

ORDINANCE NO. 8889-32

AN AMENDMENT TO THE ZONING ORDINANCE OF URBANA, ILLINOIS

(Downtown to Campus Study Interim Development District)

WHEREAS, the City of Urbana, Illinois (hereinafter called "City") is a home rule municipal corporation pursuant to Article VII, Section 6(a) of the Illinois Constitution and has all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions and render municipal services, including the authority to adopt and enforce land use plans, zoning and subdivision regulations and other land use control measures to protect and promote the public health, safety and welfare of its citizens; and

WHEREAS, the Urbana City Council on December 17, 1979 adopted Ordinance No. 7980-68, An Ordinance Adopting the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana, Illinois, which included many changes to the Official Zoning Map and Zoning Ordinance; and

WHEREAS, the Urbana City Council on September 7, 1982 adopted Ordinance No. 8283-17, An Ordinance Adopting the City of Urbana 1982 Comprehensive Plan, which included in the Development and Preservation of Residential Areas element of the Plan the following objective: Protect and improve the residential quality of residential neighborhoods and minimize the effects on such neighborhoods of other City developments; and

WHEREAS, the Urbana City Council finds that inconsistencies have occurred in the community among existing land uses, existing zoning designations as shown on the Official Zoning Map and future land use recommendations as shown on the Official Comprehensive Plan Map of 1982; and

WHEREAS, the Urbana City Council on October 17, 1988 passed Resolution No. 8889-R8 which stated that changes in the value and use of land and physical appearance of improvements within the City of Urbana have indicated a need for a new planning study of a portion of the City known as the Downtown to Campus Study Area as shown in Attachment A; and

WHEREAS, the Urbana City Council in Resolution No. 8889-R8 directed the Urbana Plan Commission to conduct the Downtown to Campus Study which included the following objectives: 1) Evaluate and resolve inconsistencies among existing land uses, zoning designations and Comprehensive Plan recommendations, and 2) Identify methods for protecting and preserving the character, scale and appearance of the low density residential sections of the Study Area; and

WHEREAS, the City of Urbana initiated said Downtown to Campus Study in order to examine current land uses, zoning, housing and public infrastructure for the purpose of planning and regulating appropriate future development in the Study Area; and

WHEREAS, the Downtown to Campus Study will recommend a neighborhood land use plan to amend the 1982 Urbana Comprehensive Plan and may also recommend proposed zoning map amendments, proposed zoning ordinance amendments, proposed site plan and design guidelines and other recommendations intended to protect and preserve the Study Area; and

WHEREAS, the existing zoning regulations in much of the Downtown to Campus Study Area as shown on the Official Zoning Map of the City of Urbana permit developments which may be incompatible with the current residential density and neighborhood character of the Study Area; and

WHEREAS, the City Council finds that the construction of multiple-family residential and other developments in portions of the Downtown to Campus Study Area may violate and abrogate the preparation, adoption and implementation of the recommendations to be made in the Downtown to Campus Study and may result in a threat to the public health, safety or welfare unless such development is subject to appropriate controls above and beyond the existing zoning regulations; and

WHEREAS, the preservation and revitalization of the Downtown to Campus Study Area could be threatened by excessive and inappropriate development if multiple-family development occurred at the densities permitted by the existing zoning; and

WHEREAS, development which may occur during the preparation and adoption of the Study may have a deleterious effect on the neighborhood and on the City's ability to successfully conduct the Study and implement the recommendations to be made in the Study; and

WHEREAS, the Urbana Plan Commission has initiated a petition to amend the Urbana Zoning Ordinance in order to create interim development regulations within a portion of the Downtown to Campus Study Area; and

WHEREAS, the Urbana City Council finds that such interim development regulations may be enacted for the purpose of protecting the public interest and preventing development which may be inconsistent with the goals and objectives set forth by the City in the Comprehensive Plan and/or Downtown to Campus Study; and

WHEREAS, the Urbana City Council finds that such regulations shall be the minimum necessary to accomplish the objectives

herein stated for the preparation, adoption and implementation of the Study's recommendations; and

WHEREAS, after due notice and publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on the proposed amendment to the Urbana Zoning Ordinance on November 16, 1988; and

WHEREAS, the Urbana Plan Commission in Plan Case #1295-T-88 has recommended the adoption of the following amendment to the Zoning Ordinance of the City of Urbana, Illinois.

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

Section 1. The Zoning Ordinance of the City of Urbana is hereby amended by adding a new Article XII to be titled "Downtown to Campus Study Area Interim Development District" which provides as follows:

Article XII. Downtown to Campus Study Area Interim Development District.

Section XII-1 Statement of Purpose. In addition to the purposes stated in Section I-1 of this Ordinance, the purposes of the regulations contained in this Article include:

1. To impose additional restrictions on development which may occur in the Downtown to Campus Study Area in order to improve compatibility with the surrounding land uses and essential character of the Area during the preparation and adoption of the Downtown to Campus Area Plan and implementing ordinances;
2. to preserve light and air between and among structures;
3. to preserve and protect property values;
4. to promote the preservation and revitalization of historically or architecturally significant properties and areas;
5. to preserve and promote compatibility of single-family, multiple-family and non-residential land uses and structures;
6. to reduce overcrowding of lots and blocks;
7. to encourage a landscaped environment which softens the impact of new construction and compliments and preserves the mature vegetation of the Downtown to Campus Area.

Section XII-2. Definitions. As used in this Article, the following words and terms shall have the following meaning, unless other meaning is plainly intended:

Block Face means the total frontage (measured in linear feet) of lots on the same side of the street between the nearest intersecting streets. In the case of corner lots, the block face shall be measured using the longest frontage only.

Building Permit means and includes any permit issued by the Building Safety Division of the Department of Community Development Services of the City of Urbana and includes occupancy, building, electrical, plumbing or HVAC permits; or any driveway permit issued by the Engineering Department.

Interim Development Restricted Use means any multiple-family dwelling; lodge or private club, day care facility; proposed churches not yet built; institution of an educational, philanthropic or eleemosynary nature; rooming house; boardinghouse; hospital; clinic; nursing home; tourist home; dormitory; home for the aged; residential planned unit development; community living facility, Category III*; dwelling, home for adjustment*; and a parking lot as a principal use.

Sec. XII-3. Establishment of Interim Development District.

The Interim Development District is the area described in Attachment B and is shown on the map on file with the City Clerk, entitled, Downtown to Campus Interim Development District.

Section XII-4. Duration of Interim Development District.

The provisions of this Ordinance shall go into effect on December 1, 1988 and remain in effect until the adoption of the Downtown To Campus Study Area Plan and the implementation of such plan through the enactment of permanent land use controls, or until December 1, 1989, whichever is first to occur, unless otherwise provided by law.

*The community living facility and home for adjustments are not referenced in the Urbana Zoning Ordinance when this Interim Development Ordinance is being drafted. At this writing, the City Council is considering an ordinance governing community living facilities. These terms are included in the event a community living facility ordinance is adopted. Refer to Plan Case No. 1287-T-88.

Section XII-5. Effect of Interim Development District

A) Overlay District

The Interim Development District is an overlay zoning district which is superimposed upon, and which supplements but does not replace, the existing underlying zoning districts and regulations otherwise applicable within the Interim Development District. The controls established herein are in addition to and not in substitution of the district regulations imposed by the City of Urbana Zoning Ordinance, as amended.

B) Other Laws and Ordinances

Nothing in this Article shall be deemed to affect, annul or abrogate any other law or ordinance pertaining to or applicable to the Interim Development District unless such is inconsistent with this Article. This Article shall be deemed and interpreted to complement and supplement existing ordinances.

Section XII-6. Scope of Interim Development Controls

A) Approval Required for Interim Development Restricted Use

1. Within the Interim Development District, no use of any structure or land may be changed to an Interim Development Restricted Use, no building permit may be issued for an Interim Development Restricted Use and no structure may be erected, converted, enlarged, structurally altered, or established for an Interim Development Restricted Use except in accord with the general standards and specific standards of this Article, and after approval by the Zoning Administrator.
- 2) Notwithstanding the above, a building permit may be issued for the reconstruction of any structure destroyed by fire, explosion or Act of God occurring during the duration of the Interim Development Ordinance, unless to do so would violate any other applicable law including the provisions of the underlying zoning ordinance. For purposes of this paragraph "reconstruction" means only the replacement of a destroyed structure by a new structure which does not exceed the gross floor area or height of the destroyed structure, and in the case of a structure containing dwelling units, does not exceed the number of dwelling units which were lawfully existing in the destroyed structure on the date it was destroyed.

B) General Standards for Interim Development Restricted Use Approval

The Zoning Administrator shall not approve an Interim Development Restricted Use unless the applicant demonstrates that:

1. the public health, safety, morals and general welfare will not be adversely affected;
2. the anticipated density and intensity of any proposed Interim Development Restricted Use is consistent with the density and intensity of surrounding development;
3. the proposed Interim Development Restricted Use, structure or site upon or in which the proposed Interim Development Restricted Use is to be located is compatible, by reason of design or use, with surrounding properties. The Zoning Administrator shall consult with a graduate of an architectural school to determine design compatibility;
4. necessary safeguards are provided for the protection of surrounding property, persons and neighborhood values; and
5. the application and plan submitted otherwise comply with the specific standards set forth in Section XII-6 C.

C) Specific Standards and Criteria for Interim Development Restricted Use Approval

1. Permitted Interim Development Restricted Uses.
Approval of an Interim Development Restricted Use shall be subject to the following criteria:
 - a. If 50% or less of the existing block face where the proposed Interim Development Restricted Use is to be located consists of Interim Development Restricted Uses or is zoned B-1, B-2, B-3 or B-4, the proposed Interim Development Restricted Use shall not be allowed.
 - b. An Interim Development Restricted Use may be allowed subject to the standards in Section XII-6 C.2 if more than 50% but less than 75% of the existing block face where the proposed Interim Development Restricted Use is to be located consists of Interim Development

Restricted Uses or is zoned B-1, B-2, B-3 or B-4, but only if 50% or more of the opposite block face directly across the street consists of Interim Development Restricted Uses or is zoned B-1, B-2, B-3 or B-4.

c. An Interim Development Restricted Use shall be allowed subject to the standards in Section XII-6 C.2 if 75% or more of the existing block face where the proposed Interim Development Restricted Use is to be located consists of Interim Development Restricted Uses or is zoned B-1, B-2, B-3 or B-4.

(2) Specific Development Standards Applicable to all Interim Development Restricted Uses

- a. Maximum Height: The height of any structure shall not exceed 35 feet.
- b. Minimum Open Space Ratio: The minimum open space ratio shall be 0.35, with no credit given in the calculation of usable open space, as allowed in Article II, Section II-3, for balconies or roof open space.
- c. Minimum Front Yard: The minimum front yard shall be 25 feet. Under the provisions of this Article, no parking shall be allowed in the required front yard in an R-5 district as otherwise provided for in Section VI-5 D.1.
- d. Minimum Side Yard: The minimum side yard shall vary according to the land use adjoining the side yards of the proposed Interim Development Restricted Use as follows:

<u>Adjoining Land Use</u>	<u>Minimum Side Yard</u>
Vacant	10 feet
Multiple-Family Dwelling	10 feet
Two-Family Dwelling	15 feet
Single-Family Dwelling	20 feet
Other Interim Development Restricted Uses	10 feet

- e. Minimum Rear Yard: The minimum rear yard shall be ten (10) feet.
- f. Projections and encroachment into yards: No building or structure, portions of any building or structure, or mechanical equipment shall be erected in, occupy, or obstruct a required front,

rear, or side yard, except driveways, walks, fences and underground structures.

g. Landscaping:

- i. Required yards, required open space areas and other open space shall be landscaped and planted with grass, trees and shrubs in compatibility with the older and more mature vegetation which characterizes the Interim Development District.
- ii. Landscaping shall be used to screen parking areas visible from the street and adjoining residential uses unless suitable alternative screening is approved by the Zoning Administrator.
- iii. Variances from the minimum front, side and rear yard and open space requirements may be granted by the Zoning Administrator in accord with Section XII-6 D in order to preserve mature trees and vegetation which may exist on the site.
- iv. Trees shall have a minimum planting size of 2" in diameter. The tree species allowed for new planting shall be subject to the approval of the Zoning Administrator upon the recommendation of the City Arborist.
- v. All existing or new landscaping shall be maintained and replaced as necessary to carry forward the intent of this section.
- vi. Plant material shall conform to American Nurseryman Association standards. Installation shall conform to good practice.

D) Variations from Standards

1. For the purposes of this Article and only within the Interim Development District, the Urbana Plan Commission may grant variations of the specific standards in Section XII-6 C.2.a through Section XII-6 C.2.f and other variations which the Zoning Board of Appeals is empowered to grant in Section XI-3, in accord with Zoning Board of Appeals notice and public hearing procedures outlined in Section XI-3, except that:

The Zoning Administrator may grant a variance of up to twenty-five percent (25%) of the minimum front, side and rear yard and parking requirements in order to preserve existing mature trees and vegetation subject to the recommendation of the City Arborist and in accordance with generally accepted principles and standards of the arbor profession.

2. No variation from the conditions for approval of an Interim Development Restricted Use contained in Section XII-6 C.1 shall be allowed.

Section XII-7. Uses Permitted by Conditional Use Permit.

All uses designated as Conditional Uses in Table V-1 shall be considered Special Uses within the Interim Development Restricted District and shall be subject to Section VII-6.

Section XII-8. Procedure for Interim Development Restricted Use Approval.

A. Application.

Prior to issuance of any building permit, and prior to any change in use of land or a structure, for an Interim Development Restricted Use, an application and site plan shall be submitted to the Zoning Administrator for approval of the proposed Interim Development Restricted Use.

Each application and site plan submitted for approval of an Interim Development Restricted Use shall be prepared on forms prescribed by the City and shall be filed with the Zoning Administrator. After the completed application, site plan and all required materials in support of the application have been submitted, the Zoning Administrator shall review the application and site plan and shall determine whether such use conforms to the requirements of this Article. If such Interim Development Restricted Use meets the criteria set forth in this Article, the Zoning Administrator shall approve the use.

