. To establish and regulate the building setback lines on or along any street, traffic-way, drive, or parkway;
- G. To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces within and surrounding buildings and structures;
- H. To classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specific residential, commercial, industrial, and other land uses;

- I. To preserve the character of Urbana neighborhoods in a manner consistent with the other stated policies of this ordinance, with reasonable allowances for existing uses and thus provide a range of residential densities for the citizens of Urbana.
- J. To divide the City into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of the lot area, area of open space, and other classification, as may be deemed best suited to carry out the purposes of this ordinance;
- K. To fix regulations and standards to which buildings, structures, or uses therein shall conform;
- L. To prohibit uses, buildings, or structures incompatible with the character of such districts;
- M. To prevent additions to and alterations or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance;
- N. To protect natural features such as forested areas and water and drainage courses, and to minimize the hazards to persons and damage to property resulting from the accumulation of runoff of storm and flood waters;
- O. To insure and facilitate the preservation of sites, areas, and structures of historical, architectural, or aesthetic importance;
- P. To encourage the compact development of urban areas, to minimize the cost of development of public utilities and public transportation facilities;
- Q. To provide for the enforcement of its provisions, for the operation of a Plan Commission and a Board of Appeals, and for penalties for the violation of its provisions.

#### Section I-2 Relationship to State Act

This Ordinance is enacted by the corporate authorities of the City of Urbana, Illinois, pursuant to its home rule powers as provided for in Article VII, Section 6 of the Constitution of the State of Illinois, 1970. Except where the provisions of this Ordinance are inconsistent with the State Act, the provisions of this Ordinance are not intended to override the State Act, and should be interpreted consistent with the State Act. Where, however, provisions of this Ordinance provide differently from the State Act, or where such provisions cannot reasonably be interpreted to be consistent with the State Act, then the provisions of this Ordinance control and prevail.

Section I-3 Title

This Ordinance shall be known as the "1979 Comprehensive Amendment to the Zoning Ordinance of 1950 , as subsequently amended." It may be cited as the "amended Zoning Ordinance of 1979", and is herein referred to as "this Ordinance".

Section I-4 Effective Date

This ordinance should become effective ten (10) days after its publication, as required by law.

Section I-5 Publication in Pamphlet Form

The City Clerk shall certify to the passage and approval of this Ordinance, and cause it to be published in pamphlet form.

Section I-6 Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in the said ruling.

## ARTICLE II

### DEFINITIONS

<u>Section</u>	<u>Subject</u>
1	General Provisions
2	Interpretive Provisions
3	Definitions

#### Section II-1 General Provisions

For the purposes of this Ordinance, the following words and phrases shall have the meaning specified herein. Any word or phrase not a part of this listing shall be construed to have its usual definition.

#### Section II-2 Interpretive Provisions

For the purposes of this Ordinance, the following interpretations shall prevail:

- A. The present tense shall include the future tense;
- B. The singular number shall include the plural, and vice versa;
- C. The word "structure" shall include the word "building";
- D. "The word 'person', where it is used in the context of occupancy of a residential dwelling, shall mean a natural person; in all other contexts, the word 'person' shall include not only natural persons but partnership, association, firm, trust, club, company or corporation.
- F. The word "shall " is mandatory, and not directory or permissive.

#### Section II-3 Definitions

ACCESSORY BUILDING OR STRUCTURE -- A building or structure subordinate to and used for the purposes customarily incidental to the main or principal use, building, or structure. It may be either attached to or detached from the principal building or structure. In no case shall it dominate in area, height, extent, or purpose the principal use, building, or structure.



ACCESSORY USE -- A use incidental to and subordinate to the main or principal use or structure. It shall not dominate in area, extent, or purpose, the principal use, building, or structure.

ADJOINING -- Bordering, touching, contiguous, or adjacent. If two (2) lots are separated by a public right-of-way greater than twenty-eight feet (28') wide, they shall not be deemed adjoining.

AGRICULTURE, CROPPING -- The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, and forestry; farm buildings used for growing, harvesting, and preparing crop products for market, or for use on the farm, and farm dwellings, are also included.

AGRICULTURE, GENERAL -- Agricultural cropping, and keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing, livestock or poultry, and for use on the farm. General agriculture includes all types of agricultural operations, but does not include industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

ALTERATION, STRUCTURAL -- Any change in a bearing wall, columns, beams, girders, or supporting member of a structure, any change in the total floor area of a building, any change in size of a structure, whether by extending horizontally or by increasing in height, or any movement of a structure from one location to another.

AREA OF BUILDING -- The total area, taken on a horizontal plane at the largest floor level, and measured to the outside face of the outside walls, of the main or principal building and all accessory buildings on the same lot, exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent canopies and planters.

AREA OF LOT -- The total area within the lot lines.

AUTOMOBILE REPAIR, MAJOR -- General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision services, including body, frame, or fender-straightening or repair; overall painting or paint shop; or vehicle steam-cleaning.

AUTOMOBILE REPAIR, MINOR -- Replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half (1½) tons capacity, excluding body repairs.

AUTOMOBILE SERVICE STATION, GASOLINE STATION, OR FILLING STATION -- A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, and including minor but not major automobile repairs.

AUTOMOBILE WRECKING -- The permanent dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

BALCONY -- An upper story platform extending out from a building and having a balustrade, railing, or other guard.

BASEMENT -- That portion of a building which is partly below and partly above grade, and having at least one-half (½) its height above grade.

BLOCK -- Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

BOARDING HOUSE -- A building, other than a single-family dwelling, two family dwelling, a hotel, or a dormitory, in which meals and lodging are regularly provided or offered for compensation by pre-arrangement, and for definite periods of time, but which is not open to transient customers.

BONEYARD CREEK DISTRICT -- An overlay district of the zoning map within which the goals and objectives of the Boneyard Creek Master Plan shall be implemented (See Section VII-8).

BUILDING -- Any support, enclosure, or shelter for persons, animals, or property.

BUILDING AREA -- See Area of Building.

BUILDING, ATTACHED -- A building having one (1) or more walls in common with other buildings, other than a private garage.

BUILDING, DETACHED -- A building having no walls in common with any other building, other than a private garage.

BUILDING HEIGHT -- The vertical distance, measured from the average established grade at the front building line, to the highest point of the top of the cornice for flat roofs, to the deckline for mansard roofs, or to the mean height level between eaves and ridge for gambrel, gable, and hip roofs. Where a building is located upon a natural terrace or slope up from the front lot line, the height may be measured from the average ground level at the front building wall.

BUILDING LINE -- A line usually parallel to the front, side, or rear lot line, set so as to provide the required yards around a building or structure.

BUSINESS DEVELOPMENT AND REDEVELOPMENT DISTRICT -- An overlay district of the zoning map within which certain goals and objectives shall be implemented to encourage the growth of downtown Urbana (See Section VII-9).

CAMP -- A tract of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes, which may include a structure, used for any assembly of persons for what is commonly called "day camp" or overnight camping purposes, whether or not operated for profit and whether occupied by adults or children, either as individuals, families, or groups, but not including a hospital, sanitarium, nursing or convalescent home, asylum, school, penal or correctional institution, or mobile home park.

CANOPY OR ENTRANCE STRUCTURE -- A shelter or overhang projecting from a wall or doorway.

CELLAR -- That portion of a building which is partly or completely below grade and having at least one half ( $\frac{1}{2}$ ) its height below grade.

CERTIFICATE OF OCCUPANCY -- See Occupancy, Certificate.

CLUB -- The buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated for profit or to render a service which is customarily carried on as a business.

CHURCH OR TEMPLE -- A building, together with its customary accessory buildings and uses, where people regularly assemble for religious worship, and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CONDITIONAL USE -- A use the character of which is not ordinarily permitted in a district but is appropriate under certain conditions spelled out by the Board of Zoning Appeals in accordance with the procedures of Article VII.

CONSTRUCTION -- The excavation of earth to provide for a foundation, basement, or cellar; and/or the addition to or removal from a lot or tract of land for the construction of a structure; and/or the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or the placing of construction materials in a permanent position and fastened in a permanent manner; and/or the demolition, elimination, and/or removal of an existing structure in connection with such construction.

CREEKWAY PERMIT -- A permit issued by the Zoning Administrator for development or redevelopment in the Boneyard Creek District which may modify the requirements of the underlying zoning district (See Section VII-8).

DAY CARE HOME -- Any facility, in a home, for the care of no more than a total of eight (8) children, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries," "nursery schools," or "private kindergartens," etc., which provide essential personal care, protection, supervision, or training of preschool or school-age children. A day care home shall be considered a home occupation.

DAY CARE FACILITY -- Any facility, other than a day care home, for the care of children, including those of the proprietor, during all or part of the day, of a commercial nature of a type commonly called "day nurseries", "nursery schools", or "private kindergartens", etc., which provide essential personal care, protection, supervision, or training of preschool or school-age children. A day care facility shall not be considered a home occupation.

DISTRICT -- A section or sections of the City of Urbana for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform for each class of use permitted therein.

DORMITORY -- A building in which group sleeping accommodations are provided for persons, not members of the same family, in one (1) room or in a series of closely associated rooms on a regular basis, for compensation and by pre-arrangement, for a specified period of time. The term does not include any dwelling units equipped with separate cooking facilities.

DRIVE-IN -- An establishment which is designed to provide, either wholly or in part, service to customers while in their automobiles parked upon or driven through the premises.

DWELLING -- Any building, but not a travel trailer, which is exclusively designed for or used for one (1) or more dwelling units.

DWELLING, MULTIPLE FAMILY -- A building containing three (3) or more dwelling units, each of which is occupied at any given time by a group of persons consisting of one or more persons related by blood, adoption, or marriage, together with not more than three (3) additional persons not related by blood, adoption, marriage, living and cooking together as a single housekeeping unit.

DWELLING, SINGLE-FAMILY -- A building containing one (1) dwelling unit and occupied at any given time by a group of persons consisting of one (1) or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants, together with not more than three (3) additional persons not related by blood, adoption, or marriage.

DWELLING, SINGLE FAMILY (EXTENDED GROUP OCCUPANCY) -- A building containing only one (1) dwelling unit and occupied at any given time by a group consisting of only:

1. A basic group of one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants, together with not more than three (3) additional persons not related by blood, adoption or marriage; and
2. Such additional persons who are permanent members of a housekeeping unit, and in a loco parentis relationship with one (1) or more members of the basic group such as foster children or persons in a group home licensed by the State of Illinois.

DWELLING, DUPLEX -- A building containing two (2) dwelling units, each of which is occupied at any given time by a group of persons, consisting of one (1) or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants, together with not more than three (3) additional persons not related by blood, adoption or marriage.

DWELLING, DUPLEX, (EXTENDED GROUP OCCUPANCY) -- A building containing two (2) dwelling units, each of which is occupied at any given time by:

1. A basic group of persons consisting of one (1) or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants, together with not more than three (3) additional persons not related by blood, adoption or marriage; and
2. Such additional persons who are permanent members of the housekeeping unit, ordinarily in a loco parentis relationship with one (1) or more members of the basic group such as foster children or persons in a group home licensed by the State of Illinois.

DWELLING UNIT -- One (1) room or suite of two (2) or more rooms in a building, designed for and used by one (1) family for living and sleeping purposes, and containing its own kitchen and bathroom facilities.

FARM -- A tract of land devoted to agricultural purposes and the uses accessory thereto. It shall not include more than three (3) dwelling units, nor a commercial feedlot.

FILLING STATION -- See Automobile Service Station.

FLOOR AREA, GROSS -- The total area of all floors of a building, measured to the outer face of the outside walls but exclusive of such floor area as may be used for parking facilities within the principal building, cellars in single-family dwellings, and exclusive of such floor area as may be used for penthouses housing ventilators, heating systems, and similar uses.

FLOOR AREA RATIO (abbreviated FAR) -- The quotient of the gross floor area of all buildings on the lot divided by the lot area. See Figure #1.

FRONTAGE -- That portion of a lot abutting a public street or public alley, or, in a Planned Unit Development, abutting a private street.

GARAGE, PRIVATE -- A detached accessory building, or a portion of a main building, housing or designed to house automobiles belonging to the occupants of the dwelling on the lot on which the garage is located, or other specified dwelling. The term shall also include carports.

GARAGE, PUBLIC -- Any principal building or structure used for the storage of more than one (1) automobile for compensation.

GARDEN, HOME -- A private garden in which fruits and/or vegetables are raised for consumption by the gardener and his family, and none of the produce thereof is sold or placed on the market.

GASOLINE STATION -- See Automobile Service Station.

GOLF COURSE -- The acreage marked off for the game of golf over a prescribed course of at least nine (9) holes. The term does not include a miniature golf course or driving range.

HEIGHT OF BUILDING -- See Building Height.

HOME OCCUPATION -- Any occupation or profession for gain or support, carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises, which meets the following limitations:

1. No more than one person, other than members of the immediate family residing in the unit, is engaged therein;
2. There is no activity, construction, or display which would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except as provided in #3, below:
3. There are no signs, other than a name plate, not more than one (1) square foot in area, and not internally illuminated;
4. No item or article is sold, or offered for sale, except a finished article produced on the premises;
5. No equipment, mechanical or electronic, is used except equipment which is incidental to the occupation, and which in the opinion of the Zoning Administrator, does not or will not create objectionable noise, vibrations, odors, or electronic impulses, or otherwise create a nuisance;

6. It has been approved by the Zoning Administrator, and a certificate of occupancy therefore has been issued;
7. No more than two (2) customers or clients may be on the premises at any one time;
8. There is no more than one home occupation, as herein defined, per dwelling unit.

HOSPITAL -- A building or portion thereof used for the treatment of sick, injured, or inform persons, and licensed as a hospital by the State of Illinois.

HOTEL or MOTEL -- A building in which lodging, or lodging and meals, are regularly provided and offered to the public for compensation, and which is customarily open to transient guests.

HOUSEHOLD SERVANT -- A person who lives in the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefore, performing household duties and working solely within the house for the upkeep thereof and for the care and comfort and convenience of the family and occupants thereof. No person, and no member of the family of any person, who pays rent for himself/herself or his/her family shall be deemed the domestic servant of the person to whom such rent is paid.

INTERMEDIATE CARE FACILITY -- See Nursing Home.

JUNK YARD or AUTOMOBILE SALVAGE YARD -- A lot, land, building, or structure, or part thereof, used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery, appliances, or vehicles not in running condition and for the sale of parts therefrom.

KENNEL -- Any structure or premises in which household animals are boarded for compensation, or in which more than five (5) fully grown household animals are offered for sale.

LANDFILL -- See Sanitary Landfill.

LOT -- A parcel of land occupied or intended to be occupied by a principal building and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this Ordinance, and which piece or parcel either has frontage of twenty feet (20') or more on an improved public street, is a previously recorded lot of record, or is part of an approved Planned Unit Development.



LOT, CORNER -- A lot located at the intersection of two (2) or more streets, where the corner interior angle formed by the intersection of the two (2) streets is one hundred and thirty-five degrees ( $135^{\circ}$ ) or less; a lot abutting upon a curved street or streets if tangents to the curve, at the two points where the lot lines meet the curve, form an interior angle of less than one hundred and thirty-five degrees ( $135^{\circ}$ ).

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINES -- The property lines bounding a lot.

LOT LINE, FRONT -- The line dividing a lot from the street right-of-way. In the case of multiple street frontages, the shortest in length shall be the front lot line.

LOT LINE, REAR -- The lot line opposite the front lot line. For purposes of establishing the required rear yard, in the case of an irregularly shaped or three-sided lot, it shall mean a line within the lot, ten feet (10') long, concentric with and at the maximum distance from the front lot line. A lot need not have a rear lot line.

LOT LINE, SIDE -- Any lot line other than a front or rear lot line. A side lot line separating a lot from a street shall be called a side street line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

LOT OF RECORD -- A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Champaign County, or a parcel of land, the deed of which was of record as of the effective date of this Ordinance.

LOT, THROUGH -- A lot other than a corner lot, with frontage on two (2) or more streets.

LOT WIDTH -- For regularly shaped lots, the average distance between the side lot lines, measured at right angles to the depth of the lot; for irregularly shaped or wedge-shaped lots, the distance between the side lot lines measured at the points of intersection of the front setback line with the side lot lines.

LOT, ZONING -- A single tract of land located within a single block, which (at the time of application for a building permit) is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a lot of record.

MANUFACTURING -- The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.

MOBILE HOME -- A movable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy and to provide for complete independent living facilities, including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed, or telescoped when being towed and then expanded to provide additional cubic capacity, and units composed of two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into components, for repeated towing. Removal of wheels, towing devices, or any other alteration does not qualify a mobile home as a conventional single-family dwelling unless such alterations enable the unit to meet the Building, Plumbing, and Electrical Ordinances of the City of Urbana.

MOBILE HOME PARK -- A contiguous parcel of land planned and improved for the placement of five (5) or more mobile homes.

MOBILE HOME PARK SERVICE BUILDING -- A permanent structure housing laundry, office, sanitation, or other community facilities as required in mobile home parks for use by mobile home park occupants.

MOBILE HOME SITE -- A parcel of land clearly delineated on the mobile home park site plan, intended for the placement of an individual mobile home and for the exclusive use of its occupants.

MOBILE HOME STAND -- That part of an individual mobile home site which has been constructed for the placement of a mobile home.

NONCONFORMITY -- Any nonconforming building, lot, structure, or use, as herein defined.

NONCONFORMING LOT -- Any lot lawfully existing at the time this Ordinance became effective as to such lot, which does not conform to the area or width requirements for the district in which it is located. The term shall also include any lot which is rendered nonconforming by virtue of annexation or any subsequent amendment to this Ordinance.

NONCONFORMING STRUCTURE OR BUILDING -- Any building or structure which was lawfully existing at the time this Ordinance became effective as to such building or structure, but whose dimensions, floor area, open space, yards, location on the lot, parking facilities, or other physical characteristics do not conform to the development regulations for the district in which the building or structure is located, or do not conform to the parking requirements and other development regulations, if any, for the use occupying the structure or building. The term shall also include any building or structure which is rendered nonconforming by virtue of annexation or subsequent amendment to this Ordinance.

NONCONFORMING USE -- Any use of a building or land which was lawfully existing at the time this Ordinance became effective as to such building or land, but which does not conform with the use regulations of the district in which it is situated, or for which a conditional or special use permit is required but has not been issued. The term also includes any use of a building or land which is rendered nonconforming by a subsequent amendment to this Ordinance.

NURSERY -- See Day Care Home, Day Care Facility.

NURSING HOME -- Defined in three classes according to state nursing home licensing requirements, generally as follows:

1. Sheltered Care Facility -- A care facility used for boarding and care of not less than three (3) persons, where the residents are not in need of nursing care, but are in need of assistance, supervision, and/or oversight in meeting their daily personal needs.
2. Intermediate Care Facility -- A care facility used for boarding and care of not less than three (3) persons, which provides basic nursing care and other restorative services under periodic medical direction. Patients are generally in need of nursing care but not skilled nursing care.
3. Skilled Care Facility -- A care facility for the boarding and care of not less than three (3) persons, to provide skilled nursing care, continuous skilled nursing observation, restorative nursing, and other services under professional direction with frequent medical supervision.

OCCUPANCY, CERTIFICATE OF -- A permit, issued by the Zoning Administrator, authorizing the occupancy of a building, or the use of a building, structure, or land, or certifying its nonconforming status.

OFFICE -- A room or suite of rooms used for the practice of a profession or for the conduct of a business which does not involve the sale of goods from the premises, other than those directly related to the practice of the profession or business. The term does not include personal service shops. If the goods or merchandise are sold for delivery on or from the principal office use, then the premises shall be considered to be a store rather than an office.

OPEN SPACE -- The portion of ground level area of a lot which is unobstructed from the ground level upwards and which meets the following criteria, except as provided in #5 below:

1. Its minimum dimensions are fifteen feet (15') by fifteen feet (15').
2. At least fifty percent (50%) of such area is in lawns, live plantings, and other permeable ground cover;
3. No more than fifty percent (50%) of such area is covered by paving for sidewalks, leisure and recreational areas such as patios, tennis courts, and swimming pools;
4. No part of such area is used for parking, drives, or loading areas;
5. For residential uses, at least seventy-five percent (75%) of such area shall be accessible to and for the use of all residents of the building; except that, in the case of a residential building where all units open directly onto open space at ground level, up to seventy-five percent (75%) of such required open area may be divided, as equally as practicable, among all the dwelling units as private open space, provided that each unit shall have at least one hundred and fifty (150) square feet with a minimum dimension of nine feet (9').

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

1. Roof areas free of all obstructions and available for safe and convenient use for leisure and recreation, and with minimum dimensions of fifteen feet (15') by fifteen feet (15');

2. Balconies having a minimum dimension of four feet six inches (4' 6") by four feet six inches (4' 6"), if there is a minimum clearance of seven feet six inches (7' 6") between the floor of such balcony and the underside of the balcony immediately next above;
3. The ground level area immediately below a balcony, if there is a minimum clearance of seven feet six inches (7' 6") between the ground level and the underside of the balcony immediately next above.

All measurements are to be made in a horizontal plane, unless in the context it is obvious that the appropriate measurement is to be made in a vertical plane.

OPEN SPACE RATIO (abbreviated OSR) -- The quotient of the open space on the lot divided by the total gross floor area on the lot. See Figure #2.

PARKING LOT, PUBLIC -- A lot, not in a street right-of-way, surfaced with concrete or asphaltic concrete or other all-weather surface as approved by the Zoning Administrator, in which spaces for parking automobiles are offered to the public for compensation. It may be either privately or publicly owned and operated.

PARKING SPACE -- A space, either indoors or outdoors, for parking a vehicle, provided with but not including a driveway or other means of access, and in compliance with the designs and specifications of Article VIII-2. A parking space not within a public street right-of-way is an off-street parking space.

PERMITTED USE -- A use, including buildings and structures, allowed by right in a particular district, or specifically authorized by a valid conditional use permit or special use permit; it is subject to the uniform regulations for such uses in that district and to the terms and conditions of such permit, if any, or of any variance applicable thereto. A nonconforming use is not a permitted use.

PLANNED UNIT DEVELOPMENT (abbreviated PUD) -- An area for which a unitary site plan has been prepared, establishing at least, but not necessarily limited to, the following: land uses, open space allocations, on site circulation for both pedestrians, bicycles and automobiles, parking, setbacks, housing densities, building spacings, land coverage, landscaping relationships with adjoining areas and streets, building heights, accessory uses, and architectural treatment. A PUD must be designed and developed according to the procedures and standards specified in Section VII-5.

PLAT -- A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

PORCH -- A ground level or first story above grade unenclosed platform, supported from the ground and extending out from the main part of the building. Porches may be roofed, and have railings not exceeding forty-two inches (42") in height.

PREMISES -- A lot or tract of land, including any structures located thereon.

PUBLIC UTILITY STATION -- A building or structure serving as a distribution center, including such uses as water pumping, water reservoir, transformer station, telephone exchange, rail or bus waiting station, and similar uses.

RESTAURANT -- An establishment whose principal use is the serving, or offering for sale, of foods, refreshments, or beverages ready for consumption, to be consumed in the building in which the establishment is located, or at tables situated on the premises, or in automobiles parked on the premises or on an adjoining lot.

RETAIL STORE -- A store in which goods are sold for delivery on or from the premises to the ultimate consumer. If eighty percent (80%) or more of the annual dollar volume of the sales made from a store is subject to the Illinois Retailers Occupation Tax, the store shall be considered a retail store. A restaurant shall not be considered a store.

RIGHT-OF-WAY (abbreviated ROW) -- The entire dedicated tract or strip of land that is legally used by the public for circulation and service.

ROOMING HOUSE -- A building, other than a single-family dwelling, two family dwelling, a hotel, or a dormitory, where, for compensation and by prearrangement for definite periods of time, lodging is provided.

ROWHOUSE or TOWNHOUSE -- A single-family dwelling unit that is part of a rowhouse or townhouse building.

ROWHOUSE or TOWNHOUSE BUILDING -- A building containing a row of three (3) or more single-family dwelling units, each unit being separated from the adjoining units in each story by walls without openings, and each unit having independent access to the exterior of the building in the ground story.

SANITARY LANDFILL -- A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary, and to provide a final cover following final placement of refuse.

SCHOOL -- A building or group of buildings, and all associated structures, facilities, and grounds in and on which instruction is given.

SCREEN FENCE -- A wall or fence, including gates, whose openings, if any, do not exceed twenty-five percent (25%) of the side area of such wall or fence and which is not less than four feet (4') in height, but in conformance with the fence regulations of the City Code.

SCREEN PLANTING -- A vegetative material of sufficient height and density to filter adequately from view any structures and uses on the premises upon which the screen planting is located, in conformance with the fence regulations of the City Code.

SERVICE STATION -- See Automobile Service Station.

SHELTERED CARE FACILITY -- See Nursing Home.

SHOPPING CENTER/COMMERCIAL PLANNED UNIT DEVELOPMENT

- A. General Shopping Center: A shopping center located on a minimum of four (4) acres sharing common parking facilities and having a combined building area of 50,000 square feet or more.
- B. Convenience Shopping Center: A shopping center located on a site of more than one (1) acre, but less than four (4) acres sharing common parking facilities and having between 12,000 and 50,000 square feet of combined building area.
- C. Neighborhood Shopping Center: A shopping center located on one (1) acre or less, sharing common parking facilities and having less than 12,000 square feet of combined building area.

NOTE: A General or Convenience Shopping Center/Commercial PUD must be designed and developed according to the procedures and standards specified in Section VII-5. A neighborhood Shopping Center/Commercial PUD must be designed and developed according to the procedures and standards specified in Section VII-2.

SIGN -- Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

1. On-premise sign -- A sign which relates solely to a use, business, or profession conducted, or to a principal commodity, service, or entertainment sold, provided, or offered upon the premises where the sign is located.
2. Off-premise sign -- A sign which directs attention to a use, business, commodity, service, or activity not conducted, sold, or offered upon the premises where the sign is located.
3. Free-standing sign -- A sign completely or principally self-supported by posts or other supports independent of any building or other structure.
4. Wall or wall-mounted sign -- A sign displayed on or visible through a wall or a building or structure so as to be seen primarily from the direction facing that wall. A wall sign attached to the exterior wall of a building or structure does not project more than fifteen inches (15") therefrom.
5. Roof sign -- A sign erected, constructed, or maintained upon or over a roof, and more than one-half ( $\frac{1}{2}$ ) of whose height is above the building height. A sign mounted on a roof which does not qualify as a roof sign shall be considered a wall sign.
6. Projecting sign -- A sign, other than a wall sign, which projects from and is supported by, or attached to, a wall of a building or structure.
7. Portable sign -- A free-standing sign not permanently anchored or secured to either a building or structure.

SKILLED CARE FACILITY -- See Nursing Home.

SPECIAL USE -- A use the character of which is not ordinarily permitted in a district but is appropriate under certain conditions spelled out by the Plan Commission and the City Council in accordance with Article VII.

STORE -- See Retail Store or Wholesale Store.

STORY -- That part of a building included between the surface of any floor and the floor or roof immediately above it.



STREET -- A thoroughfare within the public right-of-way, which is improved to a level accepted for maintenance by the Director of Public Works of the City of Urbana, and which affords the principal means of access to abutting property. A street may be designated as an avenue, boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by any other appropriate names.

STREET, PRIVATE -- A service way with an all-weather, dustless surface, which provides access to a property for the use of a limited number of persons or purposes, and which has not been publicly dedicated.

STRUCTURE -- Any building, or anything constructed, which requires attachment to the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, and supports and frames thereof.

STRUCTURAL ALTERATION -- See Alteration, Structural.

TEMPLE -- See Church.

TOURIST HOME or HOUSE -- A building or part thereof, other than a hotel, rooming house, boarding house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

TOWNHOUSE -- See Rowhouse.

TRAVEL TRAILER -- A vehicle designed for recreational use, which is not included in the definition of a mobile home under the terms of this Ordinance.

TRUCK TERMINAL -- Premises used for loading or unloading of trucks, and upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of five (5) or more trucks.

USE -- The specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE -- A variation of or deviation from the regulations or standards adopted by this Ordinance, which the Board of Zoning Appeals is permitted to grant.

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.

WHOLESALE STORE -- A store at which goods are sold for delivery on or from the premises to a person other than the ultimate consumer. Should a store not qualify as a retail store as herein defined, it shall be deemed to be a wholesale store.

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 required 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 principal building shall be used.

YARD, FRONT -- A yard extending across the full width of a lot, and measured between a lot line abutting a street and the nearest line of a structure located on a lot.

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 full width of a lot, measured between the side lot lines from the rear lot line to the nearest line of the principal building located on the lot.

YARD, REQUIRED -- That minimum yard, either front, side, or rear, the dimensions of which are set by various sections of this Ordinance, with or without the presence of a building on the lot containing the yard. The required side yard shall extend the full length of the lot.

YARD, SIDE -- A yard between the principal building and the side line of the lot, and extending from the front yard line to the rear yard line.

ZONING LOT -- See Lot, Zoning.

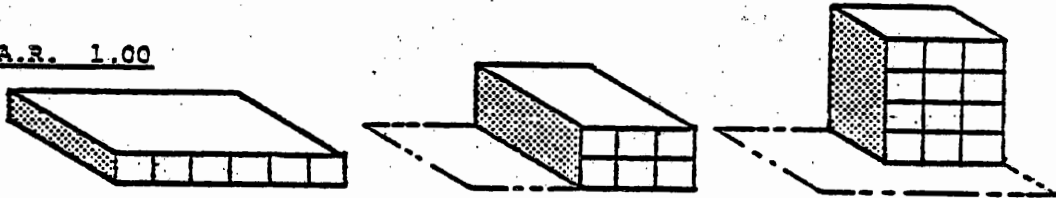
FLOOR AREA RATIO

Formula:  $\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$

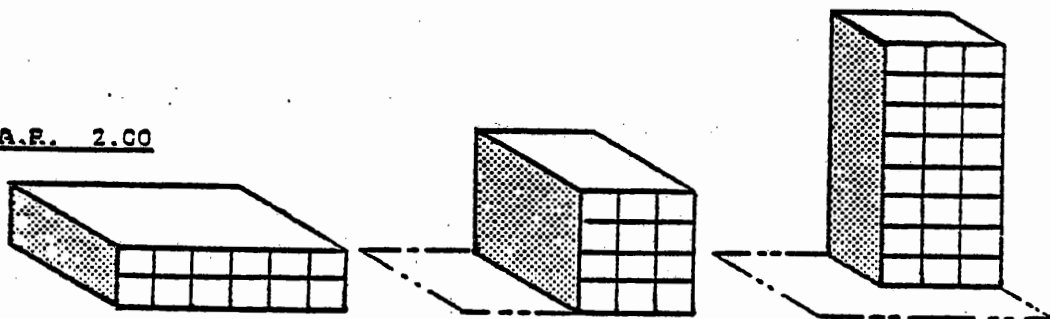
F.A.R. .50



F.A.R. 1.00



F.A.R. 2.00



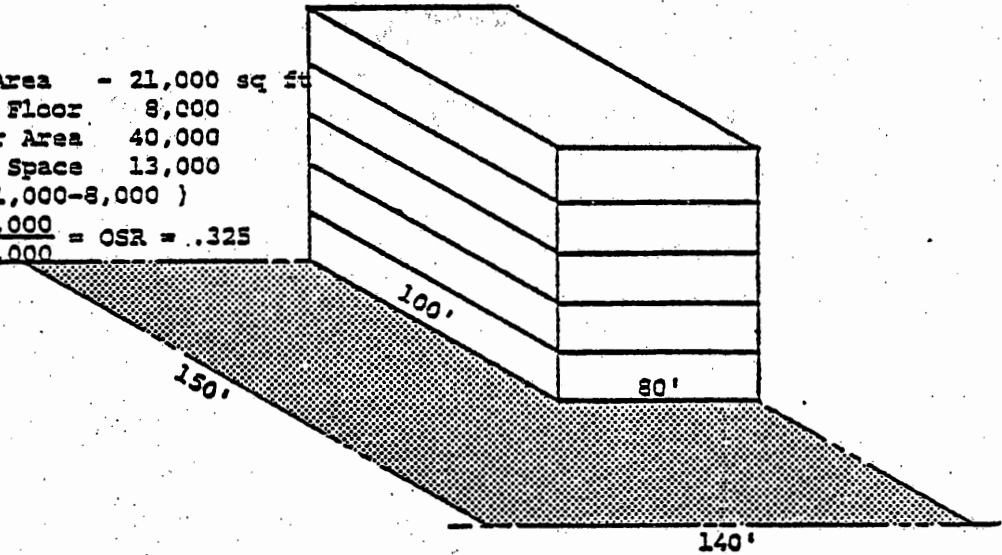
**floor area ratio**

OPEN SPACE RATIO



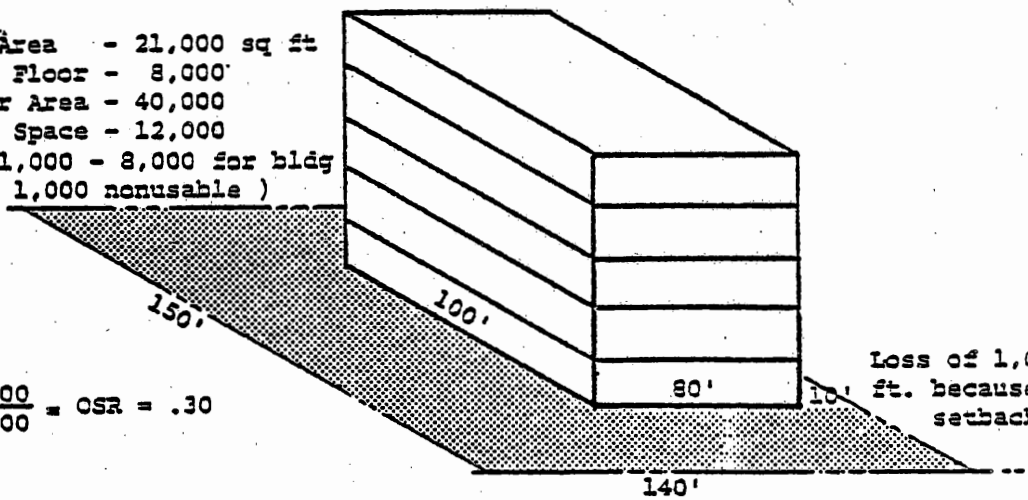
Formula:  $\frac{\text{Open Space}}{\text{Floor Area}} = \text{Open Space Ratio}$

Lot Area - 21,000 sq ft  
 Each Floor - 8,000  
 Floor Area - 40,000  
 Open Space - 13,000  
 ( 21,000 - 8,000 )  
 $\frac{13,000}{40,000} = \text{OSR} = .325$



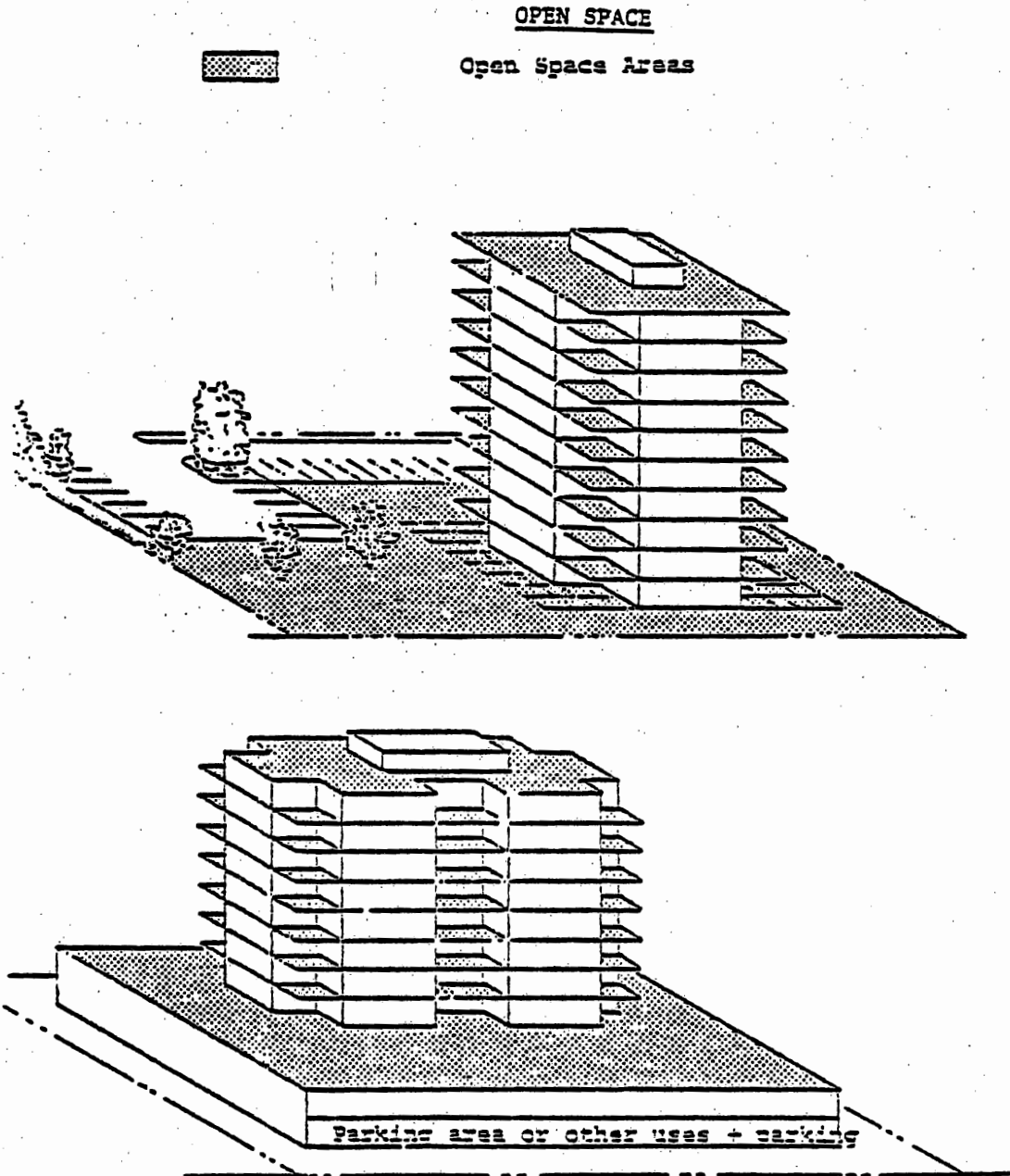
Lot Area - 21,000 sq ft  
 Each Floor - 8,000  
 Floor Area - 40,000  
 Open Space - 12,000  
 ( 21,000 - 8,000 for bldg  
 - 1,000 nonusable )

$\frac{12,000}{40,000} = \text{OSR} = .30$



Loss of 1,000 sq. ft. because of setback

open space ratio



Note: All open space areas must meet all requirements of the Ordinance.

**open space**

ARTICLE III  
SCOPE OF REGULATIONS

<u>Section</u>	<u>Subject</u>
1	Compliance with Regulations
2	Evasion of Development Regulations

Section III-1 Compliance with Regulations

Except as expressly set forth in this ordinance or other ordinances of the City of Urbana, this ordinance should not be construed as waiving or reducing the manner of compliance with any provisions of other ordinances of the City of Urbana or the State of Illinois including but not limited to building codes, subdivision ordinances, and traffic ordinances. Except in compliance with the provisions of this Ordinance, it shall be unlawful, within the corporate limits of the City of Urbana, to:

- A. Erect a new building or structure, or portion thereof;
- B. Establish, expand, enlarge, reconstruct, relocate, alter structurally, or change any use of a building, structure, land, or portion thereof;
- C. Excavate for or build any foundation;
- D. Establish, expand, enlarge, relocate, re-establish, or change any nonconforming use, building, or structure;
- E. Erect or establish more than one (1) main building or structure, or more than one (1) principal use on one (1) lot; or
- F. Erect, alter structurally, add to, enlarge, or relocate any sign or part thereof.

Section III-2 Evasion of Development Regulations

Except as provided in Article X of this Ordinance, it shall be unlawful to lease, sell, convey, use, or build upon a lot, if the effect of such action is:

- A. To reduce the area of the lot below the minimum required by this Ordinance;
- B. To exceed the maximum floor area ratio or building height permitted by this Ordinance;

- C. To provide less than the usable open space ratio required by this Ordinance;
- D. To reduce any dimension of a lot below the minimum or average required by this Ordinance;
- E. To provide less than the minimum yards required by this Ordinance;
- F. To provide less than the minimum number of parking spaces required by this Ordinance; or
- G. To occupy or permit occupancy or use beyond the limits of this Ordinance.

## ARTICLE IV

### DISTRICTS AND BOUNDARIES THEREOF

<u>Section</u>	<u>Subject</u>
1	Number and Designation of Districts
2	Purpose of Districts
3	Official Zoning Map
4	Interpretation of Map and District Boundaries
5	Classification of Land Subsequently in the Jurisdiction of the City

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

In order to carry out the purposes of this Ordinance, as specified in Section I-1, by classifying, regulating, and restricting the location of buildings erected or structurally altered for specific uses, by regulating the use of land and structures, by regulating and limiting the height and bulk of buildings and structures hereafter erected or structurally altered, by regulating and determining the area of yards and other open spaces about buildings, by regulating the intensity of the use of land or buildings, and by regulating off-street parking facilities for certain uses, the City of Urbana, Illinois, is hereby divided into sixteen (16) zoning districts, which are hereby established as follows:

- CRE Conservation-Recreation-Education
- AG Agriculture
- R-1 Single Family Residential
- R-2 Single Family Residential
- R-3 Single and Two Family Residential
- R-4 Medium Density Multiple Family Residential
- R-5 Medium High Density Multiple Family Residential
- R-6 High Density Multiple Family Residential
- R-6B High Density Multiple Family Residential - Restricted Business
- B-1 Neighborhood Business
- B-2 Highway Business
- B-3 General Business
- B-4 Central Business
- IN Industrial
- BYC Boneyard Creek District
- BDR Business Development and Redevelopment District

#### Section IV-2 Purpose of Districts

In addition to the general purposes of this Ordinance, as listed in Section I-1, the various zoning districts also serve more specific individual purposes, as follows.

- A. The CRE Conservation-Recreation-Education District is intended to conserve natural and scenic areas for open space, recreational, and educational purposes, both public and private, and to preserve from unsuitable uses natural surface drainage courses and other areas



whose physical characteristics, such as slope or susceptibility to flooding, make many forms of development inappropriate or potentially injurious to the public health or safety. The uses permitted in this District are primarily of low intensity, which would not interfere with natural conditions, and for which such conditions would not pose severe problems; areas developed for more intensive use, which include significant open space, or which provide educational or recreational facilities to the public, are also appropriate in this district.

- B. The AG Agriculture District is intended to retain in agricultural and other compatible low intensity uses, areas where soil and topographic conditions are suitable for these uses, and into which the intrusion of urban uses would be inappropriate or untimely due to a lack of urban services and facilities.
- C. The Residential Districts generally are intended to provide desirable settings for residential development within the several density ranges described in Urbana's Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses. The basic urban services and utilities, including adequate access and utilities, are necessary for these districts.
1. The R-1 Single Family Residential District is intended to provide areas for single family detached dwellings at low density.
  2. The R-2 Single Family Residential District is intended to provide areas for single family detached dwellings at a low density on lots smaller than the minimum for the R-1 District. The R-2 District is also intended to provide for a limited proportion of two family dwellings.
  3. The R-3 Single and Two Family Residential District is intended to provide areas for low density residential development, including single family attached and detached dwellings and two family dwellings.
  4. The R-4 Medium Density Multiple Family Residential District is intended to provide areas for multiple family dwellings at low and medium densities.
  5. The R-5 Medium High Density Multiple Family Residential District is intended to provide areas for multiple family dwellings at densities ranging up to medium high.
  6. The R-6 High Density Multiple Family Residential District is intended to provide areas for multiple family dwellings at densities ranging up to high.
  7. The R-6B High Density Multiple Family Residential - Restricted Business District is intended to provide areas for a compatible mixture of limited business uses and residential development at densities ranging up to high. Both the uses permitted and the regulations on physical development make this district suitable as a buffer between more intensive commercial districts and lower density residential districts.

- D. The Business Districts generally are intended to provide areas for commercial uses in districts accommodating the range of types, intensity, and physical forms of trade, commercial services, and offices.
1. The B-1 Neighborhood Business District is intended to provide commercial areas of limited size, for basic trade and personal services for the convenience of adjacent residential areas, for needs recurring regularly or frequently.
  2. The B-2 Highway Business District is intended to provide areas along or adjacent to major highways, in convenient and accessible locations for commercial uses primarily meeting the needs of motorists.
  3. The B-3 General Business District is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City.
  4. The B-4 Central Business District is intended to provide an area for the focus of the city, in which the full range of commercial and business uses may locate in a limited area of high intensity uses, with the appropriate forms of physical development at a high density.
- E. The IN Industrial District is intended to provide areas for manufacturing and industrial uses, where they will have the necessary services and facilities, and minimize obtrusion on or by adjoining uses and districts. Light industrial uses, which are unlikely to cause undesirable effects, are permitted by right; more intensive industrial uses which may have wider-reaching environmental effects are permitted as special uses, which provide the Urbana Plan Commission and City Council the opportunity to review the uses and impose needed conditions. In order to minimize conflict among incompatible uses, most non-industrial uses are not allowed in the IN Industrial District.
- F. The BYC Boneyard Creek District is a special district which is superimposed over other districts which lie along the Boneyard Creek through the City of Urbana. This special district is intended to allow appropriate use of the property, according to the district in which it is located, while also protecting and enhancing the drainageways as a means of watershed management, and as a recreational and open space resource.
- G. The BDR Business Development and Redevelopment District is a special district superimposed over the downtown area and is intended to promote high density residential development.

#### Section IV-3 Official Zoning Map

- A. The boundaries of the districts established in Section IV-1 of this Ordinance are hereby established as shown on a map designated as the "Official Zoning Map of Urbana, Illinois." This map and all notations, colors, references, legends, symbols, and text thereon pertaining to said districts shall be as much a part of this Ordinance as if fully described herein. This map, or reproductions thereof, certified as showing the districts created and approved, shall be available for public reference in the office of the City Clerk of

Urbana, Illinois, and in the office of the Zoning Administrator of Urbana, Illinois.

- B. At least once annually, no later than March 31 of each year, or more frequently as may be necessary, the City Clerk shall prepare an Official Zoning Map, which shall include any changes affecting district boundary lines or other matter portrayed on the Official Zoning Map, accomplished by amendment to this Ordinance or otherwise, during the last calendar year. However, any change affecting the boundaries of districts or the classification of land shall be in full force and effect ten (10) days after the publication of the Amendatory Ordinance effectuating it, regardless of whether such a change has yet been incorporated into the Official Zoning Map. If no changes in the Official Zoning Map have been made within the year, a new map need not be prepared. Copies of all Amendatory Ordinances and of the Official Zoning Map shall be available for public reference in the office of the City Clerk.

#### Section IV-4 Interpretation of Map and District Boundaries

- A. Except as herein provided, the boundaries of the districts as shown on the map accompanying and made a part of this Ordinance are generally intended to coincide with the centerlines of streets and alleys, or with lot lines. If, on the map, the boundary line of a district:
1. Approximates the line of a street or alley, the boundary line shall be considered to be the center line of the street or alley;
  2. Approximates the boundary line of a platted lot, the district boundary lines shall be considered to be the lot line;
  3. Divides a platted lot, or unplatted or unsubdivided property into distinct parts, the district boundary lines shown on the map shall be determined by the scale appearing on the map.
- B. In the case of the district boundary line between the CRE Conservation-Recreation-Education District and any other district, the district boundary lines shown on the map shall be determined by the Zoning Administrator, according to the scale appearing on the map.
- C. The Boneyard Creek District and corridor limit lines as indicated on the Zoning Map and Boneyard Creek Master Plan engineering drawings which are attached and incorporated herein shall be determined by the Zoning Administrator, according to the scale appearing on the map.

Section IV-5 Classification of Land Subsequently in the  
Jurisdiction of the City

All land which may hereafter be incorporated into the zoning jurisdictional area of the City of Urbana, Illinois, whether through annexation or otherwise, shall, unless a valid pre-annexation agreement in effect at the time of annexation provides otherwise, automatically be classified from its present or most recent classification under the Champaign County Zoning Ordinance, to a classification under the Urbana Zoning Ordinance, according to the following table.

<u>Former Zoning District Champaign County</u>	<u>New Zoning District City of Urbana</u>
CR	CRE
AG-1	AG
AG-2	AG
R-1	R-1
R-2	R-2
R-3	R-3
R-4	R-4
R-5	AG
B-1	B-1
B-2	B-1
B-3	B-2
B-4	B-3
B-5	B-4
I-1	IN
I-2	IN

## ARTICLE V

### USE REGULATIONS

<u>Section</u>	<u>Subject</u>
1	Uses Permitted by Right, Conditional Uses, and Special Uses
2	Principal and Accessory Uses
3	Table of Permitted Uses, by District

#### Section V-1 Uses Permitted by Right, Conditional Uses, and Special Uses

- A. In any district, no land or structure shall be used, and no structure or building shall hereafter be erected or structurally altered, except for:
1. One or more of the uses listed as permitted by right in that district in Table V-1;
  2. One or more of the conditional uses listed for that district in Table V-1, provided that a conditional use permit therefore has been issued, according to the procedures specified in Article VII;
  3. One or more of the special uses listed for that district in Table V-1, provided that a special use permit therefore has been issued, according to the procedures specified in Article VII.
- B. In the case of a use not specifically mentioned in Table V-1, such a use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator. He/She may determine that such a use is either permitted by right, permitted as a conditional use, permitted as a special use, or not permitted in any particular district. He/She shall keep a written record of all such determinations, which may be consulted in the future.

#### Section V-2 Principal and Accessory Uses

- A. The uses listed in Table V-1 as permitted by right, conditional uses, and special uses in the various zoning districts are principal uses.
- B. Except as otherwise provided, an accessory use, building, or structure is permitted to accompany the principal use to which it is subordinate, where such principal use is either permitted by right or authorized by either a conditional or a special use permit.
- C. A structure or use may be erected or established as an accessory structure or use to a permitted principal structure or use, provided that:
1. It is located on the lot occupied by or intended for the principal use or building established or existing, or on an adjoining lot under the provisions of Section VI-3 A, or, in the case of parking, on another lot as provided in Section VIII-3 B;

2. It is compatible in character and extent with the principal use and district where located;
3. It conforms with such other regulations as apply;
4. It is not prohibited;
5. It shall not be erected or established prior to the establishment or construction of the principal use or building, except as authorized by the Zoning Administrator; and
6. It is customarily incidental to the principal structure or use.

Section V-3 Table of permitted Uses, by District

- A. In Table V-1, the use listed in a horizontal row with the letter P is permitted by right as a principal use in the district listed at the head of the vertical column in which the letter P appears, except as provided in paragraph B, below; similarly, the letter C indicates that the use is permitted as a conditional use in that district, and the letter S indicates that the use is permitted as a special use in that district, subject to the regulations and procedures specified in Article VII of this Ordinance.
- B. The use of rights-of-way and easements for highways, streets, alleys, walks, railroads, electric power lines, telephone lines, water mains, sanitary sewers and storm drains, whether belonging to a governmental body or a public utility, shall be considered to be permitted, conforming uses in each district.
- C. In any zoning district, more than one principal use or building per lot or parcel of land may be allowed under conditional use procedures meeting the following criteria:
  1. The uses are permitted either by right (P) or as a conditional use (C) in the district in which the lot or parcel of land is located
  2. The lot or parcel of land does not qualify as a residential, commercial or industrial P.U.D.

NOTE: Properties within the Boneyard Creek District and Business Development and Redevelopment District are subject to special rules and procedures as set forth in Section VII-8 and Section VII-9 respectively.

TABLE V-1  
TABLE OF USES

CRH	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN
P	P	P	P	P	P	P	P	<u>Public and Quasi-Public Facilities *</u>						
S	S	S	S	S	P	P	P	Public Elementary, Junior High School, or Senior High School						
S	S	S	S	S	P	P	P	Institution of an Educational, Philanthropic or Eleemosynary Nature	P	P	P	P	P	
S	C	C	C	C	P	P	P	Church or Temple	P	P	P	P	P	
S	C	C	C	C	P	P	P	Religious Tent Meeting						
S	S	S	S	S	S	S	S	Municipal or Government Building	P	P	P	P	P	P
S	S	S	S	S	S	S	S	Penal or Correctional Institution	P	P	P	P	P	P
S	S	S	S	S	S	S	S	Police Station or Fire Station	P	P	P	P	P	P
P	S	S	S	S	P	P	P	Public Library, Museum or Gallery	P	P	P	P	P	P
S	S	S	S	S	P	P	P	Public Park	P	P	P	P	P	P
S	S	S	S	S	P	P	P	Public or Commercial Sanitary Landfill						C
S	S	S	S	S	P	P	P	Sewage Treatment Plant or Lagoon		P	P	P	P	C
S	S	S	S	S	P	P	P	Parking Garage or Lot						P
S	S	S	S	S	P	P	P	Radio or Television Tower and Station						P
S	S	S	S	S	C	C	C	Water Treatment Plant				C	C	P
S	S	S	S	S	C	C	C	Electrical Substation	C	C	P	P	P	P
S	S	S	S	S	C	C	C	Telephone Exchange	C	C	P	P	P	P
S	S	S	S	S	S	S	S	Public Fairgrounds						
P	S	S	S	S	S	S	P	Hospital or Clinic	P			P	P	
P	S	S	S	S	S	S	P	Telegraph Office		P	P	P	P	
P	S	S	S	S	S	S	P	University or College				P	P	
								<u>Commercial Transportation Uses</u>						
	C							Airport						S
	C							Heliport						C
								Motor Bus Station			P	P	P	P
								Truck Terminal, Truck Wash			C			P
	S							Railroad Yards and Railroad Freight Terminals						P
								Air Freight Terminal						C
								* See Section VII-7						
CRH	AG	R-1	R-2	R-3	R-4	R-5	R-6		R-6-B	B-1	B-2	B-3	B-4	IN

P = Use Permitted by Right

S = Special Use

C = Conditional

CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN
								<u>Residential Uses</u>						
	P	P	P	P	P	P	P	Boarding or Rooming House	P					P
					P	P	P	Dwelling, Single Family(Extended Group Occupancy)	P	C	C			
			C	P	P	P	P	Dwelling, Duplex(Extended Group Occupancy)	P	C	C			
					P	P	P	Dwelling, Multi-Family	P	C	C	P	P	
					C	C	C	Privately Owned and Operated Dormitory	C	P				
					C	P	P	Home for the Aged	P			C	C	
					C	P	P	Nursing Home	P			C	C	
								Mobile Home Park - See Article VII-4						
	S							Hotel or Motel	C		P	P	P	
								Tourist Home	C		P	P	P	
	S	S	S	S	S	S	S	Residential Planned Unit Development - See Article VII-5	S					
	S							Mobile Home in Mobile Home Park						
								<u>Resource Production and Agricultural Uses</u>						
P	P	P	P	P	P	P	P	Agriculture, General						P
P	P	P	P	P	P	P	P	Agriculture, Cropping						
C	C	C	C	C	C	C	C	Artificial Lake of One (1) or more Acres			C	P		C
	C							Commercial Greenhouse				P		
	P							Greenhouse (not exceeding 1,000 sq. ft.)		C	P	P		
S	P							Garden Shop		P	P	P		
	P							Plant Nursery			C	C		
S	S							Mineral Extraction, Quarrying Topsoil Removal and Allied Activities						C

P = Use Permitted by Right

S = Special Use

C = Conditional



TABLE V-1 (CONTINUED)

CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN
								<u>Business Uses: Personal Services</u> Barber Shop Beauty Shop Reducing Salon Drycleaning or Laundry Establishment Laundry and/or Drycleaning Pick-up Self-Service Laundry Shoe Repair Shop Tailor and Pressing Shop Mortuary Massage Parlor	P P C C P P P P C C	P P C C P P P P C		P P P P P P P	P P P P P P	
	P C C C					C	C	<u>Business Uses: Agricultural</u> Farm Chemicals and Fertilizer Sales Including Incidental Storage and Mixing of Blended Fertilizer Roadside Produce Sales Stand Farm Equipment Sales and Service Feed and Grain (Sales only) Livestock Sales Facility and Stockyards Slaughter Houses Grain Storage Elevator and Bins			P C	P P P	C	P C C C
								<u>Business Uses: Business, Private Educational and Financial Services</u> Bank, Savings and Loan Association  Professional & Business Office Private Kindergarten or Day Care Facility Vocational, Trade or Business School	P P C	P P C	P P C	P P C	P P C	P P C
	C	C	C	C	C	C	C					P	P	C
CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6		R-6-B	B-1	B-2	B-3	B-4	IN

p = Use Permitted by Right

S = Special Use

C = Conditional

TABLE V-1 (CONTINUED)

CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN
								<u>Business Uses-Food Sales and Services</u> Meat and Fish Market Restaurant Supermarket or Grocery Store Wholesale Produce Terminal  Tavern or Night Club Bakery (Less than 2500 sq. ft.) Dairy Store Delicatessen Confectionery Store Retail Liquor Sales Locker, Cold Storage for Individual Use  <u>Business Uses-Vehicular Sales and Services</u> Automobile, Truck Trailer or Boat Sales Mobile Home Sales Automobile Repair, major Gasoline and Service Station Public Maintenance and Storage Garage Automobile Washing Facility Automobile Accessories (New) Automobile Salvage Yard (Junkyard) Truck Stop <u>Business Uses -Retail Trade</u> Building Material Sales (All Indoors Excluding Concrete or Asphalt mixing) Hardware Store Electrical or Gas Appliance Sales and Service Department Store Apparel-Shop Electronic Sales and Services						
CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6		R-6-B	B-1	B-2	B-3	B-4	

P = Use Permitted by Right

S = Special Use

C = Conditional

CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN
								Shoe Store	P	P		P	P	
								Jewelry Store	P	P		P	P	
								Stationery-Gift Shop-Art Supplies	P	P		P	P	
								Florist	P	P		P	P	
								Bookstore	P	P		P	P	
								Tobacconist	P	P		P	P	
								Variety-Drygoods Store	P	P		P	P	
								Music Store	P	P		P	P	
								Drugstore	P	P		P	P	
								Photographic Studio and Equipment						
								Sales and Service	P	P		P	P	
								Furniture Store-Office Equipment						
								Sales				P	P	
								Antique or Used Furniture Sales						
								and Service				P	P	
								Pet Store		P		P	P	
								Bicycle Sales and Service		C		P	P	
								Fuel Oil, Ice, Coal, Wood						
								(Sales Only)				P	P	P
								Monument Sales (Excludes Stone						
								Cutting)				P	P	
								Pawn Shop						
								Sporting Goods	C	C		P	P	
								Heating, Ventilating, Air Condi-						
								tioning Sales and Service	C	C		P	P	P
								Lawnmower Sales and Service				P	P	
								Art & Craft Stores & Studios	C	C		P	P	
								<u>Business Uses - Recreational</u>						
	C	C						Resort or Organized Camp						
	C	C						Bait Sales				P	P	
								Billiard Room				P	P	
								Bowling Alley			C	P	P	
	C	P	P	P	P	P	P	Country Club or Golf Course						
								Dancing School				P	P	
	C	C	C	C	C	P	P	Lodge or Private Club	P	P		P	P	
								Outdoor Commercial Recreation						
								Enterprise (Except Amusement Park)			C	P	P	
	C	C						Private			C	P	P	

P = Use Permitted by Right

S = Special Use

C = Conditional

CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN
								Camp or Picnic Area Riding Stable Seasonal Hunting or Fishing Lodge Theater, Indoor Theater, Outdoor Commercial Fishing Lake			C			
								<u>Business Uses-Miscellaneous</u>						
								Cemetery Aviation Sales, Service or Storage Crematory Kennel Construction Yard Commercial Breeding Facility Wholesale Business Warehouse Auction Sales (Non-animal) Veterinary Hospital-Large Animal Veterinary Hospital-Small Animal Signs-See Article IX Radio or TV Studio Shopping Center/Commercial PUD Neighborhood Convenience General	S S S					
								<u>Industrial Uses</u>						
								Grain Mill Products Manufacturing and Packaging Confectionery Products Manufacturing and Packaging Wool, Cotton, Silk and Man-made Fiber Manufacturing Manufacturing and Processing Wearing Apparel and Related Finished Products Manufacturing Miscellaneous Finished Products Manufacturing Including Home Products, Canvas Products, Decorative Textiles, Luggage, Umbrellas, and Similar Products Electrical and Electronic Machinery, Equipment and Supplies Manufacturing	S C					P P P P P P

P = Use Permitted by Right

S = Special Use

C = Conditional

TABLE V-1 (CONTINUED)

CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN		
C								Engineering, Laboratory, Scientific and Research Instruments Manufacturing Mechanical Measuring and Controlling Instruments Manufacturing Optical Instruments and Lenses Manufacturing Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing Photographic Equipment and Supplies Manufacturing Watches, Clocks and Clockwork Operated Devices Manufacturing Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing Bookbinding Motion Picture Production Studio Household and Office Furniture Manufacturing Building Paper, Paper Containers and Similar Products Manufacturing Theoretical and Applied Research, Development and Prototype Light Manufacturing of the Following: Drugs, Chemicals, Food Products, Rubber and Petroleum Products, Light Fabricated Metal Products, Electrical Products, Physical and Aerospace Sciences, Wood and Wood Products, Non-Electrical Machinery, Textiles, Glass Ceramic Products Non Profit or Governmental Educational and Research Agencies								
CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6		R-6-B	B-1	B-2	B-3	B-4	IN		

P = Use Permitted by Right

S = -Special Use

C = Conditional

CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6	Principal Uses	R-6-B	B-1	B-2	B-3	B-4	IN
								Jewelry, Costume Jewelry, Novel- ties, Silverware and Plated Ware Manufacturing and Process- ing Musical Instruments and Allied Products Manufacturing Office and Artists Materials Manufacturing (Except Paints, Inks, Dyes and Similar Pro- ducts) Signs and Advertising Display Manufacturing Manufacturing and processing of athletic equipment and related products All other industrial uses Industrial PUD						P P P C P P S S
CRE	AG	R-1	R-2	R-3	R-4	R-5	R-6		R-6-B	B-1	B-2	B-3	B-4	IN

P = Use Permitted by Right

S = Special Use

C = Conditional

## ARTICLE VI

### DEVELOPMENT REGULATIONS

<u>Section</u>	<u>Subject</u>
1	Applicability
2	Height
3	Lot Area and Width
4	Floor Area
5	Yards
6	Screening
7	Drainage and Storm Water Runoff

#### Section VI-1 Applicability

Except as otherwise provided, every principal and accessory building and use in the AG, CRE, R, B, and IN districts shall be subject to the applicable standards for the following development regulations: maximum height, minimum lot area, minimum or average lot width, maximum floor area ratio, minimum open space ratio, minimum yards, minimum lot area per dwelling unit, and screening, as specified in Table VI-1, and as stipulated in Sections VI-2 through VI-7 of this Article, and parking as specified in Article VIII.

#### Section VI-2 Height

- A. Public buildings, sanitariums, schools, or institutions of an educational, philanthropic, religious, or eleemosynary nature which are permitted in the R-2, R-3, and R-4 Districts may be erected to a height not to exceed seventy-five feet (75'), if the building is set back from the building line at least one foot (1') for each one foot (1') of additional building height above the height limit otherwise applicable.
- B. Chimneys, towers, elevator bulkheads, monuments, stacks, tanks, spires, church steeples, antennae, and necessary mechanical devices appurtenant to the principal use, may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Urbana, Illinois.

- C. In the AG, CRE, R, and B-1 Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building exceeds two (2) stories or twenty-five feet (25'), the minimum side and rear yards shall be increased as specified in Section VI-5 of this Article.
- D. In the AG and CRE Districts, the maximum height specified in Table VI-1 shall not apply to farm buildings; however, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all buildings.
- E. Accessory buildings in the R-1, R-2, R-3, and R-4 districts shall not exceed a height of fifteen feet (15'). Accessory buildings in the R-5 and R-6 districts shall not exceed a height of fifteen feet (15'), or one-half ( $\frac{1}{2}$ ) the height of the principal building, whichever is greater.

### Section VI-3 Lot Area and Width

- A. Two or more contiguous lots, or combinations of lots and portions of lots, under single ownership, which were of record on June 3, 1968, which do not meet the applicable lot area or width requirements, shall be considered a single undivided tract and developed as such. Any two (2) or more contiguous lots under single ownership may, for purposes of determining lot area, lot dimensions, required yards, or intensity of use, be considered a single undivided tract and may be developed as such; provided, however, that no future division, development, sale, or use of such undivided tract, or of any portion thereof, by any present or future owner, shall create any nonconforming lot, structure, or use of land or structure, nor shall any such division, development, sale, or use be permitted unless in full compliance with all applicable regulations of this Ordinance.
- B. In the case of a lot in the AG or CRE District which was of public record before December 17, 1979  
or in the case of a lot in the R-1 District which was of public record on December 21, 1970, or in the case of a lot in any other district which was of public record before November 6, 1950, if such lot has less area or width than herein required, that lot may be used for any of the uses permitted in that district, provided that all other requirements of this Ordinance, including yard, height, floor area ratio, open space ratio, and off-street parking for the respective districts and uses are complied with, and provided further that such a lot must be in separate ownership and does not adjoin one or more other lots in the same ownership except with the approval of the ZBA as provided for in Section XI-3 C.2,j. The uses, buildings, or structures on such a lot shall not be considered nonconforming due solely to the nonconformity of the lot.



