

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF URBANA, ILLINOIS**

**(Revisions to Various Sections of the Urbana Zoning Ordinance
As They Pertain to the Requirements of the M.O.R., Mixed-Office-Residential
Zoning District and the Procedures of the Development Review Board,
Plan Case No. 1865-T-03)**

WHEREAS, the City Council of the City of Urbana, Illinois, adopted Ordinance No. 9293-124 on June 21, 1993 consisting of a comprehensive amendment to the 1979 Zoning Ordinance of the City of Urbana, also known as the Urbana Zoning Ordinance; and

WHEREAS, Article IV of the Urbana Zoning Ordinance, District and Boundaries Thereof, establishes the M.O.R., Mixed-Office Residential Zoning District, and other relevant Sections of the Urbana Zoning Ordinance regulate the development standards and procedures within the M.O.R., Mixed-Office Residential Zoning District; and

WHEREAS, recent development proposals in the M.O.R., Mixed-Office Residential Zoning District called into question their compliance with the stated intent of the district; and

WHEREAS, on July 21, 2003 the Urbana City Council adopted a text amendment to the Urbana Zoning Ordinance under Ordinance No. 2003-07-073 creating an Interim Development Ordinance and establishing a 120-day moratorium on development in the district so city staff could study the district and propose changes to the requirements of the district and the procedures of the Development Review Board; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance to amend various sections of the Urbana Zoning Ordinance as they pertain to the requirements of the M.O.R., Mixed-

Office Residential Zoning District and the procedures of the Development Review Board; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1865-T-03; 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 opened a public hearing to consider the proposed amendment on October 9, 2003 and continued the public hearing to the October 23, 2003 meeting; and

WHEREAS, the Urbana Plan Commission voted 5 ayes to 1 nay on October 23, 2003 to forward the proposed amendments set forth in Plan Case No. 1865-T-03 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.

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

Section 1. Section IV-2.I, Purpose of Districts, in the MOR District, of the Zoning Ordinance is hereby amended to read as follows:

The *MOR, Mixed-Office Residential District* is intended to encourage a mixture of residential, office and small-scale business land uses that are limited in scale and intensity and designed and constructed to be compatible with existing structures in the district. The district is intended to encourage the adaptive re-use of existing older structures through incentives that will extend the useful life of such structures. New construction shall be designed and constructed in a manner that is consistent with the character of the district. The land uses permitted and the development regulations required in the MOR District are intended to protect nearby residential uses by limiting the scale and intensity of the uses and buildings that may locate in this district. The MOR District is appropriate for mixed uses on small sites which need a careful evaluation of use-to-use compatibility so that the stability and value of surrounding properties are best protected.

Section 2. Section V-8, Additional Use Regulations in the MOR

District, of the Zoning Ordinance is hereby amended to read as follows:

- A. Wherever this ordinance imposes greater restrictions on properties in the MOR, Mixed-Office Residential Zoning District than in other zoning districts, the greater restrictions shall govern.
- B. As an incentive to encourage the adaptive re-use of existing principle structures in the MOR District, any proposal for a change of use, a building addition, and/or exterior remodeling of an existing structure(s) shall not require review by the Development Review Board. Adaptive re-use proposals shall comply with the requirements of the Urbana Zoning Ordinance although the Zoning Administrator may authorize adjustments to existing codes and regulations as specified in Section V-8.D. Adaptive re-use proposals shall demonstrate consistency with the established MOR design guidelines specified in Section XI-12.J. In cases where proposed addition(s) and/or remodeling efforts are so extensive as to result in substantial change to the appearance and/or scale of an existing building, the Zoning Administrator shall make this determination and shall then request Development Review Board review and approval of the project. The Development Review Board shall have the ability to make adjustments to existing codes and regulations for adaptive re-use projects for such projects as set forth in Section V-8.D. below.
- C. New construction not incorporating the adaptive re-use of an existing structure in the MOR District must receive site plan approval from the Development Review Board in accordance with the provisions of the Board as specified in Section XI-12.
- D. *Adjustments to Existing Codes and Regulations for Adaptive Re-use Projects*
 1. As an incentive to encourage the adaptive re-use of existing structures in accordance with the purpose and objectives of the MOR District, the Zoning Administrator may authorize adjustments or modifications to the requirements of the Urbana Zoning Ordinance and Urbana City Code. The Zoning Administrator may authorize adjustments only when changes are proposed to the use of existing structures and/or when additions or exterior remodeling of existing principle structures is proposed. The purpose of this provision is to provide an incentive to re-use the existing structures in the District, to provide flexibility in meeting the City's requirements in using existing structures, and to preserve the overall character of the MOR District. This incentive shall not apply to new construction that does not incorporate the adaptive re-use of an existing structure. The Zoning Administrator is hereby authorized to make minimum adjustments or modifications

to the following requirements of the Urbana Zoning Ordinance and Urbana City Code in the MOR District for adaptive re-use projects:

- a. Section VIII-2, Design and Specifications of Off-Street Parking;
- b. Section VIII-3, Location of Parking Facilities;
- c. Section VIII-4, Amount of Parking Required; except that no reduction in excess of 25% of the full parking requirements may be approved by the Zoning Administrator and no reduction of the parking requirements shall be approved for residential uses; residential use in the MOR District shall conform to the full parking requirements of Section VIII-4;
- d. Section VIII-5, Off-Street Loading Regulations;
- e. Article VI, Development Regulations; except that the Zoning Administrator is authorized to approve only the site plan adjustments listed in Section XI-3-C(2)(c) (i.e., for minor variations) and no others; and
- f. Chapter 7 of the City Code, Fences.

Commentary: The intent of Section V-8.F is to allow some flexibility in existing codes and requirements for adaptive re-use projects. In some instances, the strict application of the development regulations can make an adaptive re-use project infeasible due to uncontrollable circumstances such as existing building placement on the lot, lot size, shape or location. The goal of this provision is to permit the Zoning Administrator to allow slight modifications when necessary to achieve the overall goal of adaptive re-use of existing structures.

Section 3. Section XI-12, Development Review Board is hereby amended to read as follows:

A. Creation and Purpose

1. Upon the effective date of this amendment, there is hereby created a Development Review Board to administer the site plan review procedures in the MOR, Mixed-Office Residential Zoning District in conformance with the requirements of this Section.
2. The Development Review Board is created for the purpose of reviewing and approving or disapproving all site

plans for new structures and land uses in the MOR District that do not incorporate the adaptive re-use of an existing structure as specified in Section V-8.B.

3. The Development Review Board has the following objectives for reviewing site plan proposals in the MOR, Mixed-Office Residential Zoning District:
 - a. Encourage compatibility by