B. Site and Landscape Plan Required

Applications for Interim Development Restricted Use approval shall be accompanied by a site and landscaping plan (collectively "site plan") containing the following information:

1. the location, dimension, material, and configuration of all buildings, structures and other improvements;

2. the location and extent of usable open space and the proposed open space ratio;
3. the location, access and other dimensions of proposed off-street parking facilities and the number and configuration of spaces to be provided;
4. the location, dimensions and materials of sidewalks, driveways and other impervious surfaces;
5. the location and intensity of illumination of any illuminated areas;
6. a landscaping plan, which shall include both the subject property and adjoining public right-of-way, in sufficient detail to demonstrate compliance with Section XII-6 C.2.g. Such plan shall include an installation schedule;
7. the location of all utilities including electric lines, storm sewers, sanitary sewers, water lines, gas lines, and telephone lines;
8. the location and extent of required yards;
9. the height of all structures;
10. the dimensions and size in square feet of the site;
11. the number of proposed residential units and bedrooms, the total amount of square feet and the proposed floor area ratio;
12. the location and dimensions of all easements and adjoining public right-of-way;
13. elevations of each structure; and
14. such other information as may be required by the Zoning Administrator to ensure that the purposes and standards of this Article are satisfied.

C. Time Limits

Approval of an Interim Development Restricted Use under this Article shall become null and void unless a building permit is issued within 180 days after approval of the Interim Development Restricted Use.

D. Occupancy and Building Permits

1. No certificate of occupancy or building permit shall be issued until all conditions of approval have been met for any Interim Development Restricted Use.
2. The City may revoke any approval, building permit, or certificate of occupancy for failure to comply with the conditions of the approval as provided in this Article.

E. Amendment

The procedure for amendment of an approved Interim Development Restricted Use or a request for a change of conditions attached to an approval shall be the same as for a new application.

F. Appeal of Zoning Administrator's Decision.

During the term of this Ordinance, any appeals of the Zoning Administrator's decision affecting property or properties within the Interim Development Restricted Area shall be heard by the Plan Commission rather than the Zoning Board of Appeals. Such appeal hearing shall be conducted in accordance with Zoning Board of Appeals application, notice and public hearing procedures outlined in Sec. XI-3 of the Urbana Zoning Ordinance except that the Plan Commission shall act in place of the Zoning Board of Appeals.

Section XII-9. Zoning Map Amendments (Rezoning) of Properties located within the Interim Development Restricted Area.

Applications for amending the Official Zoning Map within the Interim Development Restricted District shall be submitted in accordance with Article XI-7. One of the objectives of the Downtown to Campus Study is to examine and recommend possible amendments to the Official Zoning Map and the Official Comprehensive Plan Map of 1982. Therefore, reliance on the Official Zoning Map or Comprehensive Plan may not be sufficient reason to justify or support the rezoning of the property.

A. Application and Procedures

Application for Zoning Map Amendments shall be made in accord with Article XI-7.

B. Zoning Map Amendment Findings.

The following factors shall be considered in reviewing an application for a zoning map amendment:

1. the existing uses of nearby property;
2. the extent to which property values are diminished by particular existing zoning restrictions;
3. the extent to which the potential diminution of the applicant's property values promotes health, safety, morals or general welfare;
4. the relative gain to the public for retaining the existing zoning classification as compared to the hardship upon the individual property owner;
5. the suitability of the property for the uses for which it is zoned;
6. the length of time the property has been vacant as zoned;
7. whether or not the property is located within a Tax Increment Financing District (TIF);
8. whether or not the property is located within an Enterprise Zone (EZ);
9. whether or not the property is located within the Business Development and Redevelopment District (BDRD);
10. compliance with the goals and objectives of the Boneyard Creek Master Plan.

Section XII-10. Vested Rights.

Nothing in this Article shall be deemed or intended to abrogate or annul any prior approvals, including issued building permits, which have been lawfully issued and are in effect as of the effective date of this Article. In addition, any petition for conditional use permit or building permit for which an application and fee have been received by the City prior to the adoption of this Article shall not be subject to the provisions of this Article.

Section 2. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance, or the provisions of the Code.

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


Section 4. This Ordinance shall be effective December 2, 1988.


Section 5. 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.

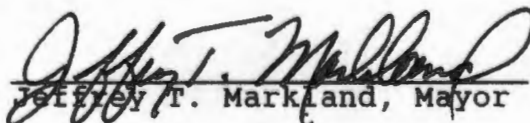
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 21st day of November, 1988.

PASSED by the City Council this 21st day of November, 1988.


Ruth S. Brookens
City Clerk



Approved by the Mayor this 22nd day of November, 1988.


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 22nd day of November, 1988.


Ruth S. Brookens
City Clerk



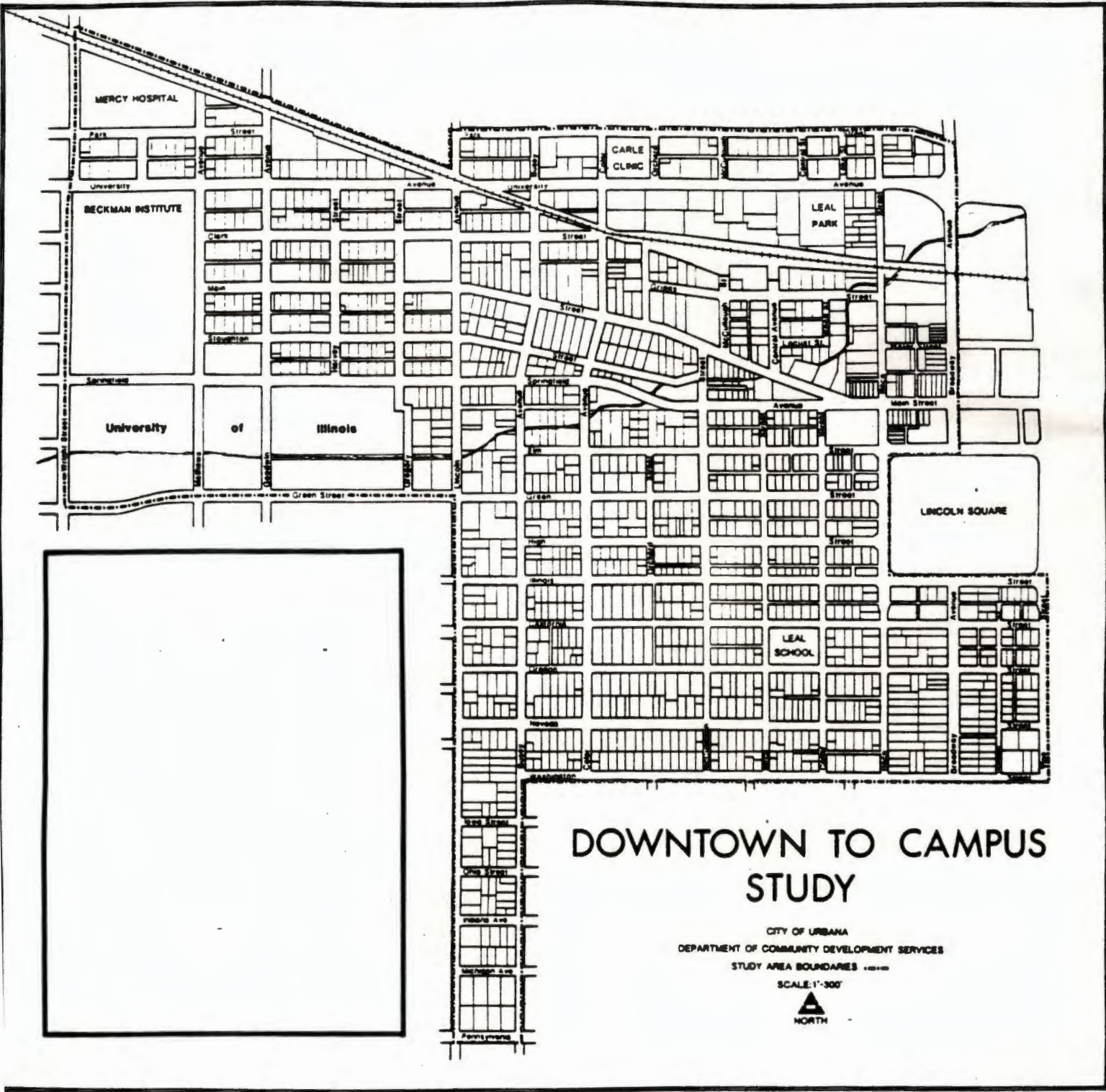
THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8889-32 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

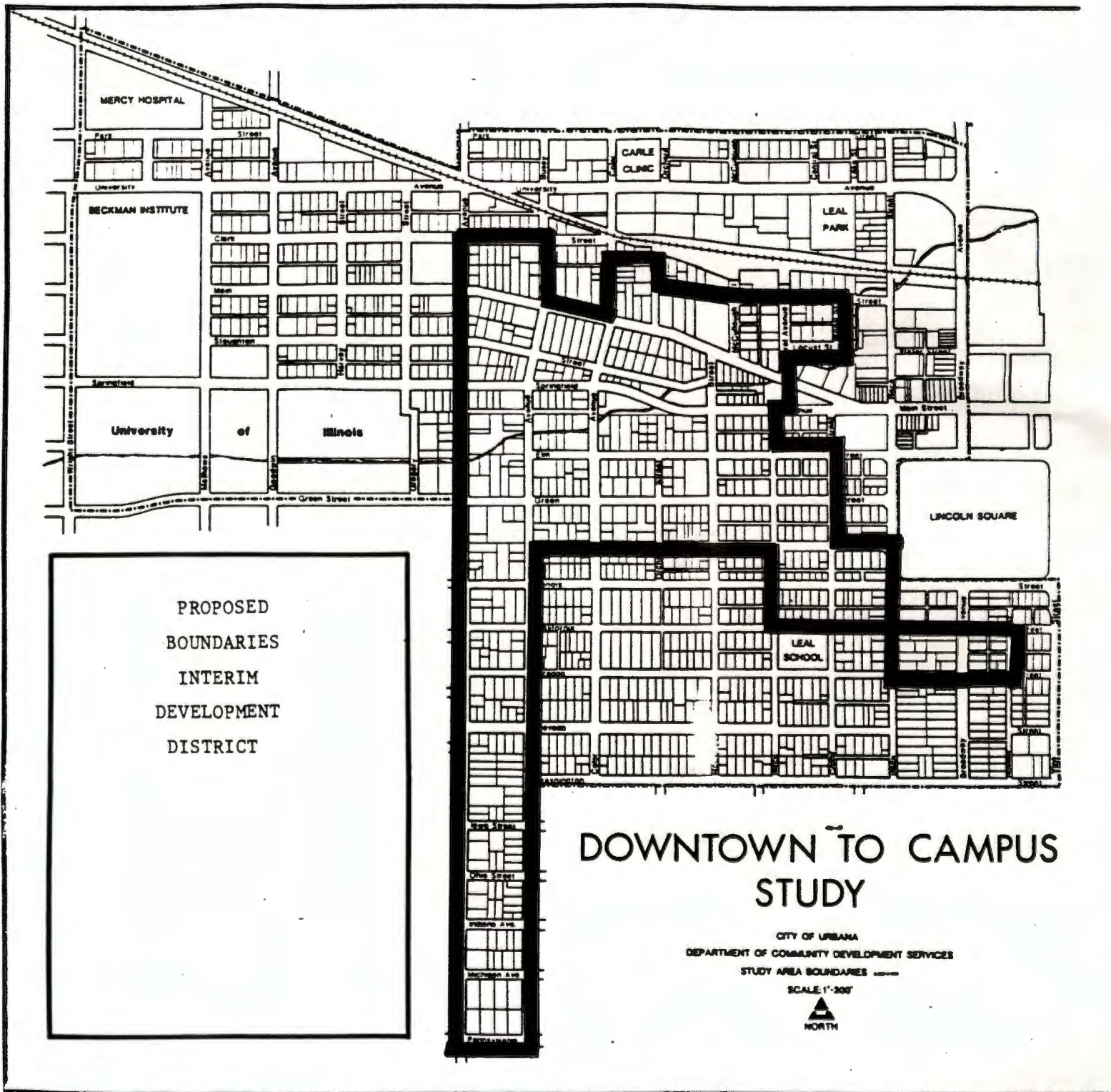
November 22, 1958
Date



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ATTACHMENT "B"

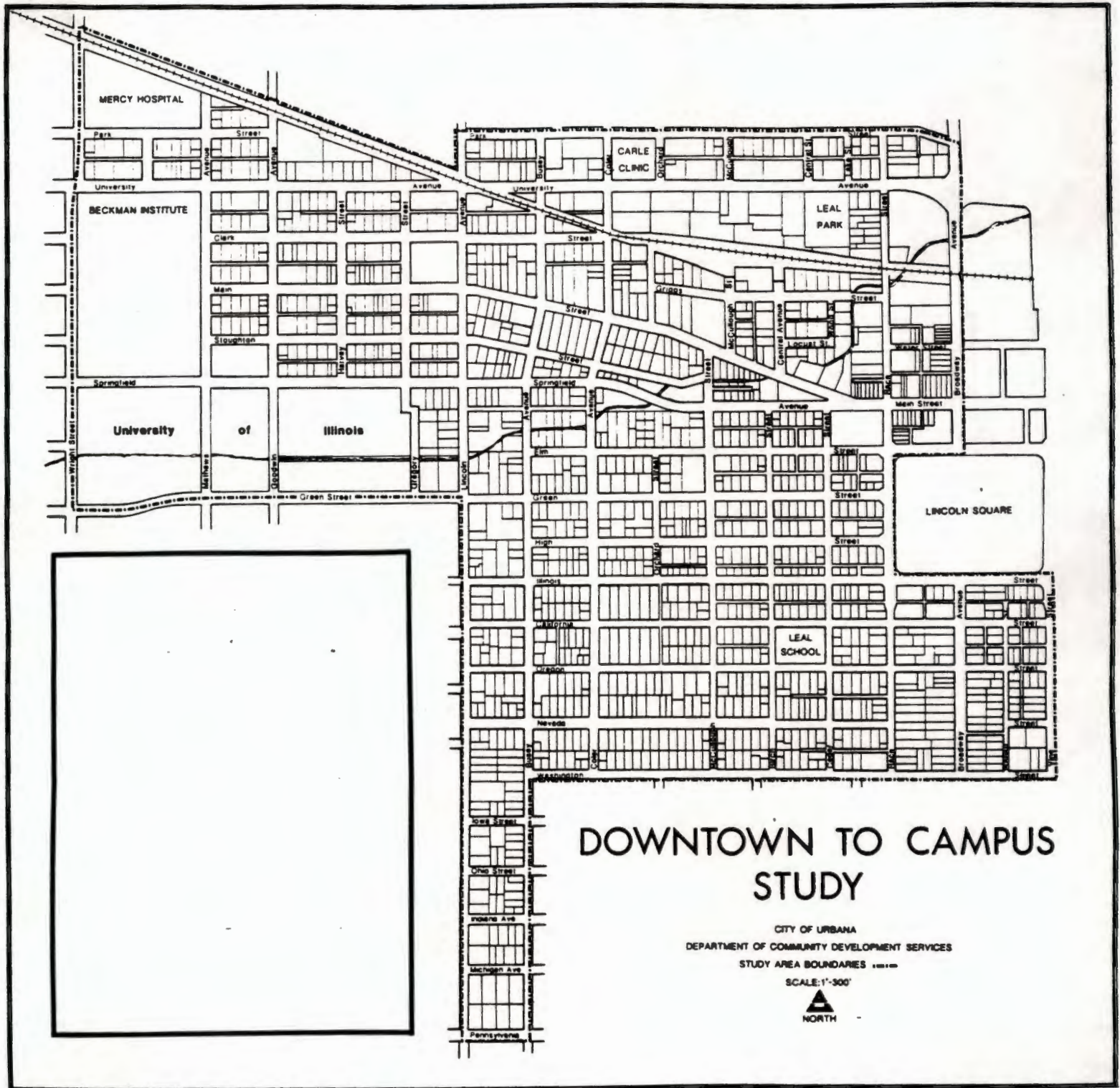


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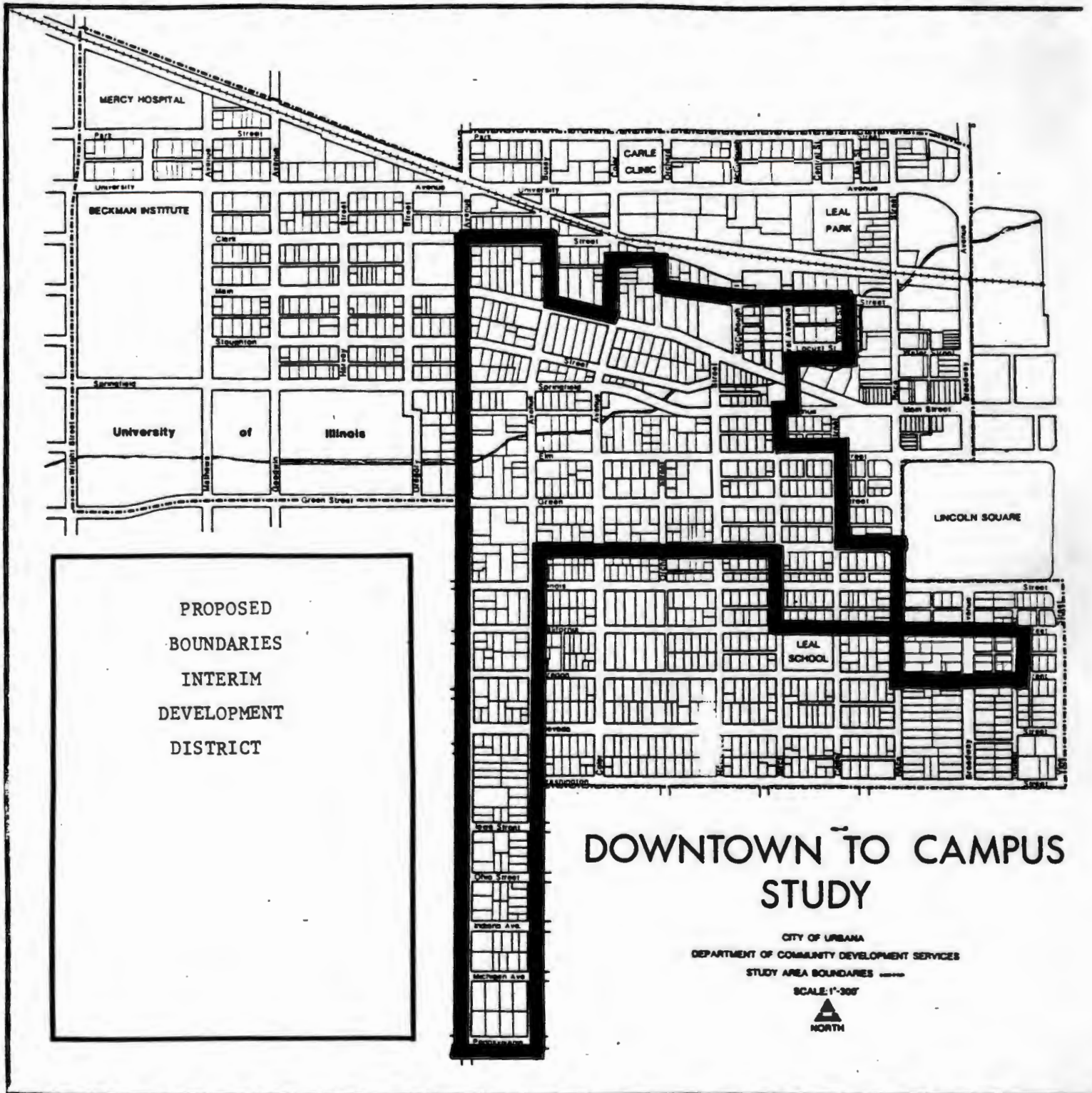
The legal description of the boundaries of the Downtown to Campus Study Area Interim Development District includes the following area:

Beginning at a point at the intersection of the centerlines of Lincoln Avenue and Clark Street, thence east along the centerline of Clark Street to the centerline of Busey Avenue, thence south along the centerline of Busey Avenue to the centerline of Main Street, thence southeast along the centerline of Main Street to the centerline of Coler Avenue, thence north along the centerline of Coler Avenue a distance of 300 feet more or less, thence east along the north property line of Gere's Subdivision to the centerline of Orchard Street, thence south along the centerline of Orchard Street to the centerline of Griggs Street, thence east along the centerline of Griggs Street to the centerline of Wood Street, thence south along the centerline of Wood Street to the centerline of Locust Street, thence west along the centerline of Locust Street to the west right-of-way line of Central Avenue, thence south along the west right-of-way line of Central Avenue (extended) to the centerline of Springfield Avenue, thence west along the centerline of Springfield Avenue to the centerline of Birch Street, thence south along the centerline of Birch Street to the centerline of Elm Street, thence east along the centerline of Elm Street to the centerline of Cedar Street, thence south along the centerline of Cedar Street to the centerline of High Street, thence east along the centerline of High Street to the centerline of Race Street, then south along the centerline of Race Street to the centerline of California Avenue, thence east along the centerline of California Avenue to the centerline of Walnut Street, thence south along the centerline of Walnut Street to the centerline of Oregon Street, thence west along the centerline of Oregon Street to the centerline of Race Street, thence north along the centerline of Race Street to the centerline of California Avenue, thence west along the centerline of California Avenue to the centerline of Birch Street, thence north along the centerline of Birch Street to the centerline of High Street, thence west along the centerline of High Street to the centerline of Busey Avenue, thence south along the centerline of Busey Avenue to the centerline of Pennsylvania Avenue, thence west along the centerline of Pennsylvania Avenue to the centerline of Lincoln Avenue, thence north along the centerline of Lincoln Avenue to the centerline of Clark Street and the point of beginning.

ATTACHMENT "A"



ATTACHMENT "B"



ATTACHMENT "B"

The legal description of the boundaries of the Downtown to Campus Study Area Interim Development District includes the following area:

Beginning at a point at the intersection of the centerlines of Lincoln Avenue and Clark Street, thence east along the centerline of Clark Street to the centerline of Busey Avenue, thence south along the centerline of Busey Avenue to the centerline of Main Street, thence southeast along the centerline of Main Street to the centerline of Coler Avenue, thence north along the centerline of Coler Avenue a distance of 300 feet more or less, thence east along the north property line of Gere's Subdivision to the centerline of Orchard Street, thence south along the centerline of Orchard Street to the centerline of Griggs Street, thence east along the centerline of Griggs Street to the centerline of Wood Street, thence south along the centerline of Wood Street to the centerline of Locust Street, thence west along the centerline of Locust Street to the west right-of-way line of Central Avenue, thence south along the west right-of-way line of Central Avenue (extended) to the centerline of Springfield Avenue, thence west along the centerline of Springfield Avenue to the centerline of Birch Street, thence south along the centerline of Birch Street to the centerline of Elm Street, thence east along the centerline of Elm Street to the centerline of Cedar Street, thence south along the centerline of Cedar Street to the centerline of High Street, thence east along the centerline of High Street to the centerline of Race Street, then south along the centerline of Race Street to the centerline of California Avenue, thence east along the centerline of California Avenue to the centerline of Walnut Street, thence south along the centerline of Walnut Street to the centerline of Oregon Street, thence west along the centerline of Oregon Street to the centerline of Race Street, thence north along the centerline of Race Street to the centerline of California Avenue, thence west along the centerline of California Avenue to the centerline of Birch Street, thence north along the centerline of Birch Street to the centerline of High Street, thence west along the centerline of High Street to the centerline of Busey Avenue, thence south along the centerline of Busey Avenue to the centerline of Pennsylvania Avenue, thence west along the centerline of Pennsylvania Avenue to the centerline of Lincoln Avenue, thence north along the centerline of Lincoln Avenue to the centerline of Clark Street and the point of beginning.