- C. In the case of a lot which is not entirely in a single zoning district, the portion in each zoning district may be used only for uses and structures permitted by right in that district, or for uses and structures authorized by a conditional or special use permit. No structure shall be erected on the portion of a lot in one zoning district unless that portion and the structure on it comply with all development standards, including the minimum lot size, applicable to such portion of the lot.
- D. In the R-2 and R-3 Districts, any lot platted after December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than nine thousand (9,000) square feet, and have an average width of not less than eighty feet (80'). A lot platted before December 21, 1970, on which there is proposed to be erected or established a duplex, shall contain an area of not less than six thousand (6,000) square feet, and have an average width of not less than sixty feet (60').
- E. Except as noted above, a lot in the R-2 or R-3 District whose area or width is less than herein required, and which was of public record at the time of the passage of this Ordinance, shall be used only for single-family dwelling purposes, or for any of the non-dwelling uses permitted in that district.

#### Section VI-4 Floor Area

In the R-4 District, the maximum floor area ratio may be increased to 0.70, provided that there is a minimum of two thousand (2,000) square feet of lot area per dwelling unit.

#### Section VI-5 Yards

- A. In a B or IN district, any yard which adjoins, abuts, or is situated across a dedicated right-of-way of one hundred feet (100') or less in width from a residential district shall be the same as that required in that residential district.
- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, or mechanical equipment shall be erected in, occupy, or obstruct a required yard, except as follows:
1. Cornices, sills, belt courses, eaves, and other ornamental features, to a distance of not more than two feet six inches (2' 6").

2. Fire escapes to a distance of not more than five feet (5'), or enclosed fire escapes and enclosed balconies leading from fire towers, in required rear yards, when such projection is not more than ten feet (10') when the main structure was built prior to the adoption of this Ordinance. This encroachment or projection shall not be permitted on new construction.
3. Uncovered stairways and necessary landings, to a distance of not more than four feet six inches (4' 6"), provided that each stair and landing shall not extend above the entrance floor of the building, except for the railing, not to exceed three feet (3') in height, when the main structure was built prior to the adoption of this Ordinance. This encroachment or projection shall not be permitted on new construction.
4. Bay windows and chimneys to a distance of not more than three feet (3'), provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located, and provided further, that in no case shall a bay window or chimney project into a required side yard more than one-third (1/3) of said side yard.
5. Terraces and open unenclosed porches, that is, porches which may have roofs and mesh screening but which are not glassed in or otherwise walled or enclosed above a height of two and one-half feet (2½') above the porch floor, to a distance of five feet (5') into a required yard but not within five feet (5') of the lot line. Open guard rails when required by the Building Code shall not be construed as a violation of this subsection. (see Building Codes)
6. Porte-cocheres or canopies to a distance of not more than two feet six inches (2' 6").
7. Drive ways, walks, fences, and underground structures, provided that any fences or other landscape improvements comply with "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, and with all provisions of the Urbana City Code regarding fencing, and also provided that all parking and access thereto comply with Section VIII-3 of this Ordinance.
8. Concrete, asphaltic concrete, or other all-weather surfaces, except that parking is allowed only in accordance with the provisions of Article VIII of this Ordinance.

9. Accessory garages in the R districts are permitted in required side and required rear yards, provided that a minimum yard of eighteen inches (18") is maintained.
10. Flag poles, decorative lights, bird baths and bird houses, and the like.

#### C. Multiple Frontage Lots

1. Lots having a frontage on two (2) or more streets shall have a required front yard on each street frontage, as provided in Table VI-1 and in Section VI-5 D, except that neither the buildable width nor depth of the lot shall be reduced to less than thirty feet (30'). On such lots in the R-5, R-6, and R-6B Districts, the front yard on each street frontage shall not be less than the minimum required in relation to the height of the building, as provided in Table VI-1.
2. The provision of required side yards shall not reduce the buildable width of a lot to less than thirty feet (30'), except that a required side yard shall not be less than three feet (3'). However, if the required yards vary in relation to the height of the building, as provided in Table VI-1 and in Section VI-5, the buildable width of the lot may be reduced to less than thirty feet (30'), as may be necessary in order to provide the yards as required in relation to the building height.
3. The rear line of a rectangular or generally rectangular lot with frontage on two (2) intersecting streets shall be the line parallel or approximately parallel to the narrower of the two (2) street frontages.
4. In addition to all requirements of this Ordinance, all provisions of "An Ordinance to Provide for a Visibility Triangle," as adopted by the Urbana City Council on November 15, 1976, and as may be subsequently amended, shall apply. In the case of any inconsistency between said Ordinance and this Ordinance, the more restrictive provision shall apply.

#### D. Front Yards

1. In the R-1, R-2, R-3, and R-4 Districts, where lots comprising more than forty percent (40%) of the frontage in a block are improved with buildings, not less than the average depth of the front yards of all lots in the block shall be maintained by all

new buildings and by all alterations of existing buildings in the block, except that this provision shall not require a front yard of more than sixty feet (60'), nor less than the minimum required in the district in which they are located, nor shall it reduce the buildable dimension of the lot to less than thirty feet (30'). For the purpose of computing such an average depth, vacant lots within such frontage shall be considered as having the minimum front yard required in that district.

2. No display of merchandise shall be placed in any required front yard.

#### E. Side yards

1. For the purpose of side yard regulations, a duplex dwelling, rowhouse or townhouse building, or a multiple family dwelling shall be deemed one (1) building occupying one (1) lot.
2. In the AG, CRE, R, and B-1 Districts, and for residential uses in the B-3 and B-4 Districts, each required side yard shall be increased by three feet (3') for each story or fraction thereof over two (2) stories in height, or for each ten feet (10') or fraction thereof over twenty-five feet (25') in height, whichever is greater.
3. The side yard of a lot which immediately adjoins or is directly opposite property in another district which requires a greater side yard shall not be less than that required in the adjoining or opposite district.

#### F. Rear Yards

1. In the AG, CRE, R, and B-1 Districts, and for residential uses in the B-3 and B-4 Districts, the required rear yard shall be increased by three feet (3') for each story or fraction thereof over two (2) stories, or for each ten feet (10') or fraction thereof over twenty-five feet (25') in height, whichever is greater.
2. Unenclosed and uncovered off-street parking spaces are permitted in a required rear yard.
3. In the AG and CRE Districts, the required rear yard shall be reduced to twenty percent (20%) of the lot depth if the lot is less than one hundred and twenty-five feet (125') deep, provided that the rear yard shall be at least fifteen feet (15') deep.

4. The rear yard of any lot which immediately adjoins or is directly opposite property in another district which requires a greater rear yard shall not be less than that required in the adjoining or opposite district.

#### Section VI-6 Screening

- A. Loading areas and non-refuse storage areas which adjoin a residential district or use, or which are separated by a public right-of-way from a residential district or use, must be provided with screening which meets the requirements for the screening of off-street parking areas, as specified in Section VIII-2E.
- B. Screening and landscaping, whether or not required by this Ordinance, shall not obstruct or interfere with the visibility triangle specified in Section VI-5 C.4.

#### Section VI-7 Drainage and Storm Water Runoff

Applications for a building permit shall include a certification by the applicant, and by a Registered Professional Engineer retained by the applicant, to the effect that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction or development of the proposed use, building or structure, or, that if such surface water drainage will be changed, adequate provision has been made for the collection and diversion of such surface waters into public areas, or into drains which the applicant has a right to use, and that such surface waters will not be deposited on the property of adjoining land owners in such concentrations as may thereby cause damage to the adjoining property; provided, however, that this requirement shall not apply to building permits for single-family and duplex dwelling units, or for the development of property located in subdivisions approved by the Urbana City Council subsequent to October 1, 1973.

TABLE VI-1

## DEVELOPMENT REGULATIONS BY DISTRICT

District	Minimum Lot Size	Minimum or Average Lot Width	Maximum Height	Maximum FAR	Minimum OSR	Required Yards		
						Front	Side in feet	Rear
AG	1 acre	150 feet	35 feet	0.25	0.55	25	15	25
CRE	1 acre	150 feet	35 feet	0.25	0.55	25	15	25
R-1	9000 sq. ft.	80 feet	35 feet	0.30	0.50	25	5(15) <sup>1</sup>	10
R-2	6000 sq. ft.	60 feet	35 feet	0.35	0.45	15	5	10
R-3	6000 sq. ft.	60 feet	35 feet	0.40	0.40	15	5	10
R-4	6000 sq. ft.	60 feet	35 feet	0.50	0.35	15	5	10
R-5	6000 sq. ft.	60 feet	35 feet	0.90	0.30	15	5	10
R-6	6000 sq. ft.	60 feet	Twice the distance from the street centerline to face of building	1.40	0.25	15	5	10
R-6B	6000 sq. ft.	60 feet	Twice the distance from the street centerline to face of building	1.50	none	15	5	10
B-1	6000 sq. ft.	60 feet	35 feet	0.30	none	15	none	10
B-2	6000 sq. ft.	60 feet	35 feet	0.60	none	25	5	20
B-3	6000 sq. ft.	60 feet	none	4.00	none	15	10	10
B-4	2000 sq. ft.	20 feet	none	9.00	none	none	none	none
IN	10000 sq. ft.	90 feet	none	1.00	none	25	none	none

NOTE: Also refer to Section VI-1 through VI-7 of this Article, whose provisions supplement the requirements of this Table.

1. In the R-1 District, the sum of the two required sides yards shall not be less than fifteen feet (15').

## ARTICLE VII

### STANDARDS AND PROCEDURES FOR CONDITIONAL AND SPECIAL USES

<u>Section</u>	<u>Subject</u>
1	Conditional and Special Uses
2	Conditional Use Permit Procedures
3	Standards for Specific Conditional Uses
4	Mobile Home Parks
5	Planned Unit Developments
6	Special Use Permit Procedures
7	Utility or Public Buildings Exemption Procedures
8	Boneyard Creek District
9	Business Development and Redevelopment District

#### Section VII-1 Conditional and Special Uses

- A. Conditional uses, as designated by Table V-1, are not permitted by right in the various zoning districts; a valid conditional use permit, authorized by the Board of Zoning Appeals in accordance with the procedures stipulated herein, is required before application for a building permit or certificate of occupancy for a conditional use. A conditional use is one which is deemed potentially appropriate in and compatible with uses permitted by right in its zoning district, but which requires individual consideration and regulation.
- B. Special uses, as designated by Table V-1, are not permitted by right in the various zoning districts; a valid special use permit, authorized by the City Council in accordance with the procedures stipulated herein, is required before application for a building permit or for a certificate of occupancy for a special use. A special use is one which is potentially appropriate in and compatible with other uses in its zoning district, but which, because of the potential major impact of its scale and nature on its district and the City of Urbana as a whole, necessitates close examination, site plan review, and individual regulation. The standards and procedures for the consideration of mobile home parks and Planned Unit Developments are specified in Sections VII-4 and VII-5 of this Article, respectively; the procedure and standards for the consideration of other special uses is specified in Section VII-6 of this Article.

#### Section VII-2 Conditional Use Permit Procedures

Except as otherwise provided, the Zoning Administrator shall not issue a

conditional use permit unless and until the following procedure is completed:

- A. A written application for a conditional use permit shall be submitted to the Secretary of the Board of Zoning Appeals, by the owners of more than fifty percent (50%) of the property involved. The application shall demonstrate:
  1. That the proposed use is conducive to the public convenience at that location;
  2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare;
  3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-3.
- B. Each application for a conditional use permit shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.
- C. At least fifteen (15) days but not more than thirty (30) days notice of the time and place of the public hearing on the requested conditional use permit shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the common street address, if any, and the legal description of the property for which such a permit is sought, as well as a brief description of the proposed conditional use.
- D. The public hearing shall be held by the Board of Zoning Appeals, in accordance with its established procedures and the requirements of the Urbana City Code.
- E. The Board of Zoning Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permit, and whether the proposed use will be in harmony with the general purpose and intent of this Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.
- F. The Board of Zoning Appeals shall authorize or deny the requested conditional use permit, and may also impose such additional conditions and requirements as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:
  1. Regulate the location, extent, and intensity of such uses;
  2. Require the screening of such uses by means of fences, walls, or vegetation;
  3. Stipulate required minimum lot sizes;



4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements, as necessary;
6. Increase the required yards;
7. Any other conditions deemed necessary to effect the purposes of this Ordinance.

G. In case of a written protest against any proposed conditional use permit, signed by the owners of forty percent (40%) of the lots proposed to be subject to such permit, or signed by the owners of forty percent (40%) of the lots any part of which are included within the area defined by a line extended two hundred and fifty feet (250') outward in all directions from the perimeter of the land which is the subject of the conditional use permit request, filed with the Secretary of the Board of Zoning Appeals prior to the commencement of the meeting of the Board at which a vote on the proposed conditional use permit is taken, the permit shall not be authorized except by a favorable vote of two-thirds (2/3) of the members of the Board of Zoning Appeals then holding office and not abstaining from voting on the question. For the purposes of this Section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least fifty percent (50%) of all owners of such lot signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing such document, and identify the property which each signator owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way, and excluding any land lying within a railroad right-of-way; the owner of property shall be considered to be any of the following: the record owner of the fee title, the contract seller, and the contract buyer of such property.

H. A conditional use authorized by a conditional use permit is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other regulations are specifically stated in the conditional use permit. Conditional uses are also subject to the development regulations specified in Section VII-3 of this Article, if applicable, and all applicable parking regulations for the use and district, unless other regulations are specifically stated.

- I. Unless otherwise specifically provided in the terms of the conditional use permit, the permit shall be valid for a period of one (1) year from the date of its issuance. As provided in Section VII-1 of this Article, a valid conditional use permit is required in order to apply for a building permit, or for a certificate of occupancy if no building permit is required to establish a use; once established, however, the conditional use may continue indefinitely beyond the expiration of the permit allowing it, unless otherwise specifically provided in the terms of the permit.
- J. Violation of the terms and conditions of the conditional use permit shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-I. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the conditional use permit may be approved only by the Board of Zoning Appeals; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance as provided above.

#### Section VII-3 Standards for Specific Conditional Uses

All conditional uses and categories of conditional uses listed in Table VII-1 shall comply with the development standards contained therein, unless otherwise specifically provided in the permit authorized by the Board of Zoning Appeals; such uses shall also comply with all applicable parking regulations, and development regulations stated in Article VI, for the district and use in question, unless otherwise specifically provided in the permit. All conditional uses and categories of conditional uses not listed in Table VII-1 shall comply with all applicable standards for the district in which the conditional use is located, and the parking regulations applicable for the district and use, unless otherwise specifically provided in the permit authorized by the Board of Zoning Appeals.

## STANDARDS FOR SPECIFIC CONDITIONAL USES

<u>Use</u>	<u>Minimum Fencing</u>	<u>Setbacks (in feet)</u>			<u>Minimum Lot Size (acres)</u>	<u>Other Provisions</u>
		<u>Front</u>	<u>Side</u>	<u>Rear</u>		
Outdoor Commercial Recreational Enterprise					1	Not within 200' of any R District or residential or institutional use
Public Camp or Picnic Area					5	
Riding Stable	6' wire mesh				1	Not within 100' of any R District or residential or institutional use
Cemetery		50	50	50	10	Setbacks not applicable to tombstones less than 4' in height.
Kennel, Veterinary Hospital	6' wire mesh for open ani- mal yards				1	Not within 100' of any R District or residential or institutional use
Airport	6' wire mesh				80	Federal Aviation Admini- stration & Illinois Depart- ment of Aeronautics regul- ations govern
Heliport	6' wire mesh				1	Federal Aviation Admini- stration & Illinois Depart- ment of Aeronautics regul- ations govern. If atop building, acreage require- ment waived.
Mineral Extraction, quarrying, topsoil removal & allied activities	6' wire mesh	100	100	100	2	
Religious tent meeting					1	Temporary permit only; permit fee waived.
Outdoor Theater	8' solid					
Truck Terminal	6' wire mesh				½	Not within 200' of any R District or residential use
Resort or organized camp		50	50	50	5	

TABLE VII-1 (CONTINUED)

<u>Use</u>	<u>Minimum Fencing</u>	<u>Setbacks (in feet)</u>			<u>Minimum Lot Size (acres)</u>	<u>Other Provisions</u>
		<u>Front</u>	<u>Side</u>	<u>Rear</u>		
Radio or TV station and/or tower	6' wire mesh	50	50	50	1	Minimum area applicable to freestanding towers & stations, not to those within buildings of other uses.
Water Treatment Plant	6' wire mesh	50	50	50	5	
Electrical Substation	6' wire mesh		20	20		
Fairground	6' wire mesh	50	50	50	20	
Sanitary Landfill*	8' solid	200	200	200	40	Not within 100' of any R or B District or any residential, institutional, or public assembly use.
Sewage Lagoon**	8' solid	200	200	200	40	Not within 500' of any R or B District or any residential, institutional, or public assembly use.
Sewage Disposal** Plant	8' solid	100	100	100	4	Not within 500' of any R or B District or any residential, institutional, or public assembly use.

\* Other standards shall be in accordance with the State of Illinois, Department of Public Health, Division of Sanitary Engineering, "Rules and Regulations for Refuse Disposal Sites and Facilities," Latest Edition.

\*\* Applications for sewage disposal facilities shall include plans for such facilities prepared by a registered professional engineer. All plans shall include assurances that the proposed facilities will not be subject to flooding, will not contaminate ground water resources, and other assurances that may be required by the Board of Zoning Appeals. All sewage disposal facilities shall be constructed in accordance with the rules and regulations of the State of Illinois, and of this ordinance.

Section VII-4 Mobile Home Parks

Mobile home parks, containing mobile homes for residential purposes and the accessory facilities subordinate thereto, are a special use subject to the following procedures and standards.

A. Application Procedure

It shall be unlawful for any person to construct, alter, or extend any mobile home park unless a valid special use permit has been issued by the Zoning Administrator in the name of such person for the specific construction, alteration, or extension proposed. The designation and approval by permit of an area as a "mobile home park" shall be accomplished in accordance with the procedures indicated herein.

1. Preliminary conference

Prior to the preparation of a formal application, the applicant should meet with the secretary of the Urbana Plan Commission, or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such, the applicant shall meet with the Urbana Plan Commission, to afford the Commission the opportunity to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application.

2. Preliminary development plan submission

- a. Twelve (12) copies of a preliminary development plan, with supporting data, shall be submitted to the Secretary of the Urbana Plan Commission. One (1) copy shall be returned to the petitioner after the Commission's review.
- b. The preliminary development plan must include, either in the form of drawings or written statements, all of the following information:
  - 1) The name, location or address, owner and designer of the proposed development; it shall thereafter be the responsibility of the owner and operator of the mobile home park to notify in writing the Secretary of the Urbana Plan Commission of any change in their names and addresses;
  - 2) A legal description of the site proposed for development;
  - 3) Location of all property lines, existing streets, easements, utilities, and any other significant features;
  - 4) Date, north arrow, and graphic scale (not less than one inch equal to one hundred feet, 1" = 100') on all drawings submitted;

- 5) Indication and location of existing conditions on the tract, including:
  - a) Contour lines at a minimum of five foot (5') intervals;
  - b) Water courses and existing drainage facilities;
  - c) Existing structures, trees, and vegetation, with an indication of those that will be removed and those that will be retained as part of the development;
- 6) Indication of the area surrounding the tract with respect to land use, peculiar physical conditions, public facilities, and existing zoning;
- 7) A site plan, indicating, among other things, the general location of the following:
  - a) All buildings, structures, mobile home stands, and other improvements;
  - b) Common open spaces;
  - c) Off-street parking facilities and the number of spaces to be provided;
  - d) Sidewalks;
  - e) Illuminated areas;
  - f) Use of open space being provided;
  - g) Indication as to which streets will be public and which private;
  - h) All utilities, including storm drainage, sanitary sewers, and water service;
  - i) Such other documents explaining unusual circumstances as the Plan Commission may require.
- 8) Quantitative data indicating the following:
  - a) Total number of mobile homes;
  - b) Approximate gross density
  - c) Total amount of open space provided in the tract, as a percentage of the total, and in square feet or acres;
  - d) Such other calculations as the Plan Commission may require.

- 9) A development schedule indicating:
  - a) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - b) The approximate dates when the development of each of the stages in the development will be completed;
  - c) The area and location of common open space that will be provided at each stage.

### 3. Preliminary development plan review

Upon receipt of the mobile home park application, the required material to be presented, and the payment of the applicable fees, as provided in Section XI-8, the Chairman of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within thirty (30) days after the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary development plan. The Plan Commission shall then forward the preliminary plan and its recommendation to the City Council.

In formulating its recommendation, the Plan Commission shall consider whether the facts set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed mobile home park would be in harmony with the general purpose and intent of this Ordinance, and would not be unreasonably injurious or detrimental to the district in which it would be located, or to surrounding districts and uses, or otherwise injurious or detrimental to the public welfare. The Plan Commission may include with its recommendation such conditions and requirements as it considers appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

- a. Regulating the location, extent, density, and intensity of the proposed mobile home park;
- b. Require the screening of the mobile home park by means of fences, walls, or vegetation;
- c. Stipulate mobile home site size and site development requirements.
- d. Regulate vehicular access;
- e. Require conformance to health, safety, and sanitation requirements, as necessary;
- f. Increase the required yards;
- g. Any other conditions deemed necessary to effect the purposes of this Ordinance.

## 4. Preliminary plan approval

- a. The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit, and may authorize the Zoning Administrator to issue the permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.
- b. Approval by ordinance of the preliminary plan by the City Council shall constitute approval of the basic provisions and outline of the plan, and approval of the representations and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, or by resolution of the City Council, duly passed and approved. Council approval of the preliminary plan shall be valid for a period of twelve (12) months. If the applicant does not file the final development plan in accordance with the procedure specified in paragraph 5, below, or receive a waiver or extension from the City Council, the preliminary plan approval of the City Council shall lapse and thereafter be null and void.
- c. In case of a written protest against a proposed mobile home park, signed by the owners of forty percent (40%) of the lots any part of which are included within the area defined by a line extended two hundred and fifty feet (250') outward in all directions from the perimeter of the proposed mobile home park, filed with the City Clerk prior to the commencement of the meeting of the City Council at which a vote of the approval of the preliminary development plan will be taken, the plan shall not be approved except by a favorable vote of two-thirds (2/3) of the members of the City Council then holding office and not abstaining from voting on this question. For the purposes of this Section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least fifty percent (50%) of all owners of such lot signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing such document, and identify the property which each signator owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way, and excluding any land lying within a railroad right-of-way; the owner of property shall be considered to be any of the following: the record owner of the fee title, the contract seller, and the contract buyer of such property.



## 5. Final development plan submission

- a. Within twelve (12) months following the passage of the ordinance approving the preliminary development plan by the City Council, the applicant shall file the final development plan in accordance with the procedure for filing zoning amendments. Five (5) copies of the final development plan shall be filed, containing all data, information, and plans as required herein.
- b. The final development plan shall include but not be limited to the following:
  - 1) All the material required in the preliminary development plan submission;
  - 2) An accurate legal description and property survey by a registered land surveyor, of the entire area included within the proposed mobile home park;
  - 3) Delineation of the location of all mobile home stands to be constructed;
  - 4) Pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the mobile home park development;
  - 5) Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;
  - 6) Accurate tabulations on the use of the area, including land area, number of mobile homes per acre, buildings and other community facilities, total common open space, and total number of parking spaces provided;
  - 7) Any other plans or specifications which may be necessary for final engineering evaluation of drainage, street design, and other facilities by the City Engineer or the Plan Commission.

## 6. Final development plan review

Upon receipt of the final mobile home park plan, the Plan Commission shall review the submitted documents and ascertain whether the final plan substantially conforms to the regulations of this section, and is consistent with the approved preliminary plan. Upon review of the final development plan, the Plan Commission shall forward to the City Council the final development plan and any necessary supporting information, along with its recommendation.

## 7. Final development plan approval and recording

The City Council shall consider the final development plan and the recommendation thereon from the Plan Commission, and shall vote whether or not to approve the plan. In case of a written

protest against the proposed plan at this stage, the provisions of paragraph VII-4 A.4.c shall apply.

Upon approval by ordinance of the final development plan by the City Council, the City Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six (6) months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught.

After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for a mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

#### 8. Combined preliminary and final development plan review

The applicant may submit a combined preliminary and final mobile home park plan to the City, in lieu of the procedure provided for above. Such submission shall include all of the material required for both the preliminary development plan submission and the final development plan submission. Upon receipt of the combined mobile home park plan application, the required material to be presented, and the payment of the applicable fee, the Chairman of the Plan Commission shall set a public hearing date in accordance with the procedures for considering a special use. Within thirty (30) days after the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary and final mobile home park plan. The preliminary and final mobile home park plan, the recommendation of the Plan Commission thereon, and any necessary supporting information shall be forwarded to the City Council.

#### 9. Combined preliminary and final development plan approval

The City Council shall consider the recommendation of the Plan Commission, and may approve or disapprove the development plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be of no effect unless such waiver is included in the approval ordinance, or by resolution of the City Council, duly passed and approved. In approving a combined plan, the City Council may impose any conditions, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

In case of a written protest against the proposed plan, the provisions of paragraph VII-4 A.4.c shall apply.

Upon approval by ordinance of the combined preliminary and final development plans by the City Council, the City Clerk, upon direction of the applicant, and upon receipt of the recording fees from the applicant, shall record all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six (6) months following the passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught.

After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for a mobile home park according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

## B. Development Standards

### 1. General provisions

- a. No mobile home park shall be located in an area where the conditions of the soil, groundwater level, drainage, or topography may cause hazard to the property, health, or safety of the occupants.
- b. No mobile home park shall be located so that it is exposed to objectionable smoke, dust, noise, odors, vibrations, or other adverse influences.
- c. Ingress and egress to a mobile home park shall be provided in such a manner as to facilitate access by emergency vehicles and shall be designed to provide efficient and safe traffic circulation both within and outside the mobile home park.
- d. No part of any mobile home park shall be used for non-residential purposes, except customary accessory uses that are required to serve directly the mobile home park residents and for the maintenance of the mobile home park. No commercial mobile home sales shall be permitted in any mobile home park.

### 2. Size and density of mobile home park

No mobile home park shall contain an area of less than five (5) acres or a density of more than eight (8) mobile home sites for each gross acre of land, provided, however, that mobile home parks in existence on February 5, 1973, which have a total area of less than five (5) acres or a total density of more than eight (8) mobile home sites for each gross acre of land may continue to operate, except as otherwise provided herein.

Existing mobile home parks may be altered to bring such parks into greater conformity with this article. However, no additions or alterations may be made to any existing mobile home park unless such addition or alteration is in conformity with this article, and unless the total area of the mobile home park, including such additions or alterations, consists of at least three (3) acres.

3. Required yards and screening for mobile home park exterior boundary

- a. All mobile home stands shall maintain a setback of no less than forty-five feet (45') from the right-of-way line of Interstate, United States, or State of Illinois highways, and a setback of no less than thirty-five feet (35') from the right-of-way line of any other highway or street which borders the mobile home park.
- b. There shall be minimum side and rear yards of fifteen feet (15'), measured from the mobile home, except where paragraph a, above, is applicable.
- c. All mobile home park boundaries adjacent to existing residential development shall be provided with a six foot (6') high fence of sufficient density to limit substantially the view from outside the mobile home park of any mobile homes, accessory structures, and other uses placed in the mobile home park. All other boundaries shall be provided with screen planting, which is estimated by the Zoning Administrator to reach a height of eight feet (8') after three (3) years, and is estimated to have sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park. However, if residential development amounting to three (3) or more dwelling units occurs within two hundred and fifty feet (250') of the boundary of the park within the three (3) year time limit mentioned above, a fence six feet (6') high and of sufficient density to limit the view of any mobile homes, accessory structures, and other uses in the mobile home park shall be placed by the mobile home park owner or developer along the boundary where such residential development occurs. All fences or screen plantings shall be continually maintained to meet the requirements of this section. Under unusual circumstances, the Plan Commission may recommend that all or portions of these screening requirements be waived.

4. Required recreation space

Not less than ten percent (10%) of the gross site area of the mobile home park shall be devoted to recreational facilities. Such facilities shall be conveniently located on the site and readily accessible to all mobile home occupants. Recreation areas may include park space, play lots, swimming pools, and community buildings (exclusive of laundry and administrative offices). Single parcels of outdoor recreation space containing less than six thousand (6,000) square feet, or with a minimum average width of less than thirty feet (30') shall not

be included as meeting the ten percent (10%) requirement stated above, but are not otherwise restricted.

5. Mobile home site requirements

- a. The minimum distance between the mobile home and the pavement edge of the street serving the mobile home site shall be fifteen feet (15'). If parking is provided on the street adjacent to the mobile home, a minimum distance of ten feet (10') from the parking area shall be provided.
- b. There shall be a rear yard provided for each mobile home of at least ten feet (10'). The rear yard is the yard farthest from the street.
- c. The minimum distance between mobile homes shall be twenty feet (20'), excluding hitches and steps. Bay windows or other projections of a mobile home shall be considered the outer wall of a mobile home when considering the side and rear yard requirements.
- d. All mobile home sites rented or used in a mobile home park shall contain a contiguous area of at least three thousand two hundred (3,200) square feet.
- e. Mobile home park operators shall maintain a copy of the current plot plan of the mobile home park, indicating specific locations of all mobile home stands, in the office of the Zoning Administrator.
- f. A mobile home stand shall be provided for each mobile home site, of sufficient size to accommodate the mobile home to be located thereon. A mobile home stand shall be a solid, continuous concrete slab constructed so as not to shift or settle unevenly under the weight of a mobile home or other forces due to frost, vibration, wind, or water. Provisions shall be made for the use of ground anchors designed to withstand a minimum load of four thousand eight hundred (4,800) pounds each. Four (4) such ground anchor connections shall be provided for each mobile home of fifty-one feet (51') or less in length, and six (6) such ground anchor connections shall be provided for each mobile home exceeding fifty-one feet (51') in length.
- g. Each mobile home site shall be provided with an outdoor living space on the site to supplement the interior living space of the mobile home. Such outdoor living space must be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a single usable surface adjacent to the mobile home. The area of the outdoor living space shall be a minimum of one hundred sixty (160) square feet, with a minimum dimension of eight feet (8').
- h. The space between the mobile home stand and the floor of the mobile home shall be enclosed with noncombustible skirting. The area thereby enclosed may be used for storage of non-flammable objects and materials.

- i. A minimum of two (2) hard-surfaced parking spaces shall be provided for each mobile home site. One (1) of these parking spaces may be provided off the site, provided such parking space is not more than two hundred feet (200') from the mobile home site served, and is not located on public street right-of-way.

## 6. Street requirements

- a. All mobile home parks shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.
- b. Public street dedications within or abutting mobile home parks may be required, and shall be made in accordance with the subdivision regulations. No mobile home site shall have direct access onto a dedicated public street.
- c. Entrance drives into mobile home parks shall have direct access to a public street, and shall be designed to have free traffic flow onto such public streets. No parking or mobile home site access driveway shall be permitted off an entrance drive for a distance of fifty feet (50') from a public right-of-way.
- d. The internal private street system serving mobile home sites shall provide convenient circulation by means of minor private streets and properly located collector private streets. Cul-de-sac private streets shall be limited to a length of three hundred feet (300').
- e. Minimum pavement widths for private streets, including curbs, shall be as required herein; however, center paving for cul-de-sac turnarounds shall be in accordance with the Urbana Subdivision Ordinance.

Collector streets	31 feet
Minor streets	24 feet
Cul-de-sac turnarounds	80 feet diameter

- f. With respect to design and construction standards, the provisions of the Subdivision Ordinance shall apply to private streets, except as otherwise provided herein.
- g. Parking spaces shall not be located within the required private street pavement width. Parking on the sides of minor streets is permitted, provided that the required twenty-four feet (24') of pavement remains unobstructed for travel.

## 7. Street lighting

- a. Street lights shall be designed to produce a minimum of one-tenth (0.1) footcandle at every point within the street system. Potentially hazardous locations such as

intersections, major pedestrian crossings, and portions of street abutting service buildings and recreation areas shall be illuminated with a minimum of three-tenths (0.3) footcandle.

- b. All gas or electric service to the street lighting system shall be located underground.

8. Pedestrian walkways

- a. Individual walks to each mobile home stand from paved streets or parking areas are required, and shall be a minimum of two feet (2') in width. An individual walkway may be combined with a required on-site parking space, provided the total paved width of such a walkway and parking space shall not be less than ten feet (10').
- b. Common walks are required at locations where heavy pedestrian traffic is likely to occur, such as at entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible.
- c. Individual and common walks shall be paved monolithically or constructed of masonry or concrete movable units placed sufficiently close together to create a continuous surface. Individual walks shall not be less than two feet (2') in width. Common walks shall not be less than three and one-half feet (3½') in width.
- d. No walk shall be used as a drainage way. Sudden changes in alignment and gradient shall be avoided.

9. Utilities and required services

a. Water supply distribution system

- 1) All mobile home sites shall be provided with a public water supply.
- 2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

b. Sewage systems

- 1) All mobile home sites shall be provided with a sewage collection system, which shall be connected to the Urbana-Champaign Sanitary District.
- 2) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

c. Storm drainage system

- 1) Storm sewers should be designed to conform with the

current edition in use of the "State of Illinois Design Manual". The design frequency shall be a "five (5) year storm."

- 2) The construction of the storm sewers should conform to the current edition in use of the "Standard Specifications for Water and Sewer Main Construction in Illinois," approved by the Illinois Society of Professional Engineers and the Associated General Contractors of Illinois.
- 3) The maximum length of flow on the surface is to be no more than one thousand feet (1,000'). However, the design criteria should allow no more than a seven inch (7") depth of water on paved surfaces and no more than an eighteen inch (18") depth of water in sodded open swales. All storm runoff shall be carried in an underground drainage system after it has flowed the maximum length on the surface.
- 4) If the design flow is greater than could be handled by a closed, smooth circular storm sewer having a diameter no larger in inches than ten inches (10") plus one inch (1") for each acre in the mobile home park area, the owner may be allowed to use an open ditch. This open drainage should be designed with no steeper than three (3) horizontal to one (1) vertical side slopes, and those side slopes should be sodded. The design of the channel should be such that it would not scour under design flow. Ditches with intermittent flow shall be designed so as not to pond water more than one (1) day after flow has stopped.

d. Solid waste disposal

- 1) All refuse shall be stored in water-tight containers located on each mobile home site or within one hundred fifty feet (150') thereof.
- 2) Refuse shall be collected regularly and transported to a disposal site in compliance with State law. Incineration of any refuse or vegetation is prohibited.
- 3) All applicable minimum requirements of the Illinois State Department of Public Health must be met.

e. Electrical distribution system

- 1) Electrical installations in mobile home parks shall conform to the Urbana City Electrical Code, and the following regulations.
- 2) The electrical distribution system in all mobile parks shall be underground.
- 3) Mobile home site feeder circuits shall be rated for a capacity of not less than one hundred (100) amperes



of 120/240 volts. Additional secondary receptacles of not less than fifty (50) amperes each may be provided at mobile home sites.

- 4) The total load for a mobile home park shall be calculated on the basis of sixteen thousand (16,000) watts per mobile home site. The minimum allowable demand factors which may be used in calculating load on feeders and services are as follows:

<u>Number of Mobile Home Site Services</u>	<u>Demand Factor (Percent)</u>
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

f. Telephone service and television systems

- 1) All telephone service shall be underground.
- 2) When a master television antenna service or cable television service is provided for the mobile home park, the distribution of such services to mobile home sites shall be underground.

g. Fire protection

- 1) Mobile home parks shall be kept free of all litter, rubbish, or other accumulated flammable materials.
- 2) Approved fire hydrants shall be located throughout the mobile home park, and shall be located not more than five hundred feet (500') from any mobile home. Each of two (2) hydrants, when operated simultaneously, shall deliver a minimum of five hundred (500) gallons of water per minute at a pressure of twenty pounds (20 lb.) per square inch for a period of four (4) hours.
- 3) Fire extinguishers shall be provided in accordance with the Illinois State Department of Public Health regulations.

10. All mobile home parks shall provide the following service buildings and other community facilities:

- a. A management office;
- b. Maintenance storage facilities;
- c. Other facilities as may be required by State law.

## 11. Conformity to development schedule

The applicant shall conform to the development schedule as required hereinabove. If no construction has begun or reasonably progressed, or no approved use as a mobile home park been established in the mobile home park within one (1) year from the date of approval of the final development plan by the City Council, the approval of the final development plan shall lapse, and shall be void and no longer in effect. At its discretion and for good cause, the City Council may extend for one (1) additional year the period for the beginning of construction, the establishment of an approved use as a mobile home park, or completion of a phase of development as indicated in the development schedule. If extension is approved for completion of a stage of development, the City Council may give consideration to extending the time limit for completion of subsequent stages. If a mobile home park development plan lapses under the provisions of this section, the Zoning Administrator shall so notify the applicant, in writing, at the address given on the plan submitted, or at any subsequent address of which he/she has been notified, as provided in Section VII-4 A.2.b.1.

## C. Effectiveness of Prior Mobile Home Park Approvals

If construction of a mobile home park approved prior to February 5, 1973, has not commenced prior to February 5, 1974, all future construction shall conform to the standards and requirements of this Section, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan. If construction of a mobile home park approved prior to February 5, 1973, is not completed by February 5, 1975, all future construction shall conform to all standards and requirements contained in this amendment, except that the density of the mobile home park and the location and widths of private streets within the mobile home park may be developed according to the previously approved development plan.

The mobile home park applicant shall submit information indicating compliance with all applicable standards for review by the City Engineer and Zoning Administrator. If all applicable regulations are met, the Zoning Administrator shall issue the special use permit for the mobile home park. If all regulations other than those excluded are not met, then the information shall be submitted to the Plan Commission for its review and recommendation on the adequacy of the development. The material submitted to the Plan Commission and the Plan Commission's recommendation shall be forwarded to the City Council for its review and final action.

## D. Compliance of existing mobile homes and existing mobile home parks with regulations

1. Existing mobile home developments of less than five (5) mobile homes shall be discontinued no later than February 5, 1980. In cases of hardship, such developments may be permitted to continue for a specific period of time, as provided in Section XI-3.

2. Existing mobile home parks shall comply with the density requirements of this section no later than February 5, 1993.

E. Violation of the terms and conditions of the special use permit for a mobile home park shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.

Section VII-5 Planned Unit Developments

- A. The general goals of a Planned Unit Development (abbreviated PUD) are:
1. To promote flexibility in design and permit planned diversification in the location of structures;
  2. To promote an efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities, and the conservation of energy;
  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 than would otherwise be provided under conventional land development procedures;
  5. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
- B. The uses permitted in a PUD are as follows:
1. Residential PUDs, permitted under the provisions of this section in the AG and R Districts, may include any use permitted by right or as a conditional use as a principal or accessory use in the AG or any R District. A maximum of ten percent (10%) of the gross site area of a residential PUD may be devoted to commercial uses permitted by right or as a conditional use in the B-1 Neighborhood Business District, including the required parking and any other accessory uses.
  2. Commercial PUD/Shopping Centers, permitted under the provisions of this section in all the B and IN Districts, may include any use permitted by right or as a conditional use as a principal or accessory use in the B Districts.
  3. Industrial PUDs, permitted under the provisions of this section in the IN District, may include any use permitted by right or as a conditional use as a principal or an accessory use in the IN District.
  4. Any PUD may include portions of the CR District, provided, however, that no structure shall be built, nor use established, in the CR District which is not listed in Table V-1, Article V, as permitted either by right or as a conditional use in the CR District.
  5. The particular uses included in a proposed PUD are subject to the review and approval procedures specified herein, and shall not be deemed to be permitted by right.

### C. Procedure for PUD Submission and Approval

Procedure for PUD Submission and Approval with exception of Neighborhood Shopping Center/Commercial PUD which is treated as a conditional use (Section VII-2) the designation and approval of an area as a PUD shall be accomplished in accordance with the procedures indicated herein, as a special use.

#### 1. Preliminary conference

Prior to the preparation of a formal application, the applicant should meet with the secretary of the Urbana Plan Commission, or his/her designee, to discuss the proposed development. The purpose of this requirement is to afford the applicant the opportunity to be advised of the procedures and policies that may affect the application. Following such, the applicant shall meet with the Urbana Plan Commission, to afford the Commission the opportunity to obtain whatever information the Commission deems necessary concerning the application prior to the submission of the application.

#### 2. Preliminary development plan submission

The applicant shall submit a completed PUD application to the secretary of the Urbana Plan Commission, together with twelve (12) copies of the preliminary development plan, and an application fee as provided in Section XI-8 of this Ordinance. The preliminary development plan shall contain all of the following material:

- a. The name and address of all owners of the site proposed for development, as well as the name and address of all professional site planners, architects, engineers, surveyors, or other consultants; the applicant shall promptly inform the Secretary of the Plan Commission of any change which may occur in this information prior to the approval of the final development plan by the Urbana City Council.
- b. A legal description of the site proposed for development;
- c. A general area plan showing the intended use and future street locations for adjacent areas, when the proposed PUD is intended to represent a single phase of a longer-range development;
- d. The location of all property lines, existing streets, easements, utilities, and any other significant physical features;
- e. Date, north arrow, and graphic scale (not less than one inch to one hundred feet, 1" = 100') of all drawings submitted;
- f. Present and proposed zoning;
- g. An indication of the existing conditions on the tract, including contour lines at intervals of five feet (5') or less, water courses, and existing drainage facilities, wooded areas, and isolated trees of six inches (6") or more in diameter, existing streets, sidewalks or other improvements, and existing buildings and structures, with an indication of those which will be removed and those which will be retained as part of the development;

- h. An indication of the area surrounding the site, showing land use, peculiar physical features, public facilities, and existing zoning;
- i. A site plan of the proposed development, indicating the general location of the following:
  - 1) All buildings, structures, and other improvements;
  - 2) Common open space;
  - 3) Off-street parking facilities and number of parking spaces to be provided;
  - 4) Sidewalks;
  - 5) Illuminated areas;
  - 6) Use of open space being provided;
  - 7) Screening or buffering of the development perimeters;
  - 8) Indication as to which areas and streets are intended to be public;
  - 9) All utilities, including storm drainage, sanitary sewer, and water service;
  - 10) Other documents, explaining other circumstances, as the Plan Commission may require.
- j. Quantitative data indicating the following:
  - 1) Total number of dwelling units (if applicable);
  - 2) Proposed lot coverage of buildings and structures, as a percentage of the total area;
  - 3) Approximate gross and net residential densities, excluding all streets and roadways (if applicable);
  - 4) The floor area ratio and open space ratio;
  - 5) Other calculations, as the Plan Commission may require.
- k. Elevation or perspective drawings of all buildings and improvements. The drawings need not be final architectural or engineering plans, but should be sufficient to show the developer's intent.
- l. A development schedule indicating:

- 1) The approximate date when construction of the project will begin;
- 2) The stages in which the project will be built, and the approximate date when construction of each stage will begin;
- 3) The approximate dates when the development of each of the stages will be completed;
- 4) The area and location of common open space that will be provided at each stage.

m. If the applicant intends to sell or lease all or a portion of the PUD after the project is approved, a statement shall be presented to the Commission, to stipulate the conditions of sale and maintenance of such developed properties, and to present any covenants, deed restrictions, or other similar agreements between the applicant and future owners.

### 3. Preliminary Development Plan Review

Upon receipt of the PUD application and the material required to be presented, and the payment of the applicable fees, the Chairman of the Plan Commission shall schedule, and the Plan Commission shall hold, a public hearing in accordance with the procedures for considering a special use. Within thirty (30) days after completing the public hearing, the Plan Commission shall recommend approval or disapproval, or, at the request of the applicant, continue discussion pertaining to the preliminary development plan. The Plan Commission shall consider the proposed PUD in accordance with the definitions and goals of this section, the report and recommendations of the planning staff, and the minimum requirements set forth in this section. The Plan Commission shall forward to the City Council the preliminary development application and the preliminary development plan, together with its recommendation thereon. The recommendation may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the Plan Commission. Such a plan shall incorporate all revisions approved by the Plan Commission, and shall be submitted to them for their final review and approval before being forwarded to the City Council. In the event that a PUD would require a change of zoning, then an application for such a change may be submitted in conjunction with the PUD application, to be considered simultaneously with the PUD proposal, in accordance with the procedures for amending this Ordinance; provided, however, that the requested change of zoning shall not be granted except in conjunction with approval by the City Council of the final development plan of the PUD. If no construction has begun or no approved use been established in the PUD within one (1) year from the date of approval of the change of zoning and of the final development plan by the City Council, the change of zoning, as well as the approval of the final development plan, shall lapse and be void and no longer in effect.

#### 4. Preliminary Development Plan Approval

Approval of the preliminary development plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of the applicant regarding the plan. Approval shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be express and in written form. Council approval shall be valid for six (6) months from the date of passage of the ordinance; the City Council may at its discretion extend for an additional six (6) months the validity of the preliminary approval.

In approving a preliminary development plan, the City Council may include revisions in, additions to, or deletions from the application and development plan submitted by the applicant, or from those recommended by the Plan Commission. It shall be the responsibility of the applicant to submit a reproducible copy of the preliminary development plan as approved by the City Council, if this plan differs in any respect from that recommended by the Plan Commission. A copy shall be submitted to the Mayor for his/her signature.

In case of a written protest against any proposed PUD, signed by the owners of forty percent (40%) of the lots proposed to be included in such PUD, or signed by the owners of forty percent (40%) of the lots any part of which are included within the area defined by a line extended two hundred and fifty feet (250') outward in all directions from the perimeter of the PUD, filed with the City Clerk prior to the commencement of the meeting of the City Council at which a vote on the proposed PUD is taken, the approval shall not be granted except by a favorable vote of two-thirds (2/3) of the members of the City Council then holding office and not abstaining from voting on the question. For the purposes of this Section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least fifty percent (50%) of all owners of such lot signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing such document, and identify the property which each signator owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated



right-of-way, and excluding any land lying within a railroad right-of-way; the owner of property shall be considered to be any of the following: the record owner of the fee title, the contract seller, and the contract buyer of such property.

5. Final Development Plan Submission

While the preliminary approval is still valid, the applicant shall file the final development plan, together with twelve (12) copies of the final development plan, containing all information, plans, and data required herein for the entire area of the PUD given preliminary approval. The final PUD plan shall include but not be limited to the following:

- a. All material required for the preliminary plan submission;
- b. An accurate legal description and property survey by a registered land surveyor of the entire area included within the PUD;
- c. Designation of the location of all proposed structures, and the internal uses to which each building shall be put, in sufficient detail to determine off-street parking requirements;
- d. Architectural elevations, pavement types, culverts, common open space, recreation facilities, sidewalks, illumination, landscaping, and any other pertinent features of the PUD;
- e. Certificates, seals, and signatures required for the dedication of land, recording the documents, and such other legal documents as may be required;
- f. Accurate tabulations on the use of the area, including land area, number of buildings, number of dwelling units per acre, (if applicable), total common open space, percentage of building coverage of the total area, percentage of paved area, and total number of parking spaces provided;
- g. All curb cuts, driving lanes, parking and loading areas, public transportation points, street signs, and illuminated facilities for same;

h. Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, and other facilities by the City Engineer or Plan Commission, as well as plans necessary for approval by the Zoning Administrator.

6. Final Development Plan Review

Upon receipt of the final PUD development plan, the Plan Commission shall review the submitted documents, and ascertain whether the final plans substantially conform to the approved preliminary development plan and the provisions of this section. Upon review of the final development plan, the Plan Commission shall forward to the City Council its recommendation, the final plan, and any necessary supporting information.

7. Final Development Approval

The City Council shall consider the final development plan and the recommendation thereon of the Plan Commission, and shall vote whether or not to approve the plan. In case of a written protest against the proposed PUD at this stage, the provisions of paragraph VII-5 C.4, above, shall apply.

Upon approval by duly enacted ordinance of the final development plan by the City Council, the City Clerk, upon direction of the applicant and receipt of the recording fees from the applicant, shall record the final development plan and all dedications, covenants, and such other documents as may be required by the City. The final development plan, as approved by the City Council, shall be recorded within six (6) months following passage of the ordinance approving said final development plan; if not so recorded, the approval thereof shall be automatically withdrawn and held for naught.

After the City Clerk has received official written notice of the recording of the necessary documents, he/she shall notify the Zoning Administrator so that a special use permit may be issued. The Zoning Administrator shall then issue a special use permit for the PUD according to the approved plan. No construction shall begin upon such project until the provisions of this section are met, along with all other applicable City codes and ordinances.

8. PUD Phases

The final development approval may be granted in phases as approved by the City Council. Each final development approval of a phase shall be recorded in the same manner as a final development approval of the entire PUD.

9. Performance Schedule

The applicant shall conform to the development schedule as required hereinabove. If no construction has begun or no approved use been established in the PUD within one (1) year from the date of approval of the final development plan by the City Council, the approval of the final development plan shall lapse, and be void and no longer in effect. At its discretion and for good cause, the City Council may by ordinance extend for one (1) additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of development as indicated in the development schedule. If a final development plan lapses under the provisions of this section, the Zoning Administrator shall so notify the applicants, at the address given on the plan submittal.

10. Abandonment of PUD and Lapsing of PUD Approval

Once the final development plan for a PUD is recorded, if the petitioner desires to abandon and vacate such final development plan, the petitioner shall petition the Urbana City Council for the passage of an ordinance vacating such final development plan. In considering such a request, the City Council may consult the Urbana Plan Commission. If such an ordinance is passed, the City Clerk shall record such vacation ordinance with the County Recorder, with the recording fee to be paid by the petitioner. Unless such vacation is approved by the City Council and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.

If the final approval of a PUD lapses under the provisions of this section, the City Council shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section, and shall direct the City Clerk to record said vacation ordinance.

## D. PUD Standards

## 1. Minimum size

a. Industrial/Residential

In order to qualify as an industrial or residential PUD, the parcel of land to be developed must comprise a total area of two hundred thousand (200,000) square feet of contiguous land under single ownership, or with the consent of the owners of all land to be included. However, on any lot or group of adjoining lots recorded prior to May 17, 1971, a PUD is permitted if:

- i. The lot or lots are surrounded on all sides by public streets, alleys, or other public land; or
- ii. The lot or lots comprise one (1) acre or more in area with a minimum dimension of two hundred feet (200').

b. Commercial

A commercial PUD/Shopping Center may fall into the three following size classifications:

- i. General -- minimum of four (4) acres and a combined building area of 50,000 square feet.
- ii. Convenience -- minimum of one (1) acre and having between 12,000 and 50,000 square feet of combined building area.
- iii. Neighborhood -- less than one (1) acre and less than 12,000 square feet of combined building area.

## 2. General Review Criteria

The Plan Commission and Zoning Board of Appeal's review of the PUD preliminary and final applications and development plans, and the Commission's recommendations to the City Council, shall be based on the following general criteria:

- a. The plan of the area proposed for the PUD shall be in general conformance with the adopted comprehensive plan of the City of Urbana;
- b. The use or uses within the PUD shall be compatible with surrounding land uses;
- c. The intensity of development shall impose no unreasonably adverse effects on surrounding property;
- d. Ingress and egress to the PUD shall be provided in a manner to facilitate access by emergency vehicles and efficient and safe traffic circulation in the vicinity, and be consistent with the adopted Comprehensive Plan;

- e. Street construction, regardless of ownership, shall be made in conformance with the Subdivision Ordinance of the Urbana City Code, except that the minimum pavement widths for private streets shall be thirteen feet (13') for the first lane of traffic in each direction, and eleven feet (11') for each additional lane. Street construction plans and details shall be submitted to the City Engineer for his review. The City Engineer may submit his/her comments and recommendations, in writing, to the Plan Commission.
- f. Adequate and safe location of play areas for children as well as other recreational areas shall be provided in residential PUDs.
- g. Open space at external boundaries of the site shall be adequately landscaped and maintained.
- h. Buildings shall be oriented to insure adequate light and air.
- i. The provisions of all other sections of this Ordinance shall be met, unless specifically excluded by this section, or waived by the City Council.
- j. All construction shall conform to the requirements of all ordinances of the City of Urbana.

### 3. Development Standards

- a. All PUDs shall be subject to the standards contained in Table VII-2. Commercial uses in residential PUDs shall also be subject to the development standards of the residential district in which the PUD is located, to the parking requirements for the uses involved, and to the sign regulations for the B-1 Neighborhood Business District.
- b. Two (2) off-street parking spaces shall be provided for each dwelling unit in the development. Each space must be located within the PUD, not farther than three hundred feet (300') from a ground floor entrance to the dwelling or to the building in which the dwelling unit is located.
- c. Provisions for fire protection and emergency access shall be subject to applicable codes, and shall be reviewed by the Urbana Fire Chief and Police Chief. The Fire Chief and Police Chief may submit in writing their recommendations, if any, to the Plan Commission.
- d. Exterior lighting within the PUD shall be of such quality as to promote safety and convenience, and shall conform to City ordinances.

- e. The minimum proportion of the gross site area in open space which is required to be commonly owned and maintained in residential PUDs is indicated in Table VII-2. Such common open space may be dedicated to the public. At least ten percent (10%) of the minimum required common open space in residential PUDs containing single family and duplex houses, or fifteen percent (15%) of residential PUDs including multiple family dwellings, shall be devoted to active recreational use. The area of each parcel of open space to be used for active recreation shall not be less than six thousand (6,000) square feet, with a minimum dimension of thirty feet (30').
- f. All PUDs, regardless of zoning district, shall be provided with adequate public sanitary sewer service prior to occupancy. Refuse removal shall be provided to the entire development.
- g. If a PUD includes two (2) or more zoning districts which have different development standards in Table VI-1, the standards for the entire PUD shall be the weighted average of the standards for each district, calculated in the proportion which the area of each district is to the entire PUD; except that the standards for maximum height, and setbacks related to height, shall be applied directly to each building, according to the standard for the district in which it is located.
- h. The electrical distribution system and all telephone service in all PUD developments shall be underground.
- i. All other codes, ordinances, and rulings of the City, unless specifically modified by this section or by the City Council, shall be fully complied with.

#### E. Issuance of Permits

##### 1. Required certificates and bonds

Prior to final approval of the PUD, the applicant must comply with the following:

- a. All common open space, upon mutual agreement of the City and the applicant, shall be:
  - 1) Conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or adjoining property owners or any one or more of them, by providing perpetual maintenance of all lands in common in the PUD. All lands so conveyed shall be subject to the right of the grantee to enforce maintenance and improvement of the common open space; or

- 2) Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or both.
  - 3) Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.
- b. The construction and maintenance of all public facilities and improvements which are a part of the PUD shall be guaranteed to the City in cash or corporate surety bonds as approved by the City Attorney. The guarantee for construction shall be a sum equal to one hundred twenty percent (120%) of the estimated cost, as determined by the City Engineer. Maintenance shall be guaranteed to the City and extended for a period of eighteen (18) months after final acceptance of facilities by the City. The maintenance guarantee shall be made in a sum equal to fifteen percent (15%) of the estimated cost of construction, and shall be made effective immediately upon acceptance of the construction of the public facility improvements. After such eighteen (18) months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.
  - c. The applicant shall submit a certificate from the County Clerk, stating that no delinquent taxes or unpaid special assessments constituting a lien on the whole or any part of the property of the PUD are unpaid or exist. Such certificate shall be made a part of the PUD documents prior to its submission to the Plan Commission for final recommendation.
  - d. Final agreements, provisions, or covenants shall govern the use, maintenance, and continued protection of the PUD.
  - e. Public street right-of-way dedications shall be made in conformance with the Subdivision Ordinance of the Urbana City Code, and the approved PUD plan. However, the requirement that sidewalks be constructed on both sides of every street may be waived if pedestrian circulation is provided for in a manner acceptable to the Plan Commission and City Council. Common open space to be dedicated in accordance with this section shall be designated by the applicant with the required documents for such dedication.

## 2. Permits

The Zoning Administrator shall issue a building permit for the buildings in the area approved for the PUD. He/She shall also issue a certificate of occupancy for any completed building or structure located in the area covered by the approved PUD, only if the completed building or structure conforms to the approved

final development plan and to all other applicable ordinances and regulations, and provided further that sufficient site development is completed to present no health or safety hazards to the occupants. No certificate of occupancy for a commercial use in a residential PUD shall be issued until at least twenty-five percent (25%) of the total residential floor space is built and certificates of occupancy therefor have been issued.

3. Changes in the Approved Final Development Plan

No changes may be made in the final development plan during the construction of a PUD, except upon application to the appropriate agency under the procedures provided below:

- a. Minor changes in the location, siting, and height of buildings and structures may be authorized, in writing, by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No amendment to the approving ordinance shall be needed in such cases. No changes authorized by this subsection may cause any of the following:
  - 1) A change in the use or character of the development;
  - 2) An increase in the overall coverage of structures;
  - 3) An increase in the intensity of use;
  - 4) An increase in the problems of traffic circulation and public utilities;
  - 5) A reduction in approved open space;
  - 6) A reduction of off-street parking and loading space;
  - 7) A reduction in required pavement widths.
- b. All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be made by duly enacted ordinance by the City Council, after report of the planning staff and recommendation by the Plan Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final plan was approved, or by changes in community policy. Any changes which are approved in the final plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final plan documents.



F. Changes in Ownership of PUD

1. If the ownership of any parcel of land included within a PUD application changes after the application has been submitted, but prior to approval of the preliminary plan of the PUD by the City Council, the new owner and his/her property shall be regarded as excluded from the application unless the new owner affirmatively joins in the application for the PUD.
2. If the ownership of any parcel of land included within a PUD application changes after approval of the preliminary plan but prior to the approval of the final development plan by the City Council, then the new owner shall be regarded as subject to and joining in the preliminary plan, unless said new owner notifies the Secretary of the Plan Commission in writing of such owner's desire to be excluded from the preliminary plan.
3. If any parcel of land included within the PUD has a change of ownership after final approval of the PUD by the City Council, then such owners shall take said land subject to all of the conditions and requirements as set forth in the final development plan as approved, and the applicable portions of this Ordinance.
4. Nothing in this section shall be construed as exempting any transaction from compliance with all applicable State law and Urbana City Ordinances.

- G. Violation of the terms and conditions of the special use permit for a PUD shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.

PUD Standards, Table VII-2

District	Minimum <sup>1</sup> Lot Size (in sq. feet)	Maximum Building Height	Maximum Floor Area Ratio (FAR)	Minimum Open Space Ratio (OSR)	Minimum Area <sup>2</sup> in Common Open Space	Required Yards (in feet) <sup>3</sup>		
						Front	Side	Rear
AG	200,000	35' / 3 stories	.30	.60	15%	25	15	25
R-1	200,000	35' / 3 stories	.35	.55	15%	25	15	25
R-2	200,000	35' / 3 stories	.40	.50	15%	25	15	25
R-3	200,000	35' / 3 stories	.50	.45	15%	25	15	25
R-4	200,000	35' / 3 stories	.60	.40	10%	25	15	25
R-5	200,000	35' / 3 stories	1.00	.35	10%	25	15	25
R-6	200,000	Twice the dis- tance from	1.50	.30	10%	25	15	25
R-6B	200,000	street center- line to face of building.	1.60	.25	10%	20	10	15
B-1	200,000	35' / 3 stories	.40	none	none	15	10	10
B-2	200,000	35' / 3 stories	.70	none	none	15	10	10
B-3	200,000	none	5.00	none	none	15	10	10
B-4	200,000	none	10.00	none	none	none	none	none
IN	200,000	none	1.25	none	none	25	25	25

<sup>1</sup>Except as provided in Section VII-5 D.1

<sup>2</sup>This may be dedicated to the public. The figure listed is a percentage of the total PUD area. At least ten percent (10%) of this area in the AG, R-1, R-2, R-3, and R-4 districts, and at least fifteen percent (15%) of this area in the R-4, R-5, R-6, and R-6B district, shall be devoted to active recreational use.

<sup>3</sup>Around the perimeter of the entire PUD.

Section VII-6 Special Use Permit Procedures

The standards and procedures for the consideration of mobile home parks and Planned Unit Developments are specified in Sections VII-4 and VII-5 of this Article, respectively; all other special uses, as designated in Table V-1, are subject to the procedures and standards stipulated herein. Except as otherwise provided, the Zoning Administrator shall not issue a special use permit unless and until the following procedure has been completed:

- A. A written application for a special use permit shall be submitted to the Secretary of the Plan Commission, by the owners of more than fifty percent (50%) of the property involved. The application shall demonstrate:
  1. That the proposed use is conducive to the public convenience at that location;
  2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare;
  3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.
- B. Each application for a special use permit shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8.
- C. At least fifteen (15) days but not more than thirty (30) days notice of the time and place of the public hearing on the requested special use permit shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the common street address, if any, and the legal description of the property for which such a permit is sought, as well as a brief description of the proposed special use.
- D. The public hearing shall be held by the Plan Commission, in accordance with its established procedures and the requirements of the Urbana City Code.
- E. The Plan Commission shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the special use permit, and whether the proposed use will be in harmony with the general purpose and intent of this Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.
- F. The Plan Commission shall make a recommendation to the City Council for or against the proposed special use, and may also recommend such additional conditions and requirements as are appropriate or necessary.

for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such uses;
  2. Require adherence to an approved site plan;
  3. Require landscaping and the screening of such uses by means of fences, walls, or vegetation;
  4. Stipulate required minimum lot sizes, minimum yards, and maximum height of buildings and structures;
  5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
  6. Require conformance to health, safety, and sanitation requirements, as necessary;
  7. Regulate signs and outdoor lighting;
  8. Any other conditions deemed necessary to effect the purposes of this Ordinance.
- G. The City Council shall consider the recommendation of the Plan Commission regarding the required special use permit, and may authorize the Zoning Administrator to issue the special use permit. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.
- H. In case of a written protest against any proposed special use permit, signed by the owners of forty percent (40%) of the lots proposed to be subject to such permit, or signed by the owners of forty percent (40%) of the lots any part of which are included within the area defined by a line extended outward two hundred and fifty feet (250') in all directions from the perimeter of the land which is the subject of the special use permit request, filed with the City Clerk prior to the commencement of the meeting of the City Council at which a vote on the proposed special use permit is taken, the permit shall not be authorized except by a favorable vote of two-thirds (2/3) of the members of the City Council then holding office and not abstaining from voting on the question. For the purposes of this Section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least fifty percent (50%) of all owners of such lot signed the protest document. The

protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing such document, and identify the property which each signature owns. For purposes of this Section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way, and excluding any land lying within a railroad right-of-way; the owner of property shall be considered to be any of the following: the record owner of the fee title, the contract seller, and the contract buyer of such property.

- I. In addition to any conditions imposed by the City Council, as provided in paragraph G, above, a special use authorized by a special use permit is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other regulations are specifically stated in the special use permit, as authorized by the City Council and granted by the Zoning Administrator. Special uses are also subject to the regulations pertaining to parking and access which are applicable for the use and district, as provided in Article VIII, and to the following additional requirements, unless otherwise specifically stated in the terms of the special use permit:
1. Minimum lot size of one (1) acre;
  2. Enclosure by a wire mesh fence of no less than six feet (6') in height;
  3. Side and rear yards of twenty-five feet (25').
- J. Unless otherwise specifically provided in the terms of the special use permit, the permit shall be valid for a period of one (1) year from the date of its issuance. As provided in Section VII-1 of this Article, a valid special use permit is required in order to apply for a building permit, or for a certificate of occupancy if no building permit is required to establish a use; once established, however, the special use may continue indefinitely beyond the expiration of the permit allowing it, unless otherwise specifically provided in the terms of the permit.
- K. Violation of the terms of the special use permit shall be deemed a violation of this Ordinance, subject to the provisions of Section XI-1. Extensions of any time period, or changes in the development schedule or other time sequence which was approved as part of the special use permit may be approved only by the City Council; any such extension or change which is not so authorized shall be deemed a violation of this Ordinance, as provided above.

Section VII-7 Utility or Public Buildings Exemption Procedures

The City Council may authorize by ordinance in any zoning district a special use permit for the establishment, construction, expansion, or alteration of any structure and/or use to be used by a public service entity for a public utility or for a governmental, educational, charitable, philanthropic, or medical use, according to the above listed special use procedures.

Section VII-8 Special Procedures in the Boneyard Creek District

Subsection One: Purposes: The purposes of this section are as follows:

- A. To establish a Boneyard Creek District as an area of vital significance to the cultural, economic and environmental future of the City.
- B. To promote and facilitate sound storm drainage management practices, to assist in the reduction of flood hazards to persons and property, to improve water quality and to prevent encroachments and land uses which adversely affect water runoff.
- C. To encourage the development and maintenance of the Boneyard Creek District as a recreational resource and circulation area and to reclaim for the City the benefits of a natural waterway that have been ignored as a design asset and to provide a focal point for urban redevelopment.
- D. To improve the maintenance of the creek bank in a manner which will reduce harmful mosquito and insect reproduction.
- E. To provide incentives for redevelopment through private initiative in a manner consistent with the Boneyard Creek Master Plan.
- F. To promote and conserve the economic value of land and buildings and thereby protect and improve the City's tax base.
- G. To implement the Boneyard Creek Master Plan, as such may be amended from time to time by the Boneyard Creek Commission, in a manner consistent with the Urbana Comprehensive Plan.

Subsection Two: Applicability to Urbana Zoning Ordinance and Zoning Map:

- A. Definitions and requirements of the Urbana Zoning Ordinance are applicable unless specifically modified pursuant to this section, but no lawful existing use or building shall be made non-conforming by virtue of the provisions of this section so long as the existing use or building is not modified.
- B. The provisions of this section are applicable to the area within the Boneyard Creek District, the boundaries of which are established on the attached map entitled Boneyard Creek District Map, dated March 28, 1979, which is hereby adopted as a part of this article as constituting an overlay district on the official zoning map of the City.

- C. This section authorizes granting a "Creekway permit," that may modify the requirements of the underlying zoning district and establishing new standards for the use of property within the Boneyard Creek District.

Subsection Three: General Considerations

Upon the review of a "Creekway permit," the following factors shall be considered:

- A. Whether the Creekway permit is compatible with the Boneyard Creek Master Plan as it may be amended from time to time in a manner consistent with the Urbana Comprehensive Plan.
- B. Whether the location, size and type of the proposed use is appropriate to the objectives of the Boneyard Creek District.
- C. Whether the proposed use is compatible with the character of the area in which it is located.
- D. Whether the proposed use would be compatible with the spirit of the underlying zoning district.
- E. Whether there are adequate community services to support the proposed use, such as, but not limited to, streets, water, sewer, recreational and public school facilities.
- F. Whether the design of the proposal as to size, height and open space allows adequate access of light and air to surrounding streets, parkways and properties.

Subsection Four: Creekway Permits Required:

- A. No permits for construction, demolition, change of use classification or other zoning permits within the Boneyard Creek District shall be granted except in compliance with the provisions of this section.
- B. It shall be unlawful to proceed with any construction, demolition, excavation, reconstruction, installation of poles, pipes, and other objects in the Boneyard Creek District without a Creekway permit.

Subsection Five: Standards: Each application for a Creekway permit required by this section on property within the Boneyard Creek District shall be subject to the provisions of and eligible for the benefits of this section. A Creekway permit shall establish specific standards of construction, including time limits, and may require posting of a performance bond or other guarantees of adequate, timely performance.

- A. The provisions of the City of Urbana Zoning Ordinance, as amended, apply to all applications for permits within the Boneyard Creek District, except as modified by this section or as modified pursuant to the procedures of this section.

- B. Minimum Area and Yards: The minimum zoning lot shall be 6,000 square feet for any new building or use in the Boneyard Creek District, except for lots of record on the effective date of this ordinance which shall be considered buildable lots subject to the provisions of this section.
- C. Building Line: Boneyard Creek corridor limit lines shall be as indicated on the Boneyard Creek Master Plan engineering drawings which are hereto attached and incorporated herein. The building line shall be set back five (5) feet from the corridor limit lines. No fence or structure, other than sidewalks, bike paths and drainage facilities, shall be permitted between the building lines.
- D. Access: In addition to frontage on a public street, additional requirements may include easements for the construction of public sidewalks, bike paths and drainage facilities consistent with the Boneyard Creek Master Plan, and when necessary, shall include easements for construction, maintenance, police and fire access to the riparian properties of the Boneyard Creek.
- E. Zoning Lot: A proposed development shall occur on a zoning lot. For the purposes of this section, a zoning lot shall be approved by the permit granting entity and need not be within a single block. A zoning lot may include land not within the Boneyard Creek District and land within said district if the development of such a zoning lot substantially contributes to the implementation of the Boneyard Creek Master Plan.
- F. Landscaping and Screening: Each application for construction under a Creekway permit shall include a plan indicating the type, number, size and location of trees, shrubs and other landscaping features to be retained or provided. Such plan shall be consistent with the Boneyard Creek Master Plan.
- G. Flood Hazard Area: The provisions of this section shall not be deemed to be an amendment of the Flood Control Ordinance No. 7677-107 of the City of Urbana, as amended. Additional requirements may be imposed by a Creekway permit when deemed necessary to prevent hazards to persons or property, or to decrease the need for public expenditures to avoid flood hazards.
- H. Prohibited Structures: Construction of structures in, or over, the Boneyard Creek which would substantially interfere with the development of the district, the park and recreational uses, or increase the flood hazard is deemed to be inconsistent with the purposes of this section and is prohibited.
- I. Lighting: Lighting along the creek shall be provided to produce a minimum of one-tenth (0.1) foot-candle at every point within the public access areas. Potentially hazardous locations such as intersections and major pedestrian crossings shall be illuminated with a minimum of three-tenths (0.3) foot candle. New utility, gas, and electric service lines shall be located underground where appropriate to implement the Boneyard Creek Master Plan.



- J. Improvement Fund: When an application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section results in modifications which increase floor area over that permitted by the underlying zoning district requirements, the applicant shall contribute to a special fund of the City. Such amount shall equal one dollar (\$1.00) per each additional square foot. The fund shall be used for the installation and maintenance of public improvements and public landscaping of the Creek bank.
- K. Dedication: Each application for a Creekway permit on a zoning lot containing or contiguous to the building line or public access area established by this section will include an irrevocable offer by the owner for the term specified below to dedicate a portion of the zoning lot as determined by the Plan Commission. Provided, that such dedication is not required if none of the bonus provisions of Subsection Six are requested by the applicant. The parcel to be dedicated shall be determined in accord with applicable provisions of the Boneyard Creek Master Plan but shall not exceed an amount greater than twenty percent (20%) of the zoning lot area or a strip of land averaging twenty (20) feet in width, whichever is smaller. The parcel offered or dedicated shall for computation purposes remain as part of the zoning lot and shall be counted as open space or yards. The dedication shall be to a governmental unit to be specified in the Creekway permit but shall not be effective until officially accepted by such governmental unit provided that such offer shall lapse if not accepted within two years of the date of granting of the Creekway Permit. Such dedicated parcel shall be for public use to serve the users or residents of the proposed development, to serve the public and to enhance the parcel's value by allowing creek development and improvements.

Subsection Six: Bonus Provisions:

- A. Development Rights Transfer: The maximum floor area and the height permitted on a zoning lot may be increased by the amount of floor area of development rights transferred from an adjoining lot or successively adjoining lots.

For the purpose of this subsection, development rights means the total square feet of floor area that may be constructed on an existing parcel of land as permitted by the underlying zoning classification in which it is located, less the amount of any existing floor area retained or in use. The transferor and transferee of development rights shall record their instrument of transfer for each parcel with the Champaign County Recorder as a real property transfer for the benefit of the transferee and such instrument of transfer shall include assumption of obligation for real estate taxes in proportion to the value of the interest transferred.

- B. Extra Lot Size: For computation purposes a zoning lot contiguous to the Boneyard Creek may include the area between the lot lines which intersect the Creek extended to the centerline of the Creek.
- C. Yards: Yard requirements may be decreased or waived when necessary to permit acceptable densities and a more desirable setback from the Boneyard Creek.
- D. Height: Height requirements may be modified to add an additional story provided such height modification shall not exceed twelve (12) feet.
- E. Parking: Off street parking shall be provided if required by the underlying zoning classification or by the Creekway permit and may be off-site parking but shall be located within six hundred (600) feet of the zoning lot.
- F. Mixed Uses: Residential uses other than those listed as permitted by right or permitted with special or conditional permits may be authorized in any underlying zoning classification and mixed use of a zoning lot may be permitted.

Subsection Seven: Application Procedure: The procedures of this section shall supersede the general procedures of the zoning ordinance for zoning lots within the Boneyard Creek District.

- A. Preliminary Conference: The Zoning Administrator shall provide all necessary information to prospective applicants for Creekway permits under this section. An applicant shall secure an appointment for a preliminary conference with the Zoning Administrator and with a representative of the Boneyard Creek Commission to discuss the Boneyard Creek Master Plan and the Creekway permit procedures.
- B. Application Requirements: After the preliminary conference, and on forms provided by the Zoning Administrator, a written application shall be filed by the owners of the subject property within the Boneyard Creek District with the Zoning Administrator. Such application shall indicate the subsection of the section under which construction or use authorization is sought; the reasons for which any modification in the underlying zoning requirements is sought and information necessary for determining whether a Creekway permit shall be issued. In addition to the information required by this section, the applicant shall provide information required by the Rules of Procedure promulgated for the Boneyard Creek District by the Plan Commission.
- C. Zoning Administration Permit: The Zoning Administrator shall be authorized to grant a Creekway permit based on his determination that the provisions of the underlying zoning classification have been complied with and that:
  - 1. A requested modification of the front or rear yard requirements of the underlying zoning classification of not more than thirty (30) feet is reasonable; and

2. That the minimum setback from the Creek is maintained in accord with the building line requirements of this Article; and
3. That the standards of Subsection Five, D, E, F, G, H and I of this section are complied with.

When approval may be granted by the Zoning Administrator pursuant to Subsection Seven, C, he/she shall transmit notice of intent to grant a Creekway permit and a copy of the proposed permit to the Plan Commission and the Boneyard Creek Commission. If no objection is received from either Commission within ten (10) days from its date of transmittal, the Zoning Administrator shall grant such permit. During such ten (10) day period any aggrieved party or any public official or entity may appeal the Administrator's proposed grant of the Creekway permit to the City Council.

- D. Referral to Plan Commission: When an application for a Creekway permit requests modifications in excess of those authorized by Subsection Seven, C, the Zoning Administrator shall, within five (5) working days after receipt of an application determined by the Zoning Administrator to be complete, provide a complete copy of the application to the Plan Commission and the Boneyard Creek Commission. The Boneyard Creek Commission and appropriate City staff shall submit any recommendations with respect to each application to the Plan Commission within twenty (20) days.
- E. The Plan Commission shall review all recommendations and the applications and make its determination at a public meeting and return the documents to the Zoning Administrator with directions to:
  1. Grant the Creekway permit based upon the application as approved by the Plan Commission and subject to any specific requirements or conditions as determined by the Plan Commission; or
  2. Deny the Creekway permit based on the application's failure to present a plan in accordance with the Boneyard Creek Master Plan and the provisions of this section; or
  3. Defer action on the application based on a determination that modifications of the use, density and other requirements of the underlying zoning ordinance are beyond those authorized by this section. In which case, the Zoning Administrator shall forward the applications and the recommendations of the Plan Commission, the Boneyard Creek Commission and appropriate City staff to the City Council. The City Council shall, after public notice, review the recommendations and application and conduct a public hearing and the application for a Creekway permit shall be granted only upon a vote necessary for the passage of an ordinance and, if granted, shall determine what conditions and requirements will be applied to the Creekway permit.

- F. Appeal of a Creekway Permit Decision: Any aggrieved person, party, public official or governmental entity may appeal a decision of the Zoning Administrator or the Plan Commission to the City Council within ten (10) days of the date of such decision. No decision to grant a Creekway permit shall be acted upon by the Zoning Administrator until the lapse of the ten (10) day appeal period.
- G. Lapse of a Creekway Permit: If no construction has begun or no approved use has been established pursuant to a Creekway permit within one (1) year from the date of its final approval, the Creekway permit shall lapse, be void and no longer in effect.

Subsection Eight: Notice of Hearing: Notice of hearing or of a required meeting to consider a Creekway permit shall be given in the same manner as required by the Urbana Zoning Ordinance for a hearing on special use permits. At the public hearing or meeting any person may appear in person or by agent or attorney.

Subsection Nine: Appeals: Any aggrieved person, party, public official or governmental entity may appeal final decision made pursuant to this section. Appeals are authorized to the City Council from a decision of the Zoning Administrator, the Plan Commission and their designees and shall be limited to the official record. Upon appeal of an application the Council shall review all recommendations. A Creekway permit shall be granted only upon a vote necessary for the passage of an ordinance and if granted shall determine what conditions and requirements will be applied. Appeals to the Circuit Court shall be subject to the provisions of the Administrative Review Act.

Subsection Ten: Hearing Officer: An administrative determination to be made by the Zoning Administrator or Plan Commission and a public hearing by the City Council may be conducted on behalf of the applicable unit of government by a Hearing Officer. Hearing Officers shall be appointed by the entity in whose place such action is taken. The terms of such appointment shall be established by the appointing entity. Hearing Officers shall be appointed based on their qualifications, including education and experience in evaluating plans and evidence submitted, and their ability to conduct a fair and expeditious hearing.

Section VII-9 Exemption Procedure in Business Development and Redevelopment District

The City Council may authorize in any zoning district in the Business Development and Redevelopment district a special use permit for the use, establishment, construction, expansion or alteration of any structure for apartment or multiple-family residential use, according to the following procedure. After publication in a newspaper of general circulation in the City of Urbana, Illinois of a notice of the time, place and subject matter of a public hearing at least fifteen (15) days prior to such hearing, the Plan Commission shall hold a public hearing on the proposal, according to its established procedure. The Plan Commission shall determine whether the proposal will furnish apartment or multipl

family residential housing in the Business Development and Redevelopment District in harmony with the general purpose of this Section of encouraging good quality housing in such District and whether it will be potentially injurious or detrimental to the zoning district in which it shall be located or to the occupants of such proposed structure or use.

Within twenty (20) days after the close of the public hearing, the Plan Commission shall make a recommendation to the City Council regarding the requested special use permit, and may also recommend such additional conditions and requirements as are appropriate and necessary for the public health, safety and welfare and to carry out the purposes of this Section.

Such conditions may include, but are not limited to, adherence to the approved site plan, including setbacks, density, open space, height, parking and access, screening, landscaping and outdoor lighting. The City Council shall consider the recommendation of the Plan Commission regarding the requested special use permit and shall direct the Zoning Administrator whether or not to issue the special use permit, and the conditions therefore. The City Council may impose any conditions or requirements upon such permit, which may include, but are not limited to, those recommended by the Plan Commission, which it deems necessary or appropriate in order to accomplish the purposes of this Section. A special use authorized by a special use permit is subject to all development regulations applicable to permitted uses in the district in which it is located, unless otherwise specifically stated in the special use permit or set forth in the approved site plan.

ARTICLE VIII

PARKING AND ACCESS

<u>Section</u>	<u>Subject</u>
1	Applicability
2	Design and Specifications of Off-Street Parking
3	Location of Parking Facilities
4	Amount of Parking Required
5	Driveways and Access Drives

Section VIII-1 Applicability

Off-street parking facilities required by this Article shall be provided whenever a building or structure is erected, converted, enlarged, or structurally altered, or whenever a use of land, building, or structure is established, expanded, or changed. However, this shall not prohibit the owner of an existing building occupied by a conforming use from converting, enlarging, or structurally altering said building for the purpose of meeting the minimum requirements of applicable health, fire, and safety regulations, provided, however, that no increase in the occupancy or intensity of the existing use of such building shall be permitted unless authorized by the Board of Zoning Appeals.

Section VIII-2 Design and Specifications of Off-Street Parking

- A. All off-street parking areas and access thereto shall be improved with an all-weather dustless material as approved by the Zoning Administrator.
- B. Except as provided in other ordinances of the City of Urbana regarding handicapped persons, off-street parking spaces, and the aisles providing access thereto, shall have the following minimum dimensions, except as provided herein. See Figure #4. However, these requirements shall not affect parking spaces or lots developed under the provisions of any previous Zoning Ordinance, or prior to any applicable Zoning Ordinance.

<u>Angles in degrees from curb</u>	<u>Spaces</u>		<u>Aisles</u>	
	<u>Width</u>	<u>Length</u>	<u>One-way</u>	<u>Two-way</u>
0	9'	22'	12'	18'
15	9'	20'	9'	18'
30	9'	20'	9'	18'
45	9'	20'	9'	18'
60	9'	20'	16'	18'
90	9'	20'	23'	23'

Where ten (10) or more parking spaces are required by this Article, the Zoning Administrator may authorize up to fifteen percent (15%) of the parking spaces to be smaller than herein required, provided that such spaces are clearly designated and reserved for use by compact cars.

- C. Access to and from any parking space or lot to a public street or alley shall provide an access drive of the following minimum and maximum clear width:

	<u>Minimum</u>		<u>Maximum</u>
	<u>One-way</u>	<u>Two-way</u>	
Single family dwelling units	8'	8'	One-third (1/3) of lot width at front property line.
Two to four dwelling units	9'	18'	
Five to 24 dwelling units	10'	20'	
25 or more dwelling units	10'	22'	
Commercial and industrial uses	12'	24'	

Provided, however, that one or more off-street parking spaces may restrict or block access to other spaces for single family dwelling units, and for duplex units where parking for the two dwelling units in the building is clearly separated.

- D. Parking spaces for all types of uses may be provided either in garages or parking areas which conform with the provisions of this Ordinance.

- E. All off-street parking areas for more than four (4) parking spaces shall be effectively screened, as follows:

1. Along any lot line which directly adjoins a residential district or residential use, such screening shall be in the form of a wall or fence not less than four feet (4') in height nor more than six feet (6') in height, and sufficient in density to shield from direct lighting, including automobile headlights. A hedge of sufficient density year-round to shield from direct lighting, including headlights, and at least four feet (4') in height, may be substituted for such wall or fence. A hedge of at least three feet (3') in height may be substituted for such wall or fence, if it is determined by the Zoning Administrator that such hedge can reasonably be expected to attain a height of at least four feet (4') and a density sufficient to shield from direct lighting, including headlights, within two (2) years of the date of the planting.
2. Along any lot line which is separated from a residential district or use by a public right-of-way, the screening shall take the form of a solid wall or fence at least three feet (3') in height, or alternative landscaping treatment, which has been approved by the Zoning Administrator as serving to obscure or beautify the parking area.

- F. Wheelstops of masonry, steel, or heavy timber shall be placed not less than five feet (5') from the street right-of-way line in districts where a front yard is not required, or from side and rear lot lines in any district; such a wheelstop shall not be located more than two feet (2') from the end of the parking space in which it is located.

- G. Adjacent residential districts and streets shall be shielded from direct rays of light from illumination of any off-street parking areas. The lighting of all off-street parking for commercial or industrial uses which adjoin residential districts shall be extinguished no later than thirty (30) minutes after the close of business, except as may otherwise be authorized by the Board of Zoning Appeals, as provided in Section XI-3.

### Section VIII-3 Location of Parking Facilities

- A. All off-street parking areas required by this article shall be provided on the zoning lot to whose use they are accessory, except as provided herein.
- B. Accessory off-street parking may be provided in a location other than on the zoning lot where the principal use is located, only if so authorized by the Board of Zoning Appeals, as provided in Section XI-3. Such parking areas may be located only in the same district in which the principal use is located, or in another district in which the principal use is permitted. They shall be within three hundred feet (300') of the principal use, measured from the nearest point of the lot containing the parking facility to the nearest point of the lot occupied by the building or use which such parking is required to serve. If the principal use is or becomes a nonconforming use, no expansion of off-street parking facilities not located on the site of the principal use shall be allowed.
- C. Off-street parking may be provided within or beneath the principal building. Such parking areas shall not be included in calculating the floor area ratio of the building; however, the measurement of the height of a building or structure shall include any stories devoted in whole or in part to parking. Rooftop parking shall not be included in the calculation of height or of floor area ratio.
- D. Except as otherwise provided, off-street parking spaces may be located in any yard other than a required front yard or a required side yard. The following are exceptions:
1. A lot used for a single family or duplex residence may have parking for vehicles licensed as passenger cars as an accessory use in a required front yard, provided that the area devoted to parking and access thereto shall not exceed forty-five percent (45%) of the total area of the required front yard, or eight hundred and fifty (850) square feet, whichever is smaller, and that the driveway shall not exceed twenty-four feet (24') in width, measured at the front property line.
  2. In any R-1, R-2, and R-3 District, where it is not physically possible to provide parking in side or rear yards, parking of a vehicle which would require state registration



if operated on a public right-of-way, including vehicles which are licensed as recreational vehicles, and excluding trucks over three-quarter (3/4) ton capacity, is permitted, except within five feet (5') of the front property line; parking within five feet (5') of the front property line is permitted for no more than twenty-four (24) consecutive hours for loading and unloading purposes only, provided, however, that no such vehicles shall at any time extend over the property line. All parking of vehicles requiring state registration shall be upon an approved driveway or parking space.

3. In any Business or Industrial District, B-1, B-2, B-3, B-4, or IN District, parking spaces and access aisles may be situated in any portion of the front yard other than a required front yard.
- E. Parking of vehicles licensed as trucks over three-quarter (3/4) ton capacity shall not be permitted on any public street right-of-way or in any required front yard in any R Residential District, provided that this provision shall not apply to parking such vehicles for a period of less than four (4) consecutive hours.

#### Section VIII-4 Amount of Parking Required

- A. Except as otherwise provided, whenever a use is established or a building or structure is erected, converted, enlarged, or structurally altered for any use listed in this Section, or the use of a building is changed to a use listed in this Section, off-street parking and access thereto shall be provided in the amount required by Table VIII-1. In the case of a use which is not specifically mentioned in Table VIII-1, parking for such a use shall be provided according to the requirements for the use to which it is most related or similar, as determined by the Zoning Administrator.
- B. The parking requirements stipulated in Table VIII-1 shall not be applicable in the B-4 Central Business District.
- C. In the case of mixed or multiple principal uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as meeting requirements for any other use, except as provided herein.
- D. The following provisions shall apply to churches, theaters, and other uses which need parking during limited and generally regular times of the day, days of the week or month, or seasons of the year: off-street parking facilities required for such uses may be reduced or omitted, provided that some or all of the required parking would be available in an off-street parking facility, during the times at which parking would be needed for such use. The reduction in the amount of required parking shall not exceed the number of parking spaces provided elsewhere, and such substitute parking shall not be more than five hundred feet (500') from the use which it serves.

- E. Where permitted by the applicable district regulations, nothing in this article shall be construed to prevent the provision of collective off-street parking facilities for two (2) or more business or industrial uses. The required total of such off-street parking spaces supplied collectively shall not be less than eighty-five percent (85%) of the sum of the requirements computed separately, provided, further, that applicable district use regulations shall be complied with. In cases of collective usage involving dwelling units, there shall be no reduction in the requirements of this article. All such parking spaces shall be within the maximum distance from the uses which they serve, as provided in Section VIII-3.
- F. In the B-3 General Business District, where a use is located within five hundred feet (500') of a public parking facility, either publicly or privately owned and operated, and said facility could provide fifty percent (50%) or more of the off-street parking spaces required for such use, the off-street parking requirements for such use may be reduced by fifty percent (50%).
- G. Provisions must be made for the parking of bicycles in those instances where ten (10) or more automobile parking spaces are required. Racks for the parking of bicycles shall be provided with a minimum capacity for four (4) bicycles where required automobile parking is between ten (10) and forty (40) automobile spaces, and bicycle rack capacity shall be increased at no less than a ratio of one (1) bicycle parking facility for each ten (10) required automobile parking spaces in excess of forty (40) automobile parking spaces. The off-street automobile parking facilities required by this Article, as listed in Table VIII-1, may be reduced when provision is made for the parking of bicycles. The provision of bicycle parking facilities shall not reduce the amount of automobile parking required for single family or duplex residential use, or for other uses where fewer than ten (10) automobile parking spaces are required. For all other uses, the automobile parking may be reduced by up to ten percent (10%) of the number of spaces required, provided that parking for four (4) bicycles is provided for each automobile space eliminated. Parking areas for bicycles are permitted wherever automobile parking is allowed, and shall be paved with an all-weather dustless material approved by the Zoning Administrator. Racks for the support and security of bicycles shall be provided. Bicycle parking areas shall not obstruct walkways or other pedestrian areas. Inclines shall be provided wherever there are curbs, stairways, or other grade separations between bicycle parking areas and the street or driveway.
- H. For the purposes of determining off-street parking requirements listed in Table VIII-1, the following units of measurement shall apply:
1. Floor Area
- In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, floor area shall mean the gross floor area measured to the outside walls, but exclusive of such floor

area as may be used for parking facilities within the principal building, and exclusive of such floor area as may be used for mechanical systems, elevators, escalators, utility and storage closets.

## 2. Places of Public Assembly

- a. In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, and other similar seating facilities, each twenty-two inches (22") of such seating facilities shall be counted as one (1) seat for the purpose of determining the off-street parking requirements of this Ordinance.
- b. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and then added together.

3. When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded, and any fraction of over one-half ( $\frac{1}{2}$ ) shall require one (1) full parking space.

## I. Table VIII-1, Parking Requirements by Use

<u>Use</u>	<u>Number of Spaces Required</u>
<u>1. Agricultural Uses</u>	
Group #1: Commercial feed lots Farms Grain elevators Riding stables Sod farms	None
Group #2: Green houses Nursery sales Seed and garden supply store	1 for every 400 square feet of sales area
<u>2. Residential and Related Uses</u>	
Group #1: Single & Two Family Dwellings	2 per unit
Group #2: Bedroom area (Total)	
=119 sq. ft.	.5
=169 sq. ft.	1.0
=239 sq. ft.	1.5
239 or greater	2.0
The intent of Group2 is to provide parking at a rate of one half(1/2) space per person.	
Group #3: Dormitories	1 for every 4 residents
Group #4: Residential PUD's	2 per dwelling unit, plus as required below for commercial uses

Group #5:	Boarding house Rooming house Tourist home Single-family dwelling (extended group) Two-family dwelling (extended group)	1 for every 2 residents
Group #6:	Motel, hotel	1 for each living or sleeping unit
Group #7:	Mobile home park	2 per mobile home, as per Article VII, Section VII-4 B.5.i
Group #8:	Tourist camp Trailer camp	1 per space for parking a trailer or camper

### 3. Public and Quasi-Public

Group #1:	Animal hospital	1 for every 400 square feet of floor area
Group #2:	Church or temple	1 for every 10 seats in the principal assembly area
Group #3:	Community building Undertaking establishment	1 for every 50 square feet of floor area
Group #4:	Dial exchanges Electric substation Filtration and pumping plants Reservoirs Sewage treatment plants Other public utility buildings used for storage of mechanical equipment	None
Group #5:	Country club Multiple facility	Based on the uses and facilities provided, in accordance with the provisions of this Article
Group #6:	Golf course	4 for each tee
Group #7:	Hospital and similar institutions for human care (except Group #8)	1 for each doctor and one for every 3 employees on maximum shifts, plus 1 for every 3 beds, not including bassinets
Group #8:	Children's home Convalescent home Home for the aged Nursing or rest home Sheltered care facility Intermediate care facility	1 for every 6 beds, plus 1 for every 3 employees on maximum shift
Group #9:	Public housing for the elderly	1 for every 4 apartment units
Group #10:	Art gallery, museum Education research center Library	1 for every 500 square feet

Group #11:	Fraternal and similar organizations Lodge Private club	1 for every 2 bedrooms and 1 for every 50 square feet of area used for assembly, dancing or dining
Group #12:	Schools, including public, private, parochial, secondary, and other schools:	
	Elementary Junior High	1 for every 30 classroom seats, or one for every 8 auditorium seats, whichever is greater
	Senior high	1 for every 8 auditorium seats, or 1 for every 30 classroom seats plus 1 for every 50 classroom seats in the 11th and 12th grades, whichever is greater
Group #13:	Auditorium or assembly hall	1 for every 8 seats
Group #14:	Post office Telegraph office	1 for every 250 square feet of floor area

#### 4. Office and Related Uses

Group #1:	Banks, drive-in banks Clinics Medical and dental clinics and offices Other financial institutions Studio or agency office	1 for every 250 square feet of floor area
Group #2:	Business Employment agencies Insurance Other offices	1 for every 300 square feet of floor area

#### 5. Service Business Uses

Group #1:	Drive-in restaurant Dry cleaning or laundry pickup station	1 for every 50 square feet of floor area
Group #2:	Bars Eating and drinking establishment, and outdoor table service	1 for every 125 square feet of floor area (including outdoor area used for business)
Group #3:	Music academy	1 for every 150 square feet of floor area
Group #4:	Barber, beauty shop Locksmith Frozen food locker Shoe and hat repair Radio & TV sales & service	1 for every 200 square feet of floor area

- Group #5: Clothes & costume rental 1 for every 300 square feet of  
 Dress making, tailoring floor area  
 shop  
 Dry cleaning or laundry  
 plant  
 Furrier
- Group #6: Art gallery (commercial) 1 for every 400 square feet of  
 Blacksmith shop floor area  
 Business, trade, or commer-  
 cial school  
 Catering services  
 Construction equipment  
 sales  
 Contractors shop and show-  
 rooms as follows:  
 Carpentry  
 Decorating  
 Electrical  
 Exterminating  
 Glazing  
 Heating and cooling  
 Paint and paper hanging  
 Plumbing  
 Sheet metal  
 Roofing  
 Upholstering  
 Sign painting  
 Ventilating
- Group #7: Educational, philanthropic, Based upon the use of the facility,  
 or charitable institution in accordance with the requirements  
 of this Article, or one for every  
 400 square feet, whichever is  
 greater

#### 6. Retail Business Uses

- Group #1: Bakery 1 for every 150 square feet of  
 Beer, wine & liquor stores floor area  
 Drug store  
 Food store  
 Grocery store, supermarket  
 Hardware store  
 Meat market  
 Vegetable market
- Group #2: Candy and confectionery 1 for every 200 square feet of  
 store floor area  
 Clothing store  
 Department store  
 Dry goods, fabric store  
 Millinery  
 Notions  
 Novelties  
 Shoe store  
 Variety & dime stores

Group #3:	Art material and supplies Book store Florist Jewelry store Leather goods & luggage Music and record store Paint and wallpaper store Pet shop Photographic supply & processing Sporting goods Stationery Toy store Travel bureau	1 for every 250 square feet of floor area
Group #4:	Building material sales	1 for every 300 square feet of floor area and 1 for every 3 employees
Group #5:	Wholesale store	1 for every 300 square feet of floor area and 1 for every 3 employees
Group #6:	Antiques Carpet and floor coverings Electrical or household appliances Office supply and business machine services	1 for every 350 square feet of floor area

#### 7. Commercial Recreation

Group #1:	Bowling alley or lanes	5 per alley or lane
Group #2:	Billiard parlor, pool hall Banquet halls Dance halls Public auction halls or rooms Recreation halls	1 for every 50 square feet of floor area
Group #3:	Miniature golf Driving range	1 for each tee
Group #4:	Health club Skating rink	1 for every 400 square feet of floor area
Group #5:	Indoor movie theater	1 for every 8 seats
Group #6:	Swimming pool	1 for every 100 square feet of lot area used for the facility
Group #7:	Tennis courts	2 per court

8. Transportation & Related Uses

Group #1:	Auto parts supply Boat & trailer sales Motorcycle and bicycle sales & service	1 for every 300 square feet of floor area
Group #2:	Automobile laundry, car wash	1 for every 100 square feet of floor area and 1 for every 3 em- ployees; stacking spaces may be substituted
Group #3:	Automobile garage or service Automobile driving schools Automobile sales building	1 for every 400 square feet of floor area & 1 for every 3 employees
Group #4:	Bus station or depot	Based on the other uses of the facility in accordance with the requirements of this Article
Group #5:	Freight or truck terminal Railroad freight terminal Warehouse Wholesale distribution	1 for every 2000 square feet of floor area or 1 for every 3 em- ployees on maximum shift, whichever is greater
Group #6:	Service or gas station	2 for every service stall
Group #7:	Bus service garage	1 for every 3 employees
Group #8:	Railroad shop or round house	1 for every 3000 square feet of floor area or 1 for every 3 employe- es on maximum shift, whichever is greater

9. Industrial Uses

Group #1:	Industrial Uses	1 for every 1000 square feet of floor area or 1 for every 3 em- ployees on maximum shift, which ever is greater.
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Section VIII-5 Driveways and Access Drives

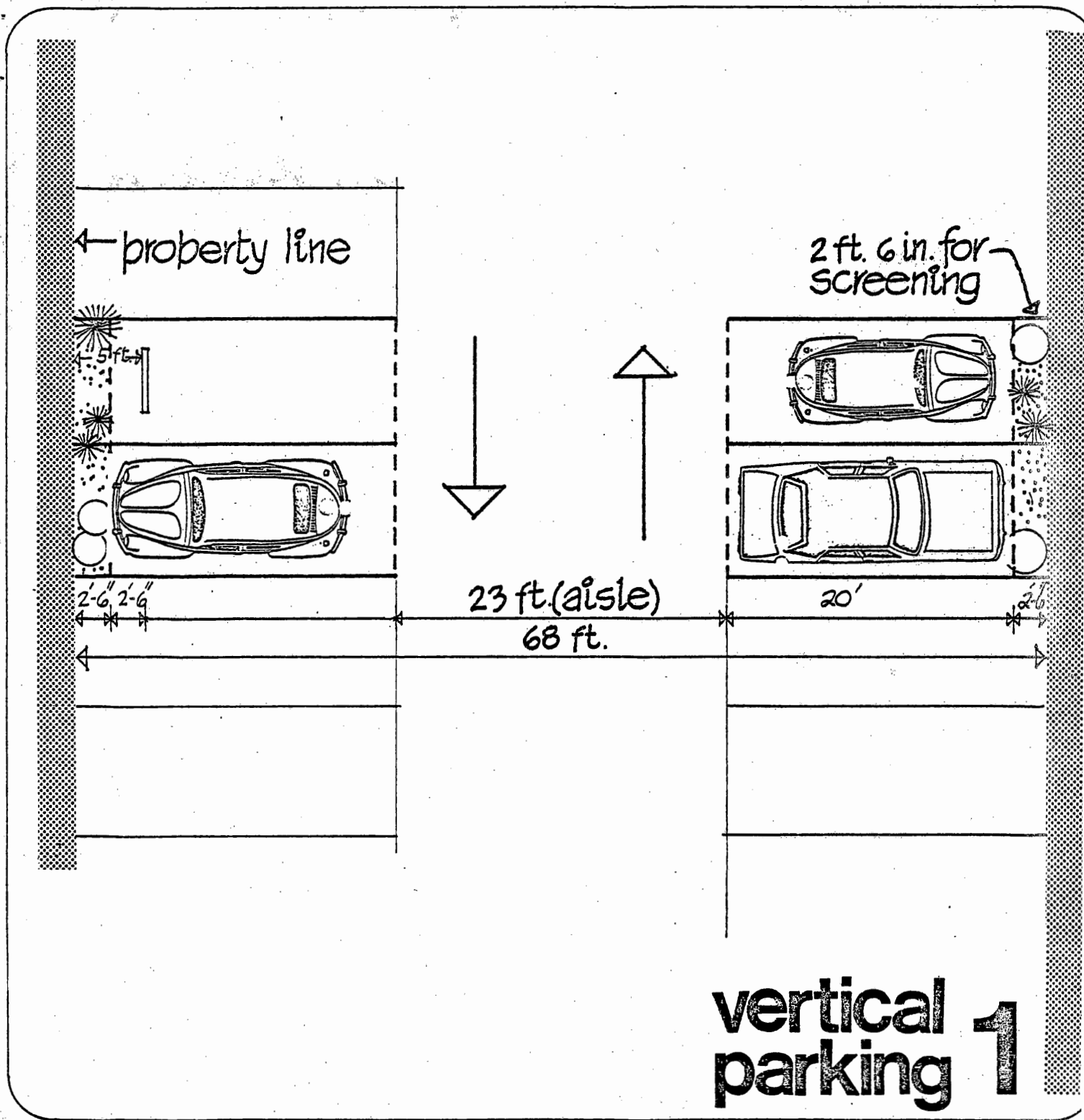
- A. The location and design of all driveways require the review and approval of the Urbana City Engineer, as provided in "An Ordinance Establishing a Policy on Permits for Access Drives to State Highways," as adopted by the Urbana City Council in 1954, and has been, and may further be, subsequently amended; said ordinance also applies to all city streets.
- B. In addition to the provisions of paragraph A, above, all driveways must comply with the provisions of Section VIII-2 of this Ordinance.
- C. Commercial and Industrial Access Drives

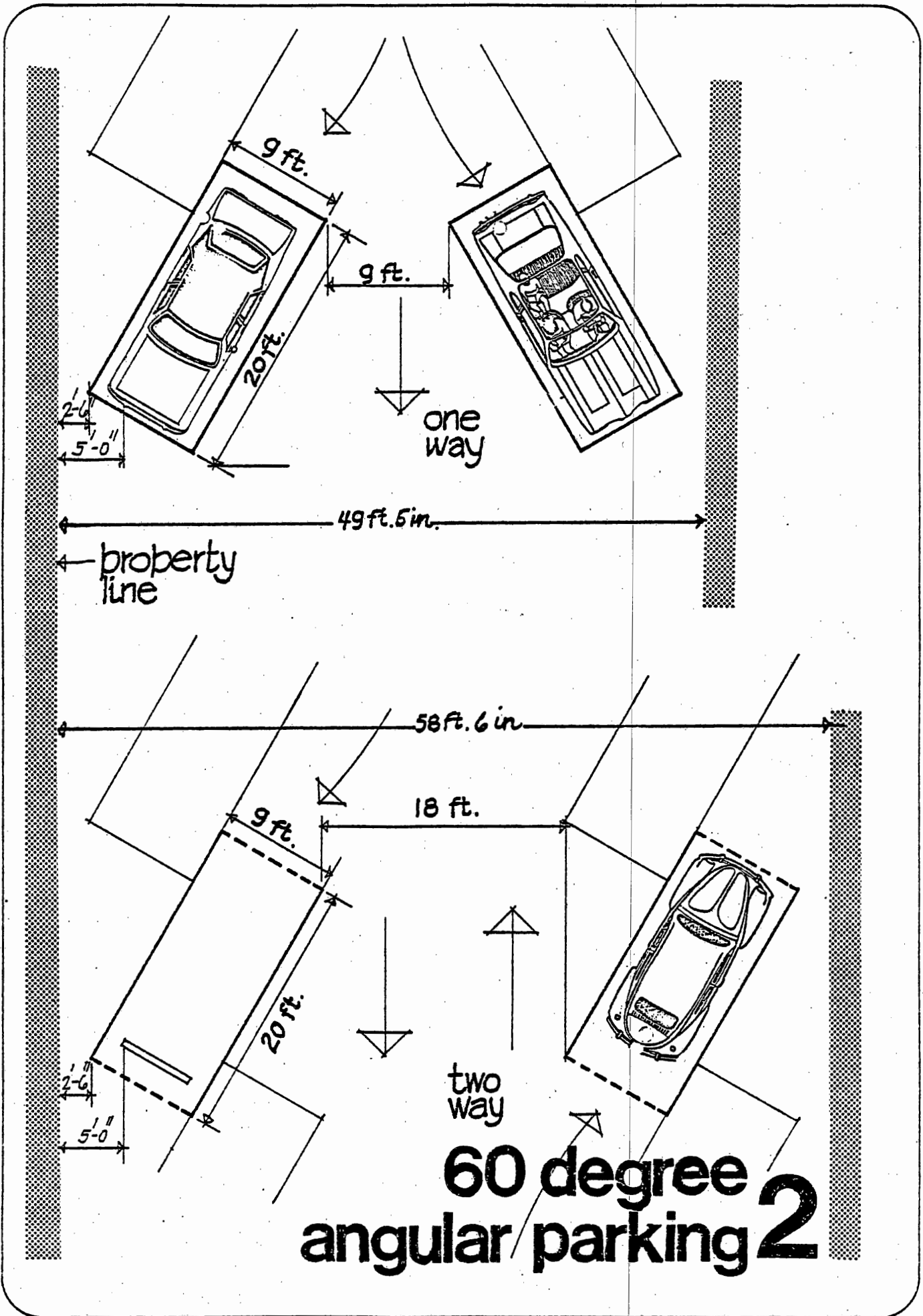
No person shall hereafter construct, build, establish, or maintain any access drive over, across, or upon any public sidewalk or parkway in any Business or Industrial District, B-1, B-2, B-3, B-4, R-6B, or IN District, without first obtaining a permit to do so from the Zoning Administrator, in accordance with the provisions of this section.

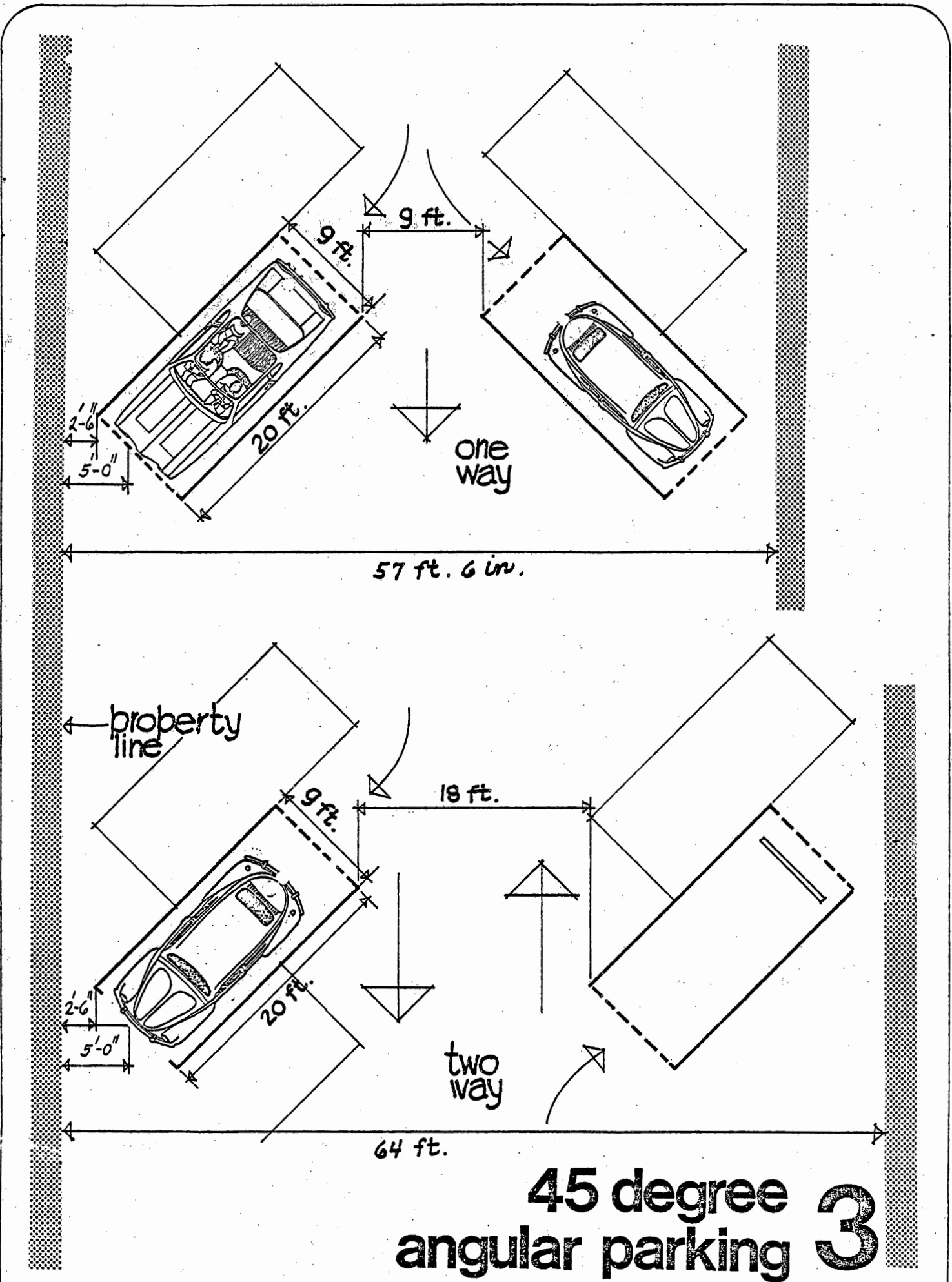
1. Three (3) copies of a site plan shall be filed with the Zoning Administrator for examination and subsequent approval. The site plan submitted shall be drawn to a scale of twenty-five feet (25') or less to the inch when the longest dimension of the tract is less than five hundred feet (500'), and fifty feet (50') or less to the inch when the longest dimension of the tract is five hundred feet (500') or more. In unusual instances, the Zoning Administrator may allow a variation from these required scales. The Zoning Administrator shall retain two (2) copies of the site plan, and return one (1) copy of the plan to the petitioner upon approval or disapproval thereof. The site plan shall contain the following information:
  - a. The north point, scale, and date;
  - b. The exact property lines of the property for which the access drive approval is requested, including existing street and right-of-way lines;
  - c. Adjacent properties on the same frontage, and adjacent properties on the opposite frontage, indicating location of ingress and egress to such properties.
  - d. The exact location and dimensions of existing and proposed facilities of ingress and egress to the subject property, existing and proposed curb cuts, if any, and the proposed directions of traffic flow on the subject property and into and from public ways;
  - e. The exact location and dimensions of service drives;
  - f. The names and addresses of the persons seeking approval of the proposed access drive;
  - g. Provision shall be made on the face of the site plan for the approval of the Zoning Administrator.

2. The Zoning Administrator shall determine whether the proposed access drive conforms with the following requirements:
- a. No property shall have more than two (2) access drives per frontage, except as approved by the Director of Public Works of the City of Urbana. For the purposes of this Section, a property shall be defined as:
    - 1) A platted lot under single ownership which is of record at the time of passage of this amendment to this Ordinance; or
    - 2) Two (2) or more platted lots or combinations of lots and portions of lots with continuous frontage under single ownership which are of record at the time of passage of this amendment to this Ordinance; or
    - 3) An unplatted parcel of land with continuous frontage under single ownership.
  - b. No access drive shall open onto a street less than one hundred and fifty feet (150') from any other access drive on the same property, measured from centerline to centerline thereof.
  - c. No access drive shall be located less than one hundred and fifty feet (150') from the intersection of the street on which the property fronts with another street, measured from centerline to centerline thereof; except that, in cases where an arterial street intersects a minor street, no access drive shall be located on the arterial street less than three hundred feet (300') from the intersecting minor street, measured from centerline to centerline thereof.
  - d. No access drive shall be located less than one hundred and fifty feet (150') from the base of any bridge incline, measured from the centerline of the access drive to the base of the bridge incline.
  - e. No access drive shall be located less than three hundred feet (300') from an interchange ramp, measured from centerline to centerline thereof.
  - f. No on-site vehicular access drive shall be located less than thirty feet (30') from any parallel public street, measured from the nearest curb line of the aisle or access drive to the nearest right-of-way line of the parallel public street.
  - g. No access drive shall be less than ten feet (10') nor more than thirty-five feet (35') in width, measured at right angles to the centerline thereof.

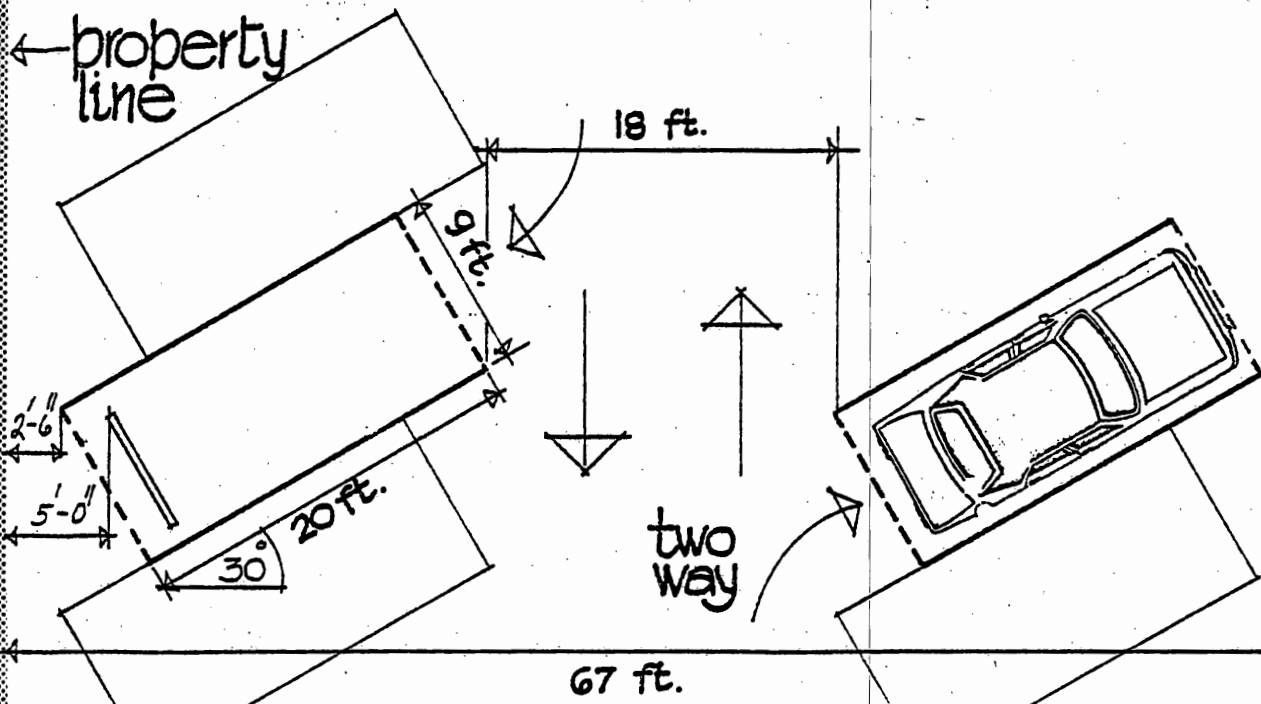
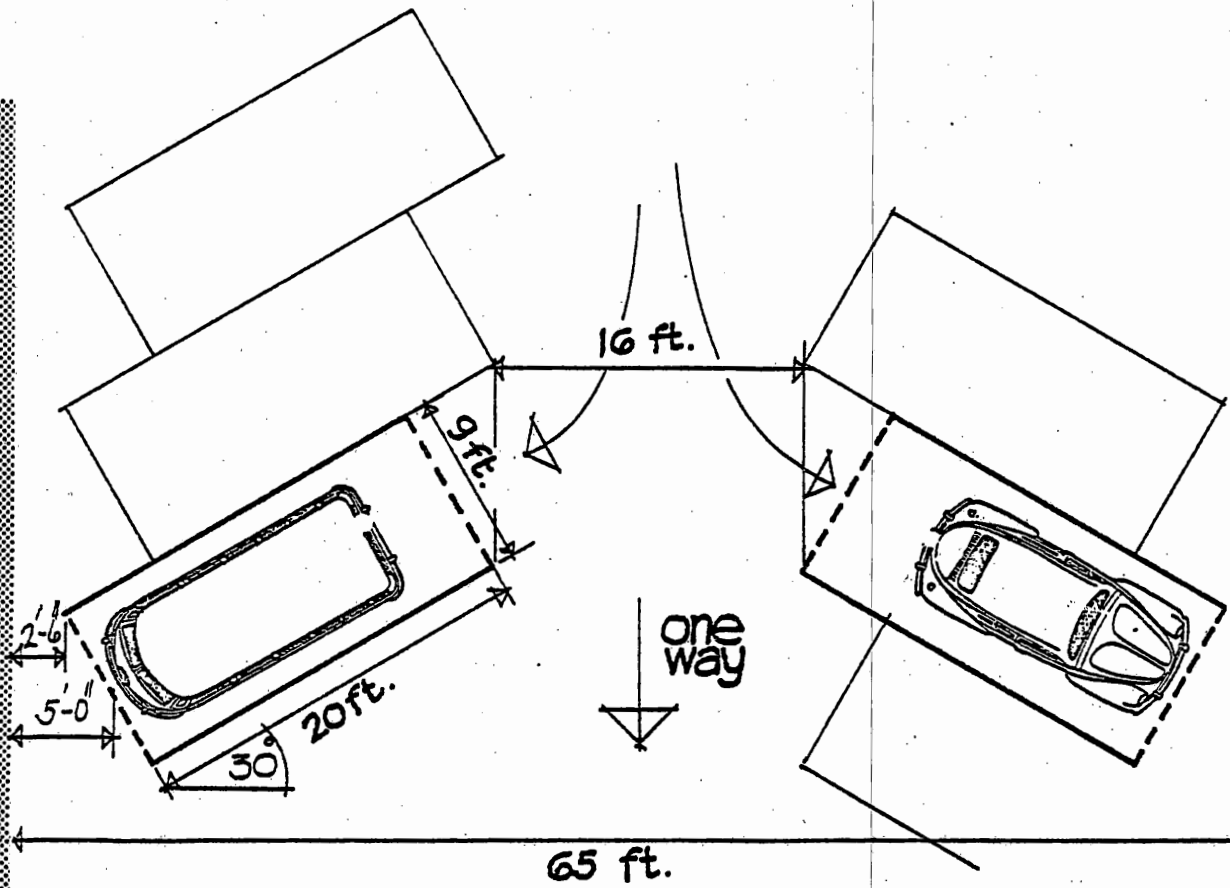
3. Exceptions to the above provisions shall be made for automobile service stations, as follows: At street intersections, a minimum distance of ten feet (10') shall be provided between the terminus of the public street curb radius and the intersection of the curb lines extended of the public street and the access drive, but in no case shall the distance between the intersection of the curb lines extended of the public street and the access drive and the intersection of the nearest curb lines extended of the nearest intersecting public streets be less than thirty feet (30'). A distance of not less than twenty-five feet (25') shall be provided between access drives, measured from the nearest curb lines thereof. No more than two (2) access drives per street frontage shall be allowed.
4. A specific land parcel, to be developed with such uses as a drive-in bank, drive-in car wash stall, drive-in restaurant, drive-in liquor or grocery store, or similar uses requiring a continuous flow of one-way traffic onto and off of the particular parcel, and which has a frontage of less than two hundred ten feet (210'), shall be permitted two (2) access drives per frontage, provided that one (1) access drive is for entrance only, and one (1) access drive is for exit only.
5. The proposed location of the access drive shall also make due provision for:
  - a. Automobile, bicycle, and pedestrian safety;
  - b. Traffic flow and control;
  - c. Accessibility for emergency vehicles;
  - d. The economic, noise, glare, or odor effects of the proposed access drives, loading areas, and parking areas on adjoining properties.
6. If any lot, by reason of location or size, cannot be developed in accordance with the above requirements, access shall be provided at locations which most closely comply with these regulations. Under no circumstances shall access be denied to any property.
7. Within ten (10) days after receiving the site plan, the Zoning Administrator shall approve or disapprove the location of the proposed access drive. If the decision is negative, the Zoning Administrator shall state his reasons in writing.
8. After approval is granted by the Zoning Administrator, all access drives lying within the corporate limits of the City of Urbana, as now or hereafter existing, shall also comply with all City ordinances relating to Motor Vehicles and Safety, and Streets and Sidewalks.



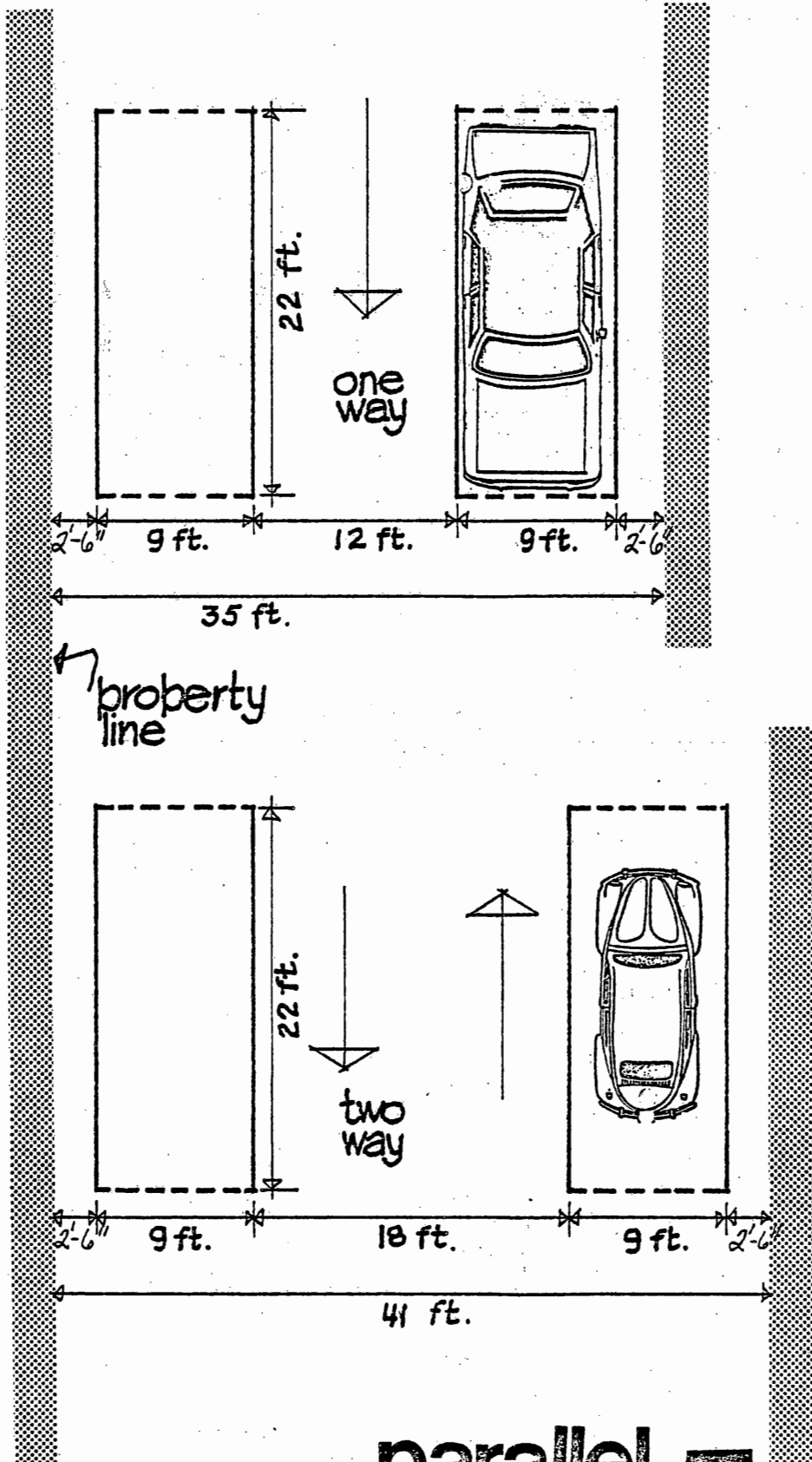




**45 degree  
angular parking 3**

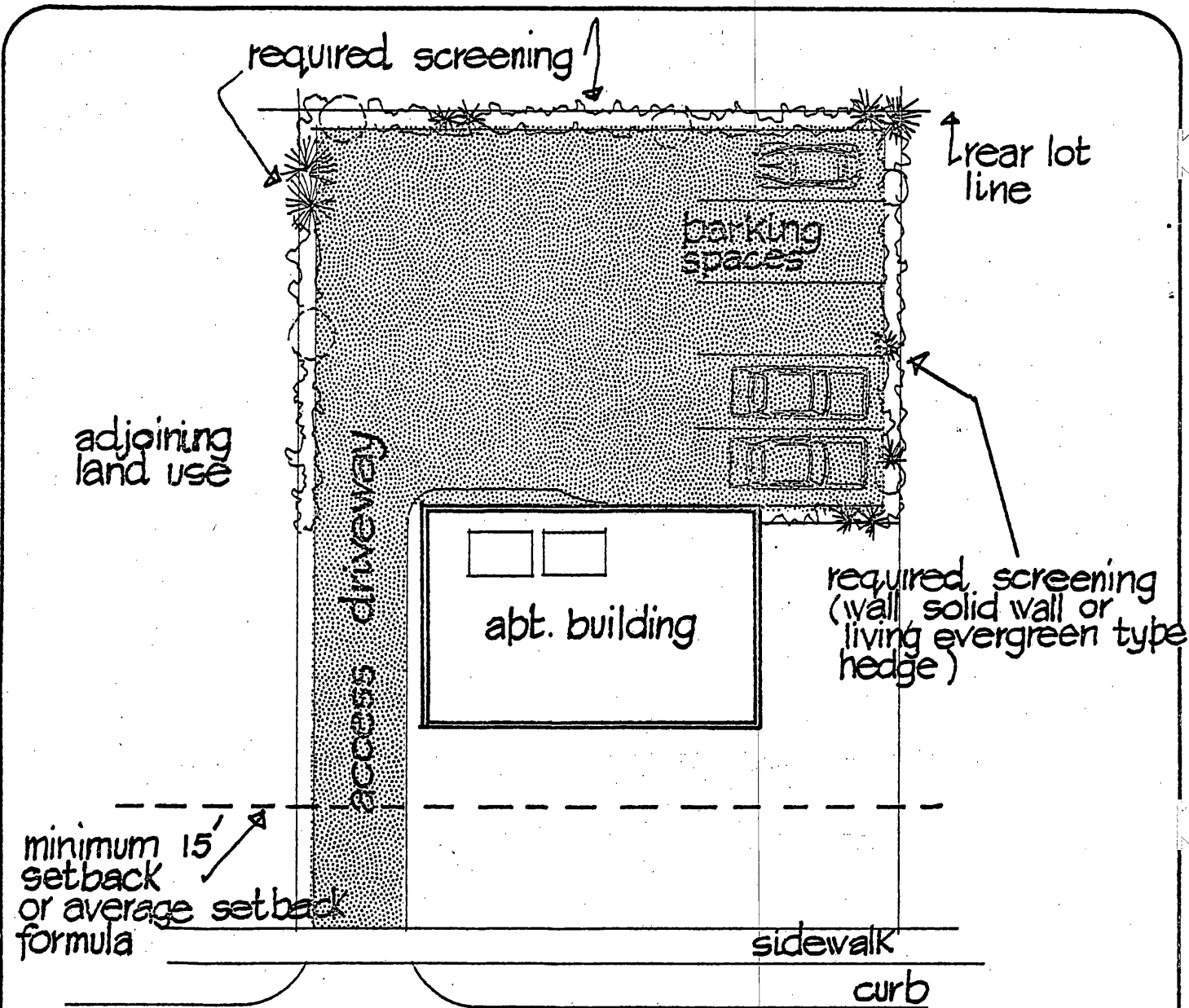


# 30 degree angular parking 4

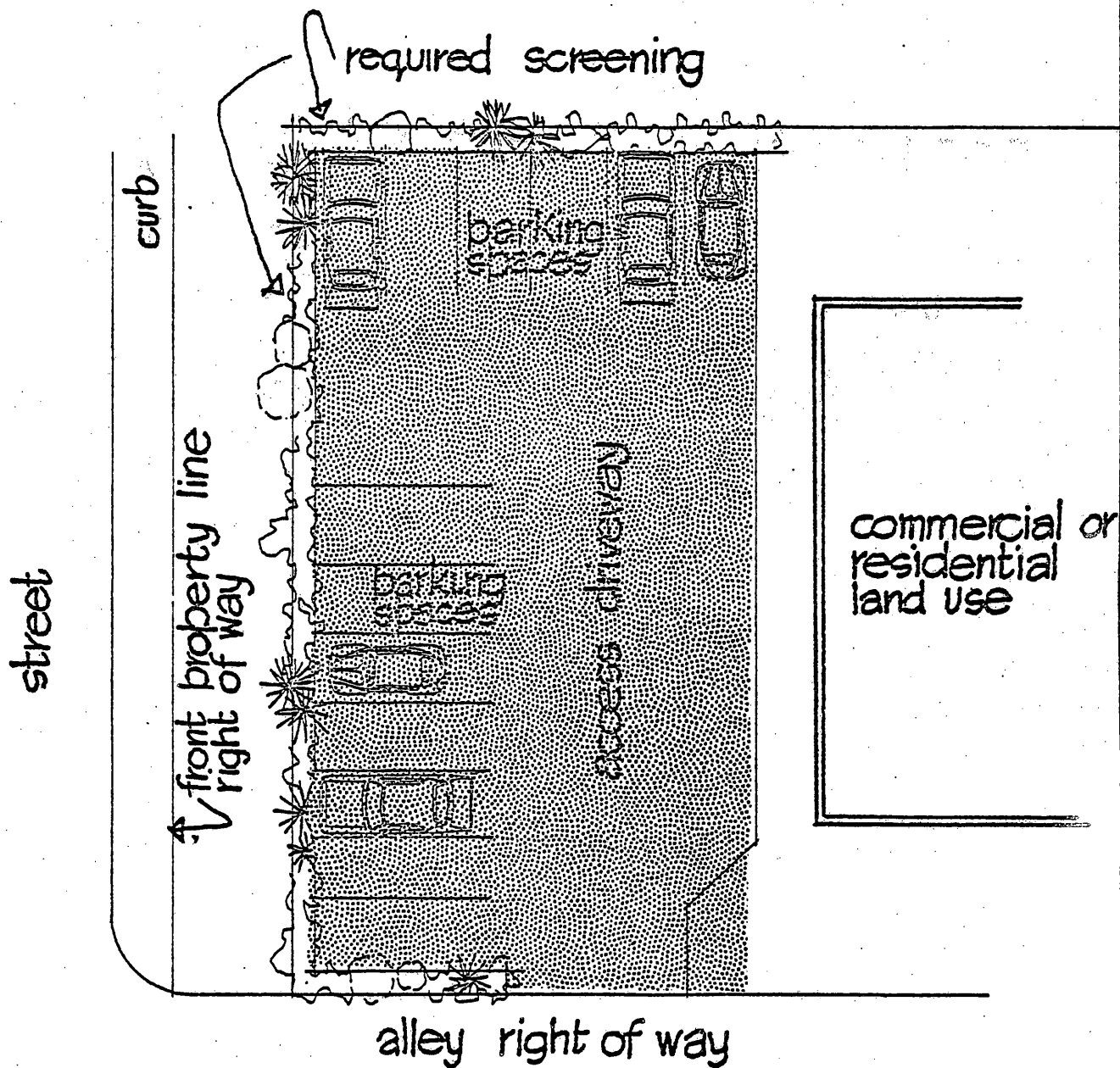


parallel parking 5



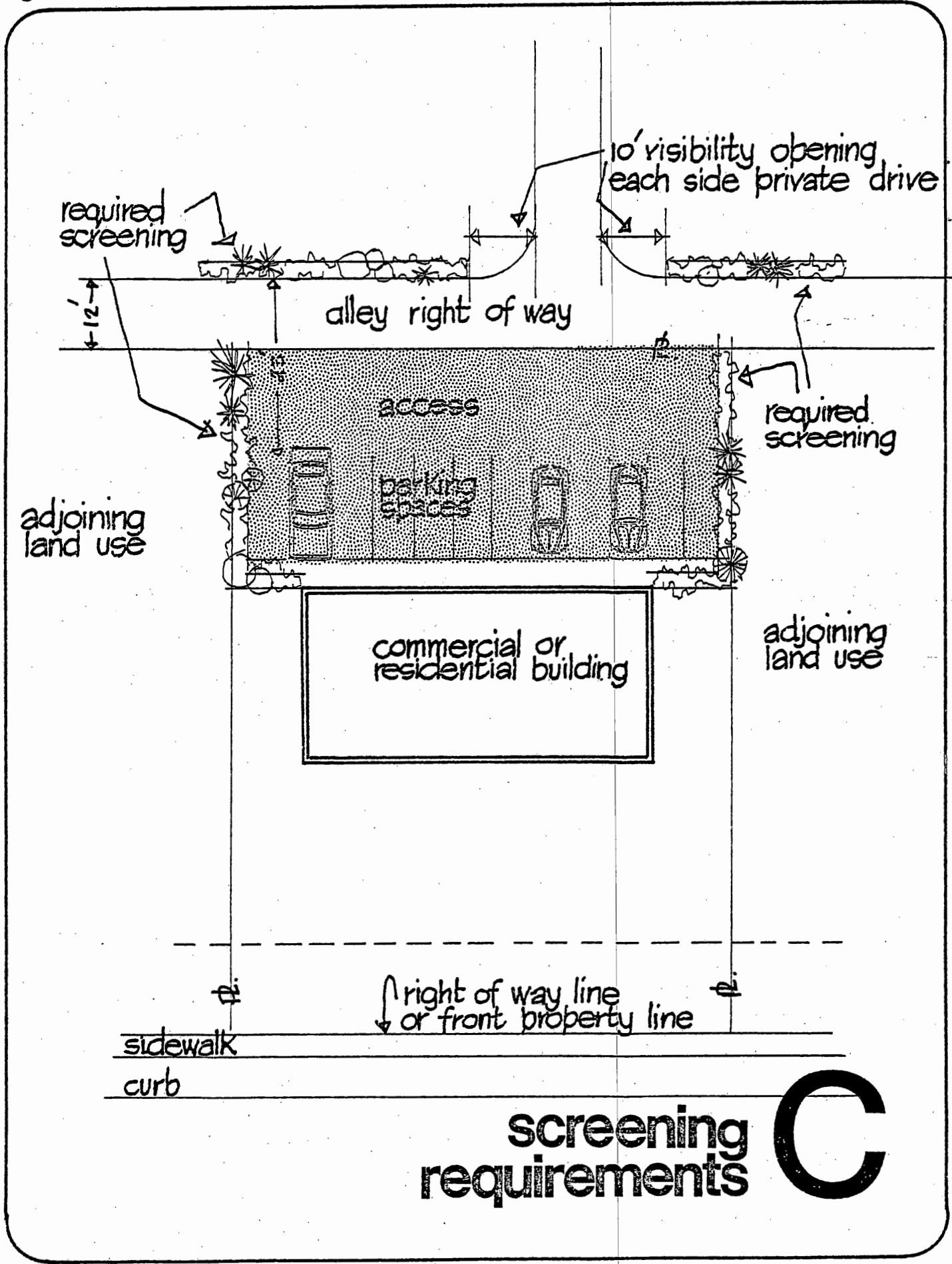


screening requirements **a**



screening requirements

**b**



## ARTICLE IX

### COMPREHENSIVE SIGN REGULATIONS

<u>Section</u>	<u>Subject</u>
1	Legislative Intent and Findings
2	General Prohibition
3	Measurement Standards
4	General Sign Provisions for Signs Allowed in Specific Districts with a Permit
5	Regulations for Special Signs not Provided for in Section IX-4
6	Shopping Centers, Special Provisions for Free-standing Signs
7	Prohibited Signs
8	Permits for Signs
9	Enforcement and Penalties

#### Section IX-1 Legislative Intent and Findings

The purpose of this Article is to promote and protect the general health, safety, comfort, and welfare by regulating outdoor signs of all types.

It is intended to promote the public health and safety by reducing the distracting characteristics of signs along public streets and highways, by prohibiting all signs which interfere with public traffic control devices, and by assuring adequate standards for the erection and maintenance of signs and/or sign structures.

This Article is intended to promote the public comfort and welfare by reducing the number of signs in the community, and by insuring adequate spacing of such signs so that confusion is reduced and so that businesses can more effectively communicate with the public. It is further intended to promote the public comfort and welfare by regulating the size, height, location and general characteristics of signs, to protect and enhance the physical appearance of the community and the scenic value of the surrounding area, and by regulating signs located near to or visible from public property such as streets, highways, parks, schools, and hospitals where such signs could jeopardize the public's investment in these facilities. In so doing, these regulations distinguish between on-premise signs and off-premise signs, since the identification function of the former offsets their potentially less desirable characteristics.

#### Section IX-2 General Prohibition

Any sign not expressly permitted by this Ordinance is prohibited in the City of Urbana. All signs must also comply with all provisions of Urbana's Building and Electrical Codes, and all applicable provisions of the City Code.

### Section IX-3 Measurement Standards

- A. Measurement of Area of Sign -- the area of a sign shall be computed as:
1. Flat sign -- the area of the smallest convex geometric figure encompassing the sign; or
  2. Volumetric sign -- the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the sign, including any frame, structural trim, or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display.
- B. Measurement of Free-standing Sign Height -- Free-standing signs shall be measured from the point where the sign is placed in the ground to the uppermost extremity of the sign.
- C. Measurement of Business Frontage -- Business frontage is the lineal footage of a lot, facing the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.

### Section IX-4 General Sign Provisions for Signs Allowed in Specific Districts with a Permit

- A. Signs located within a Residential Planned Unit Development shall be subject to the provisions applicable to the zoning district in which the Planned Unit Development is located.
- B. On-premise signs shall be subject to the provisions and standards specified in Tables IX-1, IX-2, IX-3, and IX-4.
- C. On-premise sign standards for permitted and conditional uses in the AG Agriculture District shall be identical to the standards for the same use in the most restrictive district within which the use is permitted by right.
- D. Off-premise free-standing signs shall be subject to the provisions and standards specified in Table IX-5.

### Section IX-5 Regulations for Special Signs not Provided for in Section IX-4

- A. Signs attached to canopies and entrance structures shall be subject to the provisions and standards specified in Table IX-6.
- B. Signs allowed in all districts without a permit

Signs specified in this subsection are in addition to the signs permitted in the respective use districts, but are subject to the conditions and limitations set forth herein.

1. Public Signs. Signs of a public, non-commercial nature, including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, and all signs erected by or on order of a public officer in the performance of a public duty.
2. Flags. Flags bearing the official design of a nation, state, municipality, or noncommercial organization or institution.
3. Identification Signs. Signs which identify the business, owner, manager, or resident and set forth the address of the premises where the sign is located, and which contain no other material; there may be two (2) such signs per premise, in accordance with Section IX-5 B.16, and the total height of such a sign, if free-standing, shall not exceed five feet (5').
4. Integral Signs. Names of buildings, dates of construction, commemorative tablets and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.
5. Institutional Signs. Any sign or bulletin board setting forth or denoting the name of or simple announcement for any public, charitable, educational, or religious institution, when located on the premises of such institution, provided such sign or bulletin board or both shall not exceed a total of twenty (20) square feet in display surface. If building mounted, these signs shall be flat wall signs, and shall not project above the roof line or front facade of the building. If free-standing, the total height shall not exceed six feet (6').
6. Private Traffic Direction Signs and Related Signs. Signs directing traffic movement onto a premise or within a premise, when such signs are located on the premise, do not exceed 5 square feet in area for each sign and, if freestanding, do not exceed five feet (5') in total height. Such signs are considered to include parking directions, exit or entrance signs, drive-up window signs, rest-room signs, and the like. Horizontal directional signs on the flush with paved areas are exempt from these standards.
7. Community Event Signs. Signs advertising a public entertainment or event of public interest, provided the placing of the signs shall be approved and the locations designated by the Zoning Administrator. These signs shall remain in place for no more than twenty-one (21) days before, and fourteen (14) days after the event, and may not exceed ten (10) square feet in area.
8. Political Campaign Signs. Signs or posters announcing the candidates seeking public political office and/or political issues, and data pertinent thereto, up to an area of ten (10) square feet. These signs shall be confined to private property, and shall be removed within fourteen (14) days after the election for which they were erected.
9. Individual Property Sale or Rental Signs. Any on-premise sign announcing the name of the owner, manager, realtor, or other

person directly involved in the sale or rental of the property, or announcing the purpose for which it is being offered. Such signs may be free-standing or wall-mounted only. Signs may not emit direct illumination, and must be removed within fourteen (14) days after the sale or rental of the property. On-premise property sale or rental signs shall be subject to the standards and provisions specified in Table IX-7.

10. Home Occupation Signs. Home occupation signs, either wall-mounted or free-standing, not to exceed one (1) per premise, and not to exceed one (1) square foot in area.
11. Subdivision Sign. Any sign announcing the names of architects, engineers, contractors, or other individuals or firms, involved with the subdivision of property (but not including any advertisement of any product) or announcing the character of the subdivision or the purpose for which it is intended.
  - a. These signs shall be confined to the site of the subdivision, and shall be permitted for one (1) year from the date of erection of the first of such signs. If development of the subdivision is not completed within one (1) year after erection of the signs, the sign shall be permitted to exist an additional period, not to exceed one (1) year.
  - b. Subdivision signs shall be subject to the provisions and standards specified in Table IX-8.
12. Construction Signs. Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any product) or announcing the character of the building enterprise or the purpose for which the building is intended, or to indicate the presence of underground public utility structures to avoid damage to structures by excavation.
  - a. Such signs shall be confined to the site of the construction, alteration, or repair, and shall be removed within twenty-one (21) days after completion of the work.
  - b. Signs shall conform with the standards provided for individual property sale or rental signs, above.
13. Street Clock/Temperature Signs. Any sign which displays the time or outdoor temperature, or both, and which displays no other matter.
14. Holiday Signs. Signs or displays either illuminated or unilluminated which contain or depict a message pertaining to a national, state, community, or religious holiday, and no other matter, and which are displayed for a period not to exceed forty-five (45) days.
15. Underground Public Utility Warning Signs. Standard types of warning signs marking the routes of underground public utility pipes, conduits, and cables.
16. House or Building Address. Any sign which sets forth the house or building address, provided that the individual characters of the signs do not exceed six inches (6") in height,

Table IX-1, On-Premise Free-standing Signs

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
B-1 Neighborhood Business	Each business is permitted one sign per business frontage up to 300 feet, and one additional sign for each 300 feet of business frontage thereafter; except that no on-premise free-standing sign is permitted if an on-premise projecting or roof sign exists on the same frontage.	32 square feet	15 feet at minimum setback line & 1 foot per 2 feet additional setback, up to 25 feet maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structures in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
B-2 Highway Business		50 square feet	25 feet at minimum setback line & 1 foot per 2 feet additional setback, up to 35 feet maximum.	
B-3 General Business				
B-4 Central Business				
IN Industrial		150 square feet	25 feet at minimum setback line & 1 foot per 2 feet additional setback up to 40 feet maximum. See note below.	

Note: If a sign in the IN Industrial District is 1) directed primarily toward the users of an Interstate Highway, 2) within two thousand feet (2,000') of the centerline of an Interstate Highway, and 3) more than five hundred feet (500') from any residential district, school, park, hospital, or nursing home, it may rise only to such height as to be visible from within one-half ( $\frac{1}{2}$ ) mile away along the highway, but not to exceed a height of seventy-five feet (75').



Table IX-2, On-Premise Wall Signs and Wall Mounted Signs

Districts Permitted	Maximum Number Permitted	Total Maximum Area of all Wall Signs per frontage	Maximum Height and Location of Signs
B-1 Neighborhood Business	No limit.	10% of wall area, not to exceed 150 sq. ft. maximum	Signs shall not extend beyond the top or ends of the wall surface on which they are placed.
B-2 Highway Business			
B-3 General Business		10% of wall area, not to exceed 175 sq. ft. maximum	
B-4 Central Business			
IN Industrial		15% of wall area, not to exceed 200 sq. ft. maximum	

Table IX-3, On-Premise Projecting Signs

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height & Projection of Sign	Location of Sign
B-1 Neighborhood Business	One per business frontage, except that no on-premise projecting sign is per- mitted if an on-premise freestanding or roof sign exists on the same frontage. Upper level businesses are not allowed projecting signs.	32 square feet	9 foot minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall pro- ject more than 5 feet from the face of the building to which it is attached.	Not to extend over any public right- of-way.
B-2 Highway Business				
B-3 General Business		50 square feet		
B-4 Central Business				
IN Industrial		100 square feet		

Table IX-4, On-Premise Roof Signs

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
B-2 Highway Business	One per premise, except no on-premise roof sign permitted if an on-premise freestanding or projecting sign exists on the same premise.	75 square feet	9 feet as measured from that part of roof immediately below sign, but in no case shall the height exceed maximum height authorized in zoning district.	Sign must be located wholly within the roof area of structure.
B-4 Central Business		50 square feet		
B-3 General Business		100 square feet	11 feet as measured from that part of roof immediately below sign, but in no case shall height exceed maximum height authorized in zoning district.	
IN Industrial				

Table IX-5, Off-Premise Free-Standing Signs

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
IN Industrial	One per business frontage up to 100 feet, and one additional sign may be placed each 200 feet of business frontage thereafter.	300 square feet (See note below)	40 feet (See note below)	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structure in the applicable district. No freestanding signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home.
<p>Note: If a sign is: 1) directly primarily towards users of an interstate highway, 2) within two thousand feet (2,000') of the centerline of the highway, and 3) more than five hundred feet (500') from any residential district, school, park, hospital, or nursing home, then a) a maximum area of twelve hundred (1,200) square feet is permitted, or b) The sign may be erected to such height as to be visible from within one-half (<math>\frac{1}{2}</math>) mile away along the highway, but not to exceed a height of seventy-five feet (75') and an area of three hundred (300) square feet.</p>				

Table IX-6, Signs Attached to Canopies and Entrance Structures

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Height of Sign	Location of Sign
B-1 Neighborhood Business	One sign per business frontage up to 100 feet. One additional sign for each 100 feet thereafter.	10 sq. feet	9 foot minimum clearance to ground.	No sign may project more than 2 feet from any canopy, or other such structure.
B-2 Highway Business		15 square feet		
B-3 General Business				
B-4 Central Business				
IN Industrial		20 sq. feet		

Table IX-7, On-Premise Property Sale and Rental Signs

District Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Freestanding Sign (See Note 2)	Location of Sign
R-1 & R-2 Single Family & R-3 Single & Two Family Residential	One per dwelling	3 square feet	5 feet	10 foot minimum setback from curb line but wholly upon the premises
R-4, R-5 & R-6 Multiple Family Residential	One per apartment building	10 square feet	10 feet	10 foot minimum setback from curb line but wholly on premises
AG Agriculture	One per 660 foot frontage	32 square feet	15 feet	Signs shall conform to the setback requirements for structures in the applicable districts.
B-1 Neighborhood Business	One per frontage	32 square feet	15 feet	
B-2 Highway Business	One per frontage (See note 1)	50 square feet	25 feet	
B-3 General Business				
B-4 Central Business				
IN Industrial		150 sq. feet	25 feet	

Notes: 1) An apartment complex, shopping center, highway plaza, or industrial complex is permitted one sign per frontage, up to 200 feet, and one additional sign for each 300 feet thereafter. 2) Wall signs shall not extend beyond the top or ends of the wall surface on which they are placed.

Table IX-8, Subdivision Signs

Districts Permitted	Maximum Number Permitted	Maximum Area of Sign	Maximum Height of Sign	Location of Sign
R-1 & R-2 Single Family & R-3 Single & Two Family Residential	One sign per street bordering or entering the subdivision.	50 square feet	10 feet	10 foot minimum setback but wholly upon the premise
R-4, R-5 & R-6 Multiple Family Residential		50 square feet	10 feet	
AG Agriculture		50 sq. feet	10 feet	
B-1 Neighborhood Business		Signs shall conform to the setback requirement for structures in applicable district.	50 square feet	10 feet
B-2 Highway Business				
B-3 General Business				
B-4 Central Business				
IN Industrial	100 sq. feet	20 feet		

#### Section IX-6 Shopping Centers, Special Provisions for Freestanding Signs

In lieu of the general sign provisions enumerated in Section IX-4, Commercial PUD/Shopping Centers may comply with the sign regulations of this Section. The erection of signs authorized under this Section precludes the erection of any free-standing signs authorized under Section IX-4 B. The standards for such shopping center signs are contained in Table IX-9, and apply only to signs which identify the shopping center as a whole, and not individual businesses therein.

#### Section IX-7 Prohibited Signs

A. The following signs are specifically prohibited by this Ordinance:

- Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes an obvious traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any official traffic control device;

TABLE IX-9  
Free-Standing Shopping Center Signs

Class Of Shopping Center/PUD	Districts Permitted	Max.# Permitted	Maximum <sup>1</sup> Area	Maximum Height	Location	Individual Business May List
General Shopping Center	R6B - S B2 - S B3 - S B4 - S IN - S	Two Signs per frontage	150 sq. ft.	30 feet at minimum set back line plus one additional ft. per 2 ft. additional setback thereafter up to 40' maximum.	Signs shall not extend over the public right-of-way, and shall conform to the setback requirements for structure in the applicable district. No free standing signs permitted within 50 feet of any residential district where the nearest lot contains a dwelling unit, public school, park, hospital, or nursing home	Yes
Convenience Shopping Center	R6B - S B1 - S B2 - S B3 - S B4 - S IN - S	Two Signs per frontage	75 sq. <sup>2</sup> ft.	"	"	Yes
Neighborhood Shopping Center	R6B - C B1 - C B2 - C B3 - C B4 - C IN - C	One Sign per frontage	75 sq. ft.	"	"	Yes

- NOTES: 1. Maximum area refers to combined area of both signs, or of one sign if there is only one.
2. Size of sign may be increased to 150 square feet under special use procedures.

2. Any sign which contains or is an imitation of an official traffic sign or signal, except for private traffic direction signs specifically permitted in Section IX-5 B.6;
3. Any sign which moves or rotates in any way, provided, however, that a sign which revolves three hundred and sixty degrees (360°) but does not exceed eight (8) revolutions per minute is permitted, except within fifty feet (50') of any public street or where the nearest lot contains a residential dwelling unit, public school, park, hospital, or nursing home.
4. Any sign, other than a time or temperature device, which contains blinking, flashing lights, unless such lights are permitted in Section IX-5.
5. Any sign which contains or consists of banners, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices, unless such signs are permitted in Section IX-5;
6. Any sign which for thirty (30) consecutive days has directed attention to a product, place, activity, person, institution, or business which was formerly but is no longer in operation or existence on the premises;
7. Any sign not in compliance with the requirements of Section IX-4, IX-5, or IX-6.

B. Removal of Prohibited Signs

1. If a sign shall become prohibited under Section IX-7 A.6, notice shall be given to the land owner, sign owner, or lessee, under Section IX-9 B., and he shall have thirty (30) days from the date of notice in which to remedy or remove the sign.
2. All other signs prohibited by this Section shall be brought into conformity as provided for in Section X-9.

Section IX-8 Permits for Signs

A. Requirements

It shall be unlawful for any person to install, construct, erect, alter, reconstruct, relocate, or cause to have these done within the jurisdictional area of the City of Urbana, any sign or signs, without obtaining a valid permit, in writing, from the Zoning Administrator, and making payment of the fees required by Section XI-8 of this Ordinance, unless such signs are permitted without a permit by Section IX-5 B.

Relocation or reconstruction of signs to conform with the requirements of this Ordinance, when such signs existed at the time of enactment of this Ordinance, is excepted from the requirement for a permit as described, provided such signs conform to all requirements of this Ordinance thereafter. A permit is required for relocation of nonconforming signs as provided for in Section X-9 B.7 of this Ordinance.

B. Application for a Permit

Application for a sign permit shall be filed by the owner of the sign or his agent, with the Zoning Administrator of the City of Urbana. The application shall contain the following information:

1. Name, address, and telephone number of the owner of the sign, and agent, if any;
2. Location of building, structure, or lot to which or upon which the sign is to be attached or erected;
3. Position of the sign in relation to nearby buildings or structures.
4. Two (2) prints or ink drawings of the plans and specifications, indicating the method of construction and attachment to the buildings or in the ground. No such prints or ink drawings shall be required for Section IX-5 B signs, for signs, the fair market value of which is less than five hundred dollars (\$500), and which are erected in compliance with a standard method, the plans for which are now with the city, or for signs where drawings are already on file with the Zoning Administrator.
5. Name of person, firm, corporation, or association erecting sign;
6. Evidence of written consent of the owner of the buildings, structure or land to which or on which the sign is to be erected.
7. Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City.

C. Inspection upon Completion

The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign, shall, upon completion of the work, notify the Zoning Administrator, who shall inspect the condition of the sign with respect to its safety and location, and if he finds that the same has been constructed in compliance with the ordinances of the City, he shall then issue such applicant a permit in writing, authorizing such applicant to operate and maintain the sign.

D. Nullification

If the work authorized under a permit to build has not been substantially completed within six (6) months after the date of its issuance, the permit shall become void.

E. Revocation

Permits granted under the terms of this Ordinance are not transferable. The Zoning Administrator is hereby authorized and empowered to revoke any permit issued by him if the holder of the permit fails to comply with any provision of this Ordinance.

F. Permit Exceptions

The following operations shall not be considered as creating a sign, and shall not require a sign permit:

1. The changing of the advertising copy or message on an approved painted or printed sign, or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy.
2. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or sign structure.

G. Issuance of Permit

The permit shall be issued by the Zoning Administrator within thirty (30) days of application, once all of the above requirements are met.

Section IX-9 Enforcement and Penalties

- A. The Zoning Administrator is hereby authorized and directed to administer and enforce all the provisions of this Article. Whenever necessary, the officials of other departments of the City shall give such assistance as is consistent with the usual duties of their respective departments.

Upon presentation of proper credentials, the Zoning Administrator or his/her duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him/her by this Article.

- B. Whenever it shall appear to the Zoning Administrator that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this Ordinance, or after a permit for a sign has been revoked or become void, or that a sign is unsafe or in such condition as to be a menace to the safety of the public, the Zoning Administrator shall issue a notice in writing to the owner or lessee of the sign, or the owner of the premises upon which the sign is erected or maintained. Such notice shall inform such person of the violation, and shall direct him/her to make such alteration, repair, or removal as is necessary to secure compliance with this Ordinance within a reasonable time limit, which shall not be less than twenty (20) days nor more than sixty (60) days.

Upon failure of the sign owner to comply with the terms of the notice of violation, the Zoning Administrator is authorized and empowered to remove, alter, or repair the sign in question, so as to make it conform with this Ordinance, and charge the expenses for such work to the person named in the notice.

Except as otherwise provided, the Zoning Administrator may remove or cause to be removed a sign immediately and without notice, if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.



- C. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which the sign advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator shall notify the owner or lessee in writing, and allow fifteen (15) days for removal. Upon failure of the owner or lessee to comply with the notice, the Zoning Administrator may remove the sign, at cost to the owner or lessee.
- D. Signs may be inspected periodically by the Zoning Administrator for compliance with this Ordinance, and with other ordinances of the City. All signs and their component parts are to be kept in good repair, and in safe, sanitary condition.
- E. Any person violating any of the provisions of this Article shall, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500). Each day such violation is committed or permitted to continue shall constitute a separate offense.

ARTICLE X

NONCONFORMITIES

<u>Section</u>	<u>Subject</u>
1	Continuation of Nonconformities
2	Extension or Expansion of Nonconformities
3	Change of Nonconforming Use
4	Discontinuance or Abandonment of Nonconformities
5	Repair of a Building or Structure Occupied by a Nonconforming Use
6	Termination of Nonconforming Use of Land
7	Termination of Nonconforming Use of a Building or Structure
8	Reconstruction of Nonconformities
9	Nonconforming Signs

Section X-1 Continuation of Nonconformities

A. Any nonconforming use, building, structure, or lot, as defined herein, may be continued under the regulations of this Article and of Section XI-6 C. This Article shall not be interpreted as authorizing the continuation of any noncompliance with the regulations of this Ordinance which was not lawfully existing on the effective date of this Ordinance, or lawfully existing on the date this Ordinance became effective as to such structure, building, use, lot, or land. Any nonconformity which conformed with the provisions of any previous Zoning Ordinance applicable to it, or which was rendered nonconforming by an amendment to this Ordinance, shall be considered lawful, and may continue as a nonconformity under the provisions of this Ordinance.

If a building, structure, land or use thereof, which hereafter becomes subject to the provisions of this Ordinance, whether by annexation to the City of Urbana or otherwise, does not conform with all applicable provisions of this Ordinance, it shall be considered lawful, and may continue as a nonconformity under the provisions of this Article. No building, structure, lot, land, or use thereof, which does not conform to the applicable regulations of this Ordinance, and does not qualify as an authorized nonconformity as herein defined, shall be considered lawful, or be permitted to continue under the provisions of this Ordinance.

B. The regulations of this Article pertaining to a building or structure occupied by a nonconforming use shall apply not only to a building which is completely occupied by such a use, but also to a building of which the nonconforming use occupies only a portion.

Section X-2 Extension or Expansion of Nonconformities

- A. No nonconforming use occupying a portion of a building shall be extended or expanded into any other portion of the building, beyond that part of the building in such use, and in no case shall any addition be made which will provide for the expansion of the nonconforming use.
- B. No nonconforming use of land, except accessory parking, shall be extended or expanded.
- C. No nonconforming building or structure shall be enlarged, extended, expanded, or altered in any way which would increase its nonconformity, nor shall such a building thereafter revert to its prior state of greater nonconformity, except as provided in Section X-8. No nonconforming structure shall be moved, for any reason or for any distance, unless it shall thereafter be a conforming structure or building.

Section X-3 Change of Nonconforming Use

- A. Except as otherwise provided, the substitution of one nonconforming use for another, or the addition of another nonconforming use to a present nonconforming use, may be permitted when authorized by a certificate of occupancy issued by the Zoning Administrator, as provided in Section XI-6. The application for a certificate of occupancy for such a substitution or addition shall be referred to the Board of Zoning Appeals, which shall, within thirty (30) days after receiving the application, direct the Zoning Administrator whether to grant the certificate of occupancy. The Board shall authorize the issuance of a certificate of occupancy for such an addition or substitution only if, in the judgment of the Board, such addition or substitution is equally or more appropriate to the district in which it is located than the present use, and such substitution or addition does not increase congestion in the streets or endanger the health, safety, morals, or general welfare of the district in which it is located, and if it complies with all parking regulations applicable to the new use. No such substitution shall have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7.
- B. If a use of a building occupied by a nonconforming commercial or industrial use is added to or substituted for the former or present use, as provided in paragraph A, above, then the Board of Zoning Appeals may authorize the issuance of a permit for the conversion, structural alteration, enlargement of such a building, or the construction of new structures, provided that such conversion, structural alteration, enlargement, or construction makes the nonconforming use more compatible and visually less nonconforming with the district in which it is located.
- C. Whenever a nonconforming use of a building or structure or land is substituted for another nonconforming use, then the use shall not thereafter revert to the prior use, nor be substituted for by any other nonconforming use, except in accordance with the provisions of paragraph A, above.

Section X-4 Discontinuance or Abandonment of Nonconformities

- A. If a nonconforming use of land is discontinued for a period of more than six (6) months, it shall be presumed to be abandoned, and the land shall not thereafter be used for any use which does not conform with the use regulations of this Ordinance. If a nonconforming use of a building is discontinued for a period of more than twelve (12) months for any reason other than damage of the building by fire, explosion, or Act of God, or for a period of more than eighteen (18) months due to damage of the building by fire, explosion, or Act of God, then the use shall not thereafter be resumed or re-established, and the building shall not thereafter be used for any use which does not conform with the use regulations of this Ordinance.
- B. If the use of a building, structure or land is changed from a nonconforming use to a conforming use, then the nonconforming use shall be deemed to have been abandoned and the use of the building, structure, or land shall not thereafter be changed to a use which does not conform with the use regulations of the district in which the building, structure, or land is situated, except as provided in Section X-3 A and B, above.

Section X-5 Repair of a Building or Structure Occupied by a Nonconforming Use

Only ordinary repairs and maintenance, including replacement of roof covering, shall be permitted on any building occupied by a nonconforming use. In no case shall such repairs include structural alteration, except as otherwise provided herein.

Section X-6 Termination of Nonconforming Use of Land

Except as otherwise provided in Sections VII-4 and IX-8, any nonconforming use of land, as herein defined, may be continued only for a period of five (5) years from the effective date of this Ordinance, or from the date on which this Ordinance becomes effective with regard to such land, whichever date is later. Any lawful use of land which hereafter becomes nonconforming may be continued for a period of five (5) years from the date upon which such use becomes nonconforming. The Board of Zoning Appeals may postpone the date of the required termination of a nonconforming use of land by a specified period of no more than five (5) years. The term "use of land" includes both principal and accessory uses, and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure other than a building, or involves an accessory building or buildings but no main building.

Section X-7 Termination of a Nonconforming Use of a Building or Structure

- A. If, on the effective date of this Ordinance or on the date on which this Ordinance becomes effective with regard to particular land, any main building other than a dwelling is occupied by a nonconforming use as herein defined, or is being erected or substantially converted, enlarged, or structurally altered for such a use, then such use may be continued only until the applicable date set forth in Table X-1, and the building shall not thereafter be used for any purpose which does not conform with the use regulations of the district in which it is located.

Table X-1, Termination of Nonconforming  
Use of a Building or Structure

<u>Date of Completion of Building or of the Last Substantial Conversion, Enlargement, or Structural Alteration, or of Annexation to the City of Urbana, whichever is most recent</u>		<u>Termination Date</u>
<u>After</u>	<u>Before</u>	
-----	January 1, 1949	January 1, 1989
December 31, 1948	January 1, 1954	January 1, 1994
December 31, 1953	January 1, 1959	January 1, 1999
December 31, 1958	January 1, 1964	January 1, 2004
December 31, 1963	January 1, 1969	January 1, 2009
December 31, 1968	January 1, 1974	January 1, 2014
December 31, 1973	January 1, 1979	January 1, 2019
December 31, 1978	(Effective date of this Ordinance revision)	January 1, 2024

- B. If a main building, other than a dwelling, is hereafter occupied by a lawful conforming use, and such use thereafter becomes nonconforming, then such use shall be terminated within forty (40) years after the date of the completion of the building or the date of the completion of the last substantial enlargement, conversion, or structural alteration of the building, or within thirty (30) years after the use becomes nonconforming, whichever is later.
- C. For purposes of this Section, a building shall be deemed to have been completed at the time the building, or any portion thereof, was originally occupied by a use. A substantial conversion, enlargement, or structural alteration shall be deemed to have taken place only if a building permit was issued by the City of Urbana for such work.
- D. The nonconforming use of a building for dwelling purposes is not subject to the provisions of paragraphs A, B, and C, above, and such use may continue subject to the following:
- 1) Until it is discontinued or abandoned and, except as provided for by Section X-8.

#### Section X-8 Reconstruction of Nonconformities

- A. If a building or structure occupied by a nonconforming use is damaged by fire, explosion, Act of God, or other sudden damage or destruction, then it shall not be reconstructed or repaired if the cost of the reconstruction or repair of the building would exceed sixty percent (60%) of the fair market value of the building or structure immediately prior to the damage, unless its use thereafter is fully conforming to this Ordinance. Except in the case of a nonconforming dwelling, such reconstruction or repair shall not have the effect of postponing the date of termination of the nonconforming use, as provided in Section X-7. However, Section X-7. D shall control as to permitted occupancy in a dwelling.

- B. Any duplex which is legally in existence as an allowable and conforming use on the effective date of this Ordinance shall be permitted to continue by right until such time as such use is voluntarily abandoned.
- C. In those lots zoned R-2 under the zoning Ordinance and Map in effect immediately prior to the effective date of this ordinance, and which said lots are zoned R-4 under this Ordinance, those legally conforming structures on such lots having an FAR higher than .5 on the effective date of this ordinance shall be permitted to continue by right and may be rebuilt or reconstructed to their existing FAR and OSR provided, however, all other developmental regulations of the R-4 district shall be complied with.
- D. In order to determine the fair market value of such a nonconforming building or structure prior to the damage or destruction, as necessary to carry out paragraph A, above, the Zoning Administrator shall retain a professional real estate appraiser to prepare a report. The appraisal report shall consider, among other factors influencing the value of the building or structure, the applicable termination date for the nonconforming use, as provided in Section X-7 A. The owner of the damaged building may, at his/her own option and his/her own expense, retain another professional appraiser to prepare an independent report, and any discrepancy between the two appraisal reports shall be referred to the Board of Zoning Appeals for its resolution.

Section X-9 Nonconforming Signs

- A. Signs which do not conform to the provisions of Article IX as of January 17, 1972, or thereafter, are nonconforming uses.
- B. A nonconforming sign may not be:
1. Changed to another nonconforming sign;
  2. Structurally altered as as to prolong the life of the sign;
  3. Expanded;
  4. Re-established after its removal for ninety (90) days;
  5. Re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost at the time of the damage or destruction;
  6. Routinely maintained where the cost of such repair or maintenance exceeds five percent (5%) of the current replacement costs for any period of twelve (12) months. However, nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any sign or part thereof declared to be unsafe by any official charged with protecting the public safety.
  7. Relocated unless such relocation brings the sign into conformance with all the requirements of this Ordinance, except that where a nonconforming sign is located within a right-of-way taken or acquired by a public body for street improvement purposes, then the relocation of such a sign is permitted, provided that the relocation of such a nonconforming sign shall not extend the requirements for removal as set forth in Section X-9 C.2.
- C. All nonconforming signs shall be removed or brought into conformity with this Ordinance within the following time periods:
1. Any sign which exists in violation of Section IX-7 A.1 through Section IX-7 A.5, and any nonconforming portable sign: thirty (30) days after the enactment of Article IX.
  2. For all other nonconforming signs: five (5) years from the date of adoption, January 17, 1972, for signs subject to the

zoning jurisdiction of the City of Urbana at that time, or five (5) years from the date the sign becomes so subject; however, no sign controlled by this section need to be removed sooner than ten (10) years from the date the building permit authorizing the erection of the sign was issued.

- D. The Board of Zoning Appeals shall have the power to grant a variance from the provisions of subsection B of this section, so as to permit change, alteration, re-establishment, or more than routine maintenance of a nonconforming sign where such change, alteration, re-establishment, or maintenance shall not increase the size of the sign, make it radiate or reflect more light, or otherwise make it visually more objectionable. No such variance granted by the Board of Zoning Appeals shall in any way postpone the time for removal of the nonconforming sign as provided in subsection C of this section beyond the time when the original sign which was permitted to be changed, altered, re-established, or maintained hereunder would have been required to be removed.



ARTICLE XI

ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FEES

<u>Section</u>	<u>Subject</u>
1	Zoning Administrator
2	Plan Commission
3	Board of Zoning Appeals
4	City Council
5	Building Permits
6	Certificates of Occupancy
7	Amendments
8	Fees

Section XI-1 Zoning Administrator

A. Enforcement of This Ordinance and Penalties

This Ordinance shall be administered and enforced by the Zoning Administrator, appointed by the Mayor, by and with the advice and consent of the City Council. The Zoning Administrator may be provided with the assistance of such persons as the City Council may direct.

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be fined in an amount not exceeding five hundred dollars (\$500). Each day such violation is committed or permitted to continue shall constitute a separate offense.

The owners of the land upon which a violation of this Ordinance has occurred or is occurring shall be prima facie responsible for such violations of this Ordinance which occur on property owned by such person provided, however, the foregoing shall not be construed to relieve the occupants, or any of them, of the land upon which the zoning violation has occurred or is occurring of responsibility for such violation under this Ordinance.

B. Duties of the Zoning Administrator

The Zoning Administrator shall have the authority and duty to administer and enforce this Ordinance, and shall:

1. Issue all building permits and Creekway Permits where authorized by this Ordinance, and keep permanent and accurate records thereof;
2. Issue all certificates of occupancy where authorized by this Ordinance, and keep permanent and accurate records thereof;
3. Issue all special use permits, where authorized by the City Council according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions or standards specified therein;

4. Issue all conditional use permits, where authorized by the Board of Zoning Appeals, according to the provisions of Article VII of this Ordinance, and keep permanent and accurate records of such permits and of any conditions and standards specified therein;
5. Issue all sign permits where authorized by this Ordinance, and keep permanent and accurate records thereof;
6. Conduct such inspections of principal and accessory structures and uses as may be necessary to determine compliance with this Ordinance;
7. Maintain permanent and accurate records pertaining to variances granted, modified or denied by the Board of Zoning Appeals, and of their other decisions and actions;
8. Carry out such other responsibilities as may be specifically delegated to the Zoning Administrator by this Ordinance, or by the City Council;
9. In the event that any regulations and standards of this Ordinance are being violated, notify in writing, immediately upon his knowledge of such violation, the perpetrator of such violation, indicating the nature of the violation, and the action necessary to correct it. The Zoning Administrator shall order the discontinuance of any illegal use of any land or structure, or any additional change or alteration thereto, except as permitted by this Ordinance, or the discontinuance of any illegal work being done; or shall take other action authorized by this Ordinance to insure compliance with or to prevent violation of its regulations and standards. When necessary, the Zoning Administrator, after investigation and recommendation, may inform the City Attorney, who shall, in turn, institute any appropriate action or proceeding in law or equity to restrain, correct, or abate such violation, or to recover an appropriate fine for violation of this Ordinance.

Section XI-2 Plan Commission

A. Appointment and Membership

See Urbana City Code.

## B. Proceedings of the Plan Commission

1. All meetings of the Plan Commission shall be held at the call of the Chairman, at such time and places within the City of Urbana as the Plan Commission may determine. In no case shall a period of more than three (3) months elapse between meetings of the Plan Commission.
2. All meetings of the Plan Commission shall be open to the public except as allowed by "An Act in Relation to Meetings," (Open Meeting Act), as approved on July 11, 1957, as subsequently amended.
3. The presence of a majority of the members of the Plan Commission shall constitute a quorum at a meeting of the Plan Commission. No action shall be taken by the Plan Commission unless a quorum is present.
4. The Plan Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance.
5. All testimony by any witness shall be given under oath. The Chairman, or in his/her absence, the Acting Chairman, may administer oaths.
6. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.
7. Every rule, regulation, amendment, order, requirement, decision, or determination of the Plan Commission shall without undue delay be filed in the office of the City Clerk, and shall be a public record.
8. In the performance of its duties, the Plan Commission may incur such expenditures as are authorized by the City Council.
9. The Executive Director of the Champaign County Regional Planning Commission, or his/her representative, shall serve as secretary to the Plan Commission.
10. The Champaign County Regional Planning Commission staff shall advise the Urbana Plan Commission, and shall make oral or written recommendations as necessary concerning zoning matters and other business of the Plan Commission.

## C. Powers and Duties of the Plan Commission

The Plan Commission shall have the following powers and duties:

1. To prepare and recommend to the City Council a comprehensive plan for the City and its peripheral area, and from time to time, to review and propose any needed amendments to the plan;

2. To prepare and recommend to the City Council, from time to time, plans for specific improvements in pursuance of the official comprehensive plan;
3. To consider all amendments to this Ordinance, and make recommendations thereon to the City Council, as provided in Section 7 of this Article;
4. To consider all proposed special uses, and make recommendations thereon to the City Council, as provided in Article VII of this Ordinance;
5. To review subdivision plans and make recommendations thereon to the City Council, as provided in the Subdivision Regulations of the City Code;
6. To review the zoning and special use cases before the Champaign County Zoning Board of Appeals which are located within one and one-half (1½) miles of the limits of the City of Urbana, and textual amendments to the Champaign County Zoning Ordinance under consideration by the Champaign County Zoning Board of Appeals, and to make recommendations thereon to the City Council;
7. Such other responsibilities as may be specifically delegated to the Plan Commission by the City Council, or by this Ordinance.

### Section XI-3 Board of Zoning Appeals

The word "Board", when used in this Section, shall be construed to refer to the Urbana Board of Zoning Appeals.

#### A. Appointment and Membership

1. The Board of Zoning Appeals shall consist of seven (7) members, including the Chairman, all of whom shall be residents of the City of Urbana. All members shall be appointed by the Mayor, subject to confirmation by the City Council.
2. The members of the Board serving on the effective date of this ordinance are hereby appointed to the Board in the same capacity at the time the ordinance becomes effective, for the term each respectively held. The successor to each member so appointed shall serve for a term of five (5) years.
3. The Chairman of the Board shall be designated by the Mayor, with the consent of the City Council. The Chairman, in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
4. The City Council shall have the power to remove any member of the Board for cause, after public hearing, held after at least ten (10) days notice to the member concerned of the charges against him/her.

## B. Proceedings of the Board

1. All meetings of the Board shall be held at the call of the Chairman, or as determined by the rules of the Board, at such times and places within the City of Urbana as the Board may determine.
2. All meetings of the Board shall be held in a public place designated by the Board, and shall be open to the public, except as allowed by "An Act in Relation to Meetings," (Open Meetings Act), as approved on July 11, 1957, as subsequently amended. At any meeting of the Board or at any hearing held by the Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.
3. The Board shall adopt rules necessary for the conduct of its affairs and consistent with the provisions of this Ordinance and the laws of the State of Illinois; provided, however, that the concurring vote of at least four (4) members of the Board, or of at least three (3) members if five (5) or fewer members of the Board are present, shall be necessary to:
  - a. Reverse any order, requirement, decision or determination of the Zoning Administrator;
  - b. Decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance;
  - c. Permit any variance in the application of the regulations imposed by this Ordinance, as provided in Section XI-3 C.
4. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.
5. The presence of a majority of the members of the Board shall constitute a quorum at a meeting of the Board. No action shall be taken by the Board unless a quorum is present.
6. Every rule, regulation, amendment, order, requirement, decision or determination of the Board shall be signed by the Chairman or Acting Chairman, attested by the Secretary, filed in the office of the Board. The minutes, files and records of the Board shall be open to inspection by the public at all reasonable times, in the office of the City Clerk.

7. In the performance of its duties, the Board may incur such expenditures as are authorized by the City Council.
8. The Director of the Department of Community Development Services, or his/her representative, shall serve as secretary to the Board.
9. No decision of the Board shall be subject to review, modification or reversal by the City Council or any City official, but shall be subject to judicial review pursuant to the provisions of the Illinois Administrative Review Act.

C. Powers and Duties of the Board

The Board shall have the power and duty to hear and decide:

1. On all matters specifically referred to it by the provisions of this Ordinance, including the review and approval or disapproval of requests for conditional uses, as specified in Sections VII-2 and VII-3 of this Ordinance;
2. On all requests for variances in the application of the regulations imposed by this Ordinance. The Board is authorized, in specific cases and according to the procedure specified below, to grant a variance in the application of this Ordinance which shall be in harmony with the general purpose and intent of the Ordinance, in cases where there are particular hardships or practical difficulties in the way of carrying out the strict letter of any of the regulations and standards of this Ordinance relating to the construction or alteration of structures. A variance from the terms of this Ordinance shall not be granted by the Board, except according to the following procedures:
  - a. A written application for a variance shall be submitted to the Secretary of the Board, demonstrating all of the following:
    - 1) That there are special conditions and circumstances relating to the land or structure involved, or to the use or occupancy thereof, which are not generally applicable to other lands or structures in the same district;
    - 2) That literal interpretation of the provisions of this Ordinance would impose a hardship by depriving the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance;
    - 3) That the special conditions, circumstances or hardships are not the result of the actions of the applicant; and

- 4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.
- b. Each application for a variance shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8 of this Article.
- c. At least fifteen (15) days, but not more than thirty (30) days notice of the time and place of the hearing of the proposed variance shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the address and location of the property for which the variance is sought as well as a brief description of the variance sought. The cost of such publication shall be in addition to the fee.
- d. A public hearing shall be held.
- e. The Board shall determine whether the requirements of paragraph XI-3 (c.2.a, above, have been met.
- f. The Board shall further determine whether the reasons set forth in the application justify the granting of the variance, and whether the requested variance is excessive to meet the circumstances of the case.
- g. The Board shall further determine whether the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be unreasonably injurious or detrimental to the neighborhood, or otherwise injurious or detrimental to the public welfare.
- h. In granting a variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permitted either by right or by special use permit or by conditional use permit under the terms of this Ordinance in the district involved, or any use expressly or implicitly prohibited by the terms of this Ordinance in the district involved, except in the case of an appeal regarding the decision of the Zoning Administrator, pursuant to Section XI-1 B.

- i. The Board may, by majority vote, postpone, continue, or adjourn from time to time any public hearing. In the event of such postponement or adjournment, further publication of a proposed variance need not be made.
- j. Variances from the regulations and standards of this Ordinance shall be granted by the Board only in accordance with the procedures, regulations and standards set forth in Section XI-3 C.2, and may be granted in the following instances only and in no others:
  - 1) To permit a variance, not to exceed twenty-five percent (25%) of the depth of a front yard or the width of a side yard otherwise required by this Ordinance, or to reduce the requirements of Section VIII-3 D.1.
  - 2) To permit a variance from the rear yard requirement to allow a reduction of a rear yard to as little as 7 feet 6 inches, except that on corner lots where buildings front or face on the long dimension of a lot, and on triangular, irregular and oddly shaped lots, the Board is hereby authorized to vary the rear yard requirements to as little as five feet (5').
  - 3) To permit the inclusion, as part of the required rear yard, of up to one-half ( $\frac{1}{2}$ ) of a public alley which abuts the rear yard, provided that the rear yard on the lot shall not be reduced to less than five feet (5').
  - 4) To permit a building to exceed the height limit by not more than ten percent (10%) of the height limit established by this Ordinance.
  - 5) To permit the creation of a lot which has less area than required by this Ordinance, provided that this variance shall not exceed ten percent (10%) of the required lot area, and to permit the use of an existing lot which is so under-sized. Further in the CRE, AG, R-1, R-2 and R-3 Districts the Board may allow the use of an undersized existing lot under the same ownership otherwise prohibited by Section VI-3, B provided that the intended use is a detached single family dwelling. The variance shall not exceed 20% of the required lot area.



- 6) To permit the creation of a lot which has less width than herein required by this Ordinance, provided that this variance shall not exceed fifteen percent (15%) of the required lot width, and to permit the use of an existing lot which is so narrow. Further, in CRE, AG, R-1, R-2, and R-3 Districts, the Board may allow the use of an undersized existing lot under the same ownership otherwise prohibited by Section VI-3,B provided the intended use is detached single family dwelling. The variance shall not exceed 25% of the required lot width.
- 7) To permit a reduction in a required side yard to as little as two feet (2'), in the case of structures existing on the effective date of this Ordinance.
- 8) To permit an increase in the floor area ratio (FAR), of not more than five percent (5%) of the FAR applicable in that district.
- 9) To permit a decrease in the open space ratio (OSR), by not more than five percent (5%) of the OSR applicable in that district, and to allow the inclusion of private or semiprivate areas as open space, even though not all the dwelling units in the building or development may be provided with such areas.
- 10) To permit a decrease, not to exceed 25%, in the parking requirement otherwise applicable for the use and district in question.
- 11) To permit, in cases of hardship, an extension of not more than five (5) years to the time limit for the continuance of a mobile home development, as set forth in Section VII-4 D.1. of this Ordinance.
- 12) To permit the issuance of a building permit or certificate of occupancy by the Zoning Administrator, pursuant to Section X-3 of this Ordinance.
- 13) To permit the lighting of parking areas for commercial and industrial uses later than thirty (30) minutes after the close of business, as provided in Section VIII-2 G.
- 14) To permit an increase in the occupancy or intensity of the existing use of a building whose parking is inadequate, as provided in Section VIII-1.
- 15) To permit accessory off-street parking in a location other than the zoning lot of the principal use, as provided in Section VIII-3.B.
- 16) To permit the postponement of the termination of a nonconforming use of land, as required by Section X-6, for a period of no more than five (5) years.

- 17) To allow a sign to exceed the maximum height or area, or to reduce the minimum setback for a sign, as provided in Sections IX-4, IX-5 and IX-6 by no more than fifteen percent (15%) of the specified requirement, in keeping with the legislative intent specified in Section IX-1.
3. On all appeals from any order, requirement, decision or determination made by the Zoning Administrator under this Ordinance. Any such appeal may be taken to the Board by any person aggrieved thereby, or by any officer, department, board or bureau of the City, and shall be considered according to the following procedures:
    - a. The appeal shall be taken by filing a notice of appeal with the Secretary of the Board. The notice of appeal shall describe the order, requirement, decision or determination appealed from, and shall specify the grounds for the appeal.
    - b. The Secretary of the Board shall, upon receipt of the notice of appeal, obtain from the Zoning Administrator all the documents and files which constitute the record upon which the action appealed from was taken.
    - c. The Chairman shall fix a reasonable time, not more than thirty (30) days in the future, for the hearing on the appeal, and inform the Secretary of the time and place that the hearing shall be held. The Secretary shall give due notice of the hearing in writing to the appellant, to the Zoning Administrator, to the members of the Board, and to any other person directly interested in the outcome of the appeal.
    - d. At least fifteen (15) days, but not more than thirty (30) days notice of the time and place of the hearing on the appeal shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the address and location of the property involved in the appeal, if any, and a brief description of the issue being appealed.
    - e. The hearing shall be held in accordance with the procedures established by the Board, and the Board shall decide the appeal within a reasonable time after the hearing; provided, however, that a hearing may be postponed or continued, or a decision postponed, as may be necessary, in the judgment of the Board, in order to give a case adequate consideration.

- f. The Board shall not by its decision on an appeal permit a variation in the application of this Ordinance; provided, however, that this shall not limit an appeal and a request for a variance from going forward simultaneously.
- g. Upon the filing of an appeal, no further permits of any kind shall be issued by the City of Urbana with respect to the parcel of land or improvements to which the matter appealed from relates, nor shall the City commence any actions at law against the person who filed the appeal for matters involved in such appeal, until the Board of Zoning Appeals renders its decision; provided, however, that if, in the opinion of the Zoning Administrator, the delay incident to a hearing before the Board would constitute an imminent danger to life or property, the City may file a complaint for equitable relief or extraordinary legal relief. If an appeal is taken from the issuance of any permit, the permittee may pursue his efforts under such permit at his own risk.

#### Section XI-4 City Council

In the administration and enforcement of this Ordinance, it shall be the duty and responsibility of the City Council to do the following:

- A. Consider all appointments made by the Mayor to the Plan Commission, Board of Zoning Appeals, and the position of the Zoning Administrator, as provided in Sections XI-1, XI-2 and XI-3;
- B. Decide upon, and take any necessary action arising from such decisions, all proposed amendments to this Ordinance, as provided in Section XI-7;
- C. Decide upon all requested special use permits, and if the decision is favorable, authorize the Zoning Administrator to issue a special use permit as provided in Article VII;
- D. Review subdivision plats, as provided in the Subdivision Regulations of the City Code;
- E. Any other duties and responsibilities assigned to the City Council by this Ordinance.

#### Section XI-5 Building Permits

- A. A building permit shall be obtained by the owner of any property, from the Zoning Administrator, before starting:

1. To construct or erect a new principal or accessory structure or part thereof;
2. To extend, enlarge, move, alter structurally, or reconstruct a principal or accessory structure or part thereof.

B. Application procedure for building permits

1. An application for a permit shall be submitted in such form as the Zoning Administrator shall prescribe. The application shall contain the full name and address of the applicant and of the owner of the property and, if the owner is a corporate body, of its responsible officer.
2. The application shall be made by the owner or lessee of the property, the agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner in fee, authorizing such application.
3. Nothing in this code shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was issued. Such amendments shall be filed with, and be deemed a part of, the original application, if approved before the certificate of occupancy has been issued; otherwise, a new application for the alteration shall be made and a new building permit secured.
4. Each application for a permit shall be accompanied by a plat, in duplicate, drawn to scale and showing the actual dimensions of the lot to be built upon, the size and location of the structures to be erected or altered, and such other information as may be necessary to provide for the enforcement of this Ordinance. Any variance, conditional use permit, or special use permit which may have been granted for the proposed building, structure, or use, shall be noted upon the application.
5. The Zoning Administrator shall examine applications for permits within a reasonable time after filing. If, after examination, he/she finds no objections to the same, and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, and that the proposed construction or work will be safe, he/she shall approve such application and issue a permit for the proposed work as soon as practicable. Every permit issued in accordance with these provisions shall have the

signature of the Zoning Administrator or his/her authorized subordinate affixed thereto. If his/her examination reveals otherwise, he/she shall reject such application, note his/her findings in a written report to be attached to the application, and deliver a copy to the applicant.

6. The Zoning Administrator may revoke a permit or certificate of occupancy or approval issued, if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit, certificate or approval was based.
7. The Zoning Administrator may issue a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, provided that adequate information has been submitted for the same, and has been found in compliance with this Ordinance.
8. All work performed under a permit issued by the Zoning Administrator shall conform to the approved application and plans, and approved amendments thereto.
9. It shall be unlawful to reduce or diminish the area of a lot or plat for which a plot plan has been filed and has been used as the basis for a permit, unless a revised plat plan showing the proposed changes in conditions shall have been filed and approved; however, this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
10. A permit under which no work is commenced within six (6) months after issuance shall expire by limitation, and a new permit shall be secured before work is started. Written notice of the expiration shall be given to the applicant.
11. If the work described on the building permit shall not have been substantially completed within one (1) year from the issuance thereof, the permit shall expire and be cancelled by the Zoning Administrator, who shall furnish written notice of the expiration to the applicant, together with notice that further work as described on the expired permit shall not proceed unless and until a new permit shall have been issued; provided, however, that for commercial, institutional and industrial buildings, the permit shall extend for such additional period as set forth in the application for the building permit as the time necessary to complete the building.

12. A copy of the permit shall be kept on the premises for public inspection until the completion of the work. The Zoning Administrator shall require a certified copy of the approved plans to be kept on the premises at all times until the completion of the work.
13. Normal repairs not involving structural alterations may be made without a permit.
14. No building permit shall be issued until an application for a certificate of occupancy for the same property has been filed. Such application shall include the estimated or approximate time of completion of the work for which the building permit was issued.

#### Section XI-6 Certificates of Occupancy

- A. Upon completion of any construction, reconstruction, structural alteration, enlargement, expansion, or other work on a building or structure for which a building permit is required, as provided in Section XI-5, the Zoning Administrator shall consider the previously submitted application for a certificate of occupancy. No such building or structure shall be occupied, and no change shall be made in the use of any land, structure or building, until a certificate of occupancy authorizing such occupancy or use has been issued by the Zoning Administrator. An application for a certificate of occupancy shall be made by the owner of the building or land, or by his/her agent, and shall state the precise purpose for which the building, structure, or land will be occupied or used.
- B. Certificates of occupancy for conforming uses, buildings and structures.
  1. The application for a certificate of occupancy for a conforming use shall state that all proposed uses are conforming, and that all applicable parking and landscaping/screening requirements are fully met and shall include any necessary supporting information to document these facts.
  2. If the application for a certificate of occupancy was made at the time of the application for a building permit, the Zoning Administrator shall not issue the certificate of occupancy unless the building or structure, as built, enlarged, extended, structurally altered, reconstructed, or moved complies with all plans and specifications

included in the application for a building permit. Any variance which may have been granted for the building or structure shall be noted on the application, and on the certificate, if issued.

3. If the application for a certificate of occupancy involves a change of use, the Zoning Administrator shall not issue the certificate of occupancy unless the proposed use or uses is conforming in the district in which it is proposed to be located, except as otherwise provided in this Section. If a special use permit or conditional use permit was granted to authorize the proposed use, it shall be so noted on the application, and on the certificate of occupancy, if issued.
4. The certificate of occupancy issued by the Zoning Administrator shall state upon its face the precise purpose or purposes for which the building, structure or land shall be used.
5. Any transfer of ownership of the building, structure or land which does not involve a change of use shall automatically effect a transfer of the certificate of occupancy to the new owner.
6. The Zoning Administrator shall return one (1) copy of the certificate of occupancy, duly signed, to the applicant and retain the original copy.
7. A provisional certificate of occupancy may be issued for the occupancy of the premises, for a definite period of time not to exceed ninety (90) days, provided that they can be occupied without danger to health or safety under any of the following conditions:
  - a. All requirements of this Ordinance are likely to be met within ninety (90) days or less; or
  - b. The Zoning Administrator has determined that strike, national emergency, weather or act of God has prevented or will delay completion of the building or structure.

C. Certificates of occupancy for nonconformities

1. The owner of any nonconformity may, at any time, apply for a certificate of occupancy to continue as a nonconformity under the provisions of Article X of this Ordinance. Upon written notification by certified mail with return receipt requested, by the Zoning Administrator of the noncompliance of a building, structure, or land, or use thereof, with the provisions of this Ordinance, the owner thereof shall apply for a certificate of occupancy within sixty (60) days.

2. No certificate of occupancy for a nonconformity shall be issued until the applicant demonstrates that the nonconformity existed on the effective date of this Ordinance, or on the date when this Ordinance became effective as to such building, structure, or land, or that the building, structure, or land, or use thereof, was rendered nonconforming by an amendment to this Ordinance subsequent to such date.
3. The application for a certificate of occupancy for a nonconforming use, and the certificate, if issued, shall state the precise purpose or purposes for which the building, structure, or land was occupied or used, and the date on which each nonconforming use was established.
4. The application for a certificate of occupancy for a nonconforming building, structure, or land, and the certificate, if issued, shall, for every applicable developmental regulation, including parking requirements, with respect to which the building, structure, or land is nonconforming, cite the regulation as specified in this Ordinance, and state the extent to which the building, structure, or land meets this requirement. The certificate shall also state the date of construction of the building or structure, or the date of a more recent conversion, enlargement, expansion, or structural alteration which effected such nonconformity.
5. The application for a certificate of occupancy involving both a nonconforming use and a nonconforming building, structure, or land, shall meet the requirements of both paragraphs XI-6 C.3 and XI-6 C.4, above.
6. When issued, the certificate of occupancy shall thereafter be considered proof that the building, structure, or land, or use thereof, has, and has had, nonconforming status, under the terms of this Ordinance, from the date stipulated on the certificate.
7. Any transfer of ownership of the building, structure, or land, which does not involve a change or use, shall automatically effect a transfer of the certificate of occupancy to the new owner.
8. Failure to comply with the requirements of this Section shall constitute prima facie evidence that the building, structure, or land, or use thereof, is illegal, rather than nonconforming.



Section XI-7 Amendments

The regulations and standards, restrictions and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed. No such action may be taken except according to the following procedure:

- A. A written application is submitted to the Plan Commission. Such application may be initiated by the City Council, the Plan Commission, the Board of Zoning Appeals, the Zoning Administrator, the City Attorney, or any interested person. If the proposed amendment involves the reclassification of property, the application must be submitted either by the City Council, the Plan Commission, the Board of Zoning Appeals, the Zoning Administrator, or the owners of more than fifty percent (50%) of the property involved.
- B. Each such application, except those submitted by either the City Council, the Plan Commission, the Board of Zoning Appeals, the City Attorney, or the Zoning Administrator, shall be accompanied by a fee, to be paid by the applicant as provided in Section XI-8 of this Article.
- C. At least fifteen (15) days but not more than thirty (30) days notice of the time and place of the hearing of such action shall be published in a newspaper of general circulation in the City of Urbana. The notice of such hearing shall contain the information relating to such action.
- D. The public hearing shall be held, according to the procedures established by the Plan Commission. Any person may appear and speak in person, or by agent or attorney. Upon conclusion of the public hearing, action may be taken by the Commission only with the unanimous consent of the members present. If action is not taken, written testimony received within ten (10) days after the close of the public hearing shall be considered.
- E. The Plan Commission may, by majority vote, postpone, continue, or adjourn from time to time any public hearing. In the event of such postponement, continuation, or adjournment, further publication of such action need not be made.
- F. Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment. The City Council shall consider the proposed amendment and the recommendation of the Plan Commission, and if the Council's decision on the proposed amendment is favorable, it shall adopt the amendment by ordinance.
- G. In case of a written protest against any proposed change in the classification of land, signed by the owners of forty percent (40%) of the lots proposed to be rezoned, or signed

by the owners of forty percent (40%) of the lots any part of which are included within the area defined by a line extended two hundred and fifty feet (250') outward in all directions from the perimeter of the land sought to be rezoned, filed with the City Clerk or Urbana prior to the commencement of the City Council meeting in which a vote on the proposed rezoning is taken, the rezoning shall not be authorized except by a favorable vote of two-thirds (2/3) of the Alderpersons then holding office who do not abstain from voting on the question. For the purposes of this section, if any lot or property seeking to protest has multiple owners, such lot shall be counted as protesting if at least fifty percent (50%) of all owners of such lot signed the protest document. The protest document need not be acknowledged, but shall bear the signatures and common street addresses of those signing such document, and identify the property which each signator owns. For purposes of this section, the perimeter of the subject lot shall be considered to be the property line of the lot of land, excluding any land within a public dedicated right-of-way, and excluding any land lying within a railroad right-of-way; the owner of property shall be considered to be any of the following: the record owner of the fee title, the contract seller and the contract buyer of such property.

- H. At its discretion, the Plan Commission may refuse to consider a request for an amendment to this Ordinance, if such request is identical to or substantially similar to a proposed amendment considered within the past year. Notwithstanding this, however, the City Council may direct the Plan Commission to consider any proposed amendment to this Ordinance.

#### Section XI-8 Fees

- A. The schedule of fees for various actions taken under the provisions of this Ordinance shall be as follows:
1. The following fees shall be collected by the Secretary to the Plan Commission:
    - a. Application for a change of zoning of property: Twenty-five dollars (\$25.00) plus the cost of all legal publications;
    - b. Application for an amendment to the text of this Ordinance: Twenty-five dollars (\$25.00) plus the cost of all legal publications;
    - c. Application for a special use permit: Twenty-five dollars (\$25.00) plus the cost of all legal publications;
    - d. Application for a Creekway Permit pursuant to Section VII-8: Twenty-five Dollars (\$25.00) plus the cost of all legal publications

2. The following fees shall be collected by the Secretary to the Board of Zoning Appeals:
    - a. Application for a conditional use permit: Twenty-five dollars (\$25.00) plus the cost of legal publications;
    - b. Application for a variance: Twenty-five dollars (\$25.00) plus the cost of legal publications;
    - c. Appeal to the Board of Zoning Appeals: Twenty-five dollars (\$25.00) plus the cost of legal publications;
  3. The following fees shall be collected by the Zoning Administrator:
    - a. Application for a building permit: As determined in the Building Code of the City of Urbana;
    - b. Application for a certificate of occupancy, when not applied for and granted in conjunction with a building permit: Ten dollars (\$10.00).
    - c. Application for a sign permit: Two dollars (\$2.00) per thousand dollars (\$1,000) or fraction thereof of installed cost, with a minimum of five dollars (\$5.00).
    - d. Application for a Creekway Permit issued pursuant to Section VII-8: Ten Dollars (\$10.00).
- B. All fees shall be paid at the time of application or filing, either in cash, or by check payable to the City of Urbana, except that the charge for legal publications shall be paid directly to the publisher by the applicant.