

ORDINANCE NO. 8182-77

AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE

WHEREAS, after due publication, a public hearing was held on the 4th day of April, 1982 and continued on April 22, 1982, concerning a proposed amendment to the text of the Zoning Ordinance of the City of Urbana, Illinois in Plan Case #1131-T-82, and

WHEREAS, the majority of B-1 zones within the City of Urbana are island commercial zones surrounded by properties zoned for residential or conservation/recreational/educational uses, and

WHEREAS, parking lots to serve commercial uses are not permitted in residential or conservation/recreational/educational zones thereby making it impossible for the majority of those businesses located in such B-1 islands to obtain offsite accessory parking spaces, and

WHEREAS, the majority of B-1 zones are occupied by existing buildings and structures that do not conform to developmental regulations of the district, to wit: floor area ratio, open space ratio, set backs and parking requirements, and

WHEREAS, the majority of B-1 zones are occupied by conforming uses many of which could not be changed because of parking requirements for a new permitted or conditional use which could not be met on their existing zoning lot, and

WHEREAS, the B-1 zone is designed to meet neighborhood needs for basic trade and personal services for the convenience of adjacent residential areas for needs recurring regularly or frequently.

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

Section 1. Article XI, Section XI-3 Board of Zoning Appeals in section C, Powers and Duties of the Board, the following new Section 4 is hereby enacted:

"Waiver of Parking, B-1 Zone: Upon written application for waiver and upon satisfactory proof that the subject property has on it a building which existed on the 1st day of January, 1982, and that the intended principal use or uses of such building are either a permitted use or a conditional use in a B-1 zone within the following categories:

1. Business Uses: Personal Services;
2. Business Uses: Business, Private, Educational and Financial Services;
3. Business Uses: Food Sales and Services;
4. Business Uses: Retail Trade.

and that non-conforming parking or no parking exists on the zoning lot of the property for which a waiver is sought, and that the B-1 zone constitutes a small area surrounded by Residential or Conservation/Recreation/Education Zoning Districts, then the Board may waive in an amount equal to the difference between what lawfully could exist and will be required to be constructed on the zoning lot and what would otherwise be required under this Ordinance, provided however, the waiver shall only be granted for the intended principal use or uses if the Board makes findings of fact to support the conclusion that a waiver would not be substantially injurious to the surrounding neighborhood.

Waiver may be sought only when the authority of the Board to grant a 25% variance of parking requirements would not be enough to permit a change of use.

- a. Each application for a waiver shall be accompanied by a fee to be paid by the applicant, as provided in Section XI-8 of this Article.
- b. At least fifteen (15) days, but not more than thirty (30) days notice of the time and place of the hearing of the proposed waiver 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 waiver is sought as well as a brief description of the waiver sought. The cost of such publication shall be in addition to the fee.
- c. A public hearing shall be held, according to the procedures established by the Zoning Board of Appeals.
- d. The Board may combine a hearing on a waiver under this Section and a hearing on whether or not a conditional use may be

established on the subject premises. Only one fee will be charged such combined hearing."

Section 2. Article XI, Section XI-8 Fees, the following subsection d is enacted:

"d. Application for Waiver: Twenty-five Dollars (\$25.00) plus the cost of legal publications."

Section 3. Article VIII, Section VIII-4 Amount of Parking Required, in section A thereof, the first sentence is repealed in its entirety and in its place is enacted the following:

"Except as otherwise provided in this Article or Article XI, 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."

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form.

Section 5. This Ordinance shall be in full force and effect immediately after its passage and publication as directed herein.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 17th day of May, 1982.

PASSED by the City Council this 17th day of May, 1982.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 18th day of May, 1982.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in pamphlet form on the 18th day of May, 1982.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk