

ORDINANCE NUMBER 9192-59

AN AMENDMENT TO THE ZONING ORDINANCE

OF THE CITY OF URBANA, ILLINOIS

(Definition and Regulation of Restaurants)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #7980-68 on December 17, 1979 which adopted the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and

WHEREAS, the purpose of the Zoning Ordinance is to implement the policies of the City of Urbana as expressed in the 1982 Comprehensive Plan as adopted by the City Council on September 7, 1982 and as said Comprehensive Plan is amended from time to time; and

WHEREAS, the Urbana City Council and Plan Commission find that the Zoning Ordinance is inadequate with respect to the definition and regulation of various types of restaurants and/or food service establishments in the community; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Zoning Ordinance pertaining to the definition and regulation of restaurants and/or food service establishments; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #1443-T-91; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on the proposed amendments on May 23, June 20, July 8, August 8 and 22, September 19 and October 10, 1991; and

WHEREAS, the Urbana Plan Commission voted on October 10, 1991 to forward Plan Case #1443-T-91 and the amendments described herein to the Urbana City Council with a recommendation for approval; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interests of the City of Urbana to amend the text of the Urbana Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS that the Zoning Ordinance of the City of Urbana, Illinois is hereby amended as follows:

Section 1. Section II-3, entitled "Definitions", is hereby amended to insert the definition of the term "Food Service Establishments" immediately after the term "Floor area ratio" and immediately before the term "Frontage" as such definition is defined as follows:

Food Service Establishments: All establishments, the principal business of which is the sale, at retail, of ready-to-consume servings of food and/or beverages, are to be considered as being in one of the following three categories as defined herein. These categories are to be considered mutually exclusive. The classification of a particular food sales and service business by the Urbana Zoning Administrator shall be an appealable zoning interpretation.

Section 2. Section II-3, entitled "Definitions", is hereby amended to insert the definition of the term "Restaurant, Fast-food" as Subsection a. under the definition of the term "Food service establishments" as such definition is defined as follows:

a. *Restaurant, Fast-food:* Any establishment, other than a cafe or restaurant as defined herein, whose principal business is the sale, at retail, of ready-to-consume servings of packaged foods and/or beverages, including frozen desserts, for consumption within the building, or at tables on the premises, or for carry-out; or any establishment which includes a drive-in or drive-through service facility or offers curbside service.

Section 3. Section II-3, entitled "Definitions", is hereby amended to insert the definition of the term "Cafe" as Subsection b. under the definition of the term "Food service establishments" as such definition is defined as follows:.

b. *Cafe:* Any establishment, other than a restaurant or fast-food restaurant as defined herein, whose principal use is the sale, at retail, of unpackaged food and/or beverages in a ready-to-consume state for consumption in the building or at tables situated on the premises; and which has a maximum seating capacity of 50 people; and which does not include a drive-in or drive-through service facility or offer curbside service.

Section 4. Section II-3, entitled "Definitions", is hereby amended to change the definition of the term "Restaurant" and to insert it as Subsection c. under the definition of the term "Food service establishments" as such definition is defined as follows:

c. *Restaurant:* Any establishment, other than a cafe or fast-food restaurant as defined herein, whose principal use is the sale, at retail, of unpackaged food and/or beverages in a ready-to-consume state for consumption in the building or at

tables situated on the premises; and which does not include a drive-in or drive-through service facility or offer curbside service.

Section 5. Section V-3, entitled "Table of permitted uses, by district", and Table V-1, entitled "Table of Uses", are hereby amended to change the designations of the following land uses under the category "Business Uses - Food Sales and Services" by inserting a "P" for Permitted Uses or a "C" for Conditional Uses so that this subsection of Table V-1 will read as follows:

Business Uses - Food Sales and Services

PRINCIPAL USES	R-6B	B-1	B-1A	B-2	B-3	B-3U	B-4	MOR	IN
Meat and Fish Market		P	P		P	P	P	S	
Restaurant	C	C	P	P	P	P	P	C	
Restaurant, Fast-food		C	C	P	P	P	P		
Cafe	C	C	P	P	P	P	P	P	
Supermarket or Grocery Store	C	P	P		P	P	P		
Wholesale Produce Terminal									P
Tavern or Night Club				C	P	P	P		
Bakery (Less than 2500 sq ft)	P	P	P		P	P	P	P	
Dairy Store	C	P	P		P	P	P	P	
Confectionery Store	P	P	P		P	P	P	P	
Retail Liquor Sales		C	C		P	P	P		
Locker, Cold Storage for Individual Use		C	P		P	P	P		

Section 6. Table VIII-6, entitled "Parking Requirements by Use" is hereby amended to insert a reference to the new terms "Cafe" and "Fast-food restaurant" so that the first subsection of Section 6 of Table VIII-6 will read as follows. The remaining subsections of Section 6 of Table VIII-6 will remain unchanged and are not being deleted simply because they are not shown in this ordinance.

6. Retail Business Uses

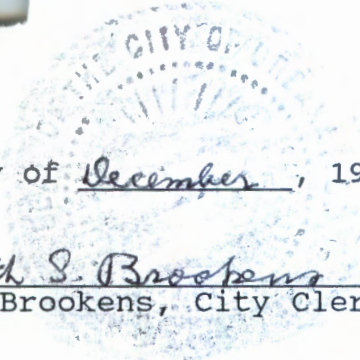
- Restaurants, Taverns, Cafes and Fast-food Restaurants
- 1 for every 100 sq. ft. of floor area (including outdoor area used for business)

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 December, 1991.

PASSED by the City Council on this 2nd day of December, 1991.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



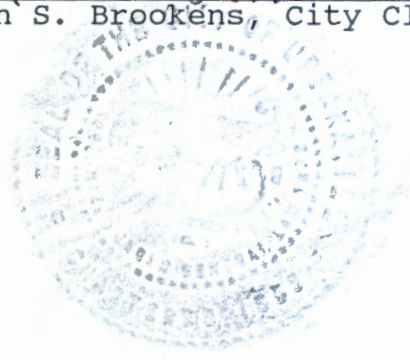
APPROVED by the Mayor this 4th day of December 1991.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

Certificate 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 the News-Gazette on the 12th day of December, 1991, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



(pc1443.ord)