

ORDINANCE NO. 8283-6

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 #1133-T-82, and

WHEREAS, the City Council deemed it appropriate that B-1 parking waivers be granted by the City Council instead of the Zoning Board of Appeals, 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Board of Zoning Appeals in section C, Powers and Duties of the Board, Section 4 Waiver of Parking, B-1 Zone is hereby repealed and the following new sections are enacted:

Article VII, Section VII-10 Waiver of Parking, B-1 Zones

The City Council may authorize by ordinance the waiver of parking requirements in the B-1 Neighborhood Business 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 Council 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 Council 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 Zoning Board of Appeals 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 X1-8.

B. The Plan Commission shall hold a public hearing, according to the procedures established by the Commission and shall forward a recommendation concerning the proposed waiver to the City Council.

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 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.

D. In case of a written protest against any proposed parking waiver, signed by the owners of forty percent (40%) of the lots proposed to be subject to such waiver, 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 parking waiver request, filed with the City Clerk prior to the commencement of the meeting of the City Council at which a vote on the proposed waiver is taken shall not be authorized except by a favorable vote of two-thirds (2/3) of the Aldermen/Alderwomen 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.

Article XI. Section XI-2 Plan Commission

c. Powers and Duties of the Plan Commission

5. To consider all proposed Waivers of Parking in the B-1 Zone and make recommendations thereon to the City Council, as provided in Section VII-10 of this Ordinance. (existing Sections 5,6, and 7 renumbered to 6,7, and 8)

Section 2. Article 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 Articles VII and 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."

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 City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of August, 1982.

PASSED by the City Council this 2nd day of August, 1982.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 10th day of August, 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 the News-Gazette on the 18th day of August, 1982, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

CERTIFICATE OF PUBLICATION IN The News-Gazette

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

The undersigned, THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED, by

M. J. Olca

its controller, does hereby

certify that said Corporation is the publisher of The News-Gazette and that the same is a daily secular newspaper of general circulation published in Champaign, Champaign County, Illinois, and which said newspaper had been regularly published for more than six months prior to the first publication of the annexed notice; said publisher further certifies that the annexed notice was published once each week for

consecutive weeks in said newspaper, namely on the following dates:

Aug 18, A. D. 19 *82*

, A. D. 19

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Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

CITY OF URBANA, ILL.
RECEIVED
AUG 20 1982
CITY CLERK'S OFFICE

The Champaign News-Gazette, Incorporated

By

[Signature]

Controller

PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$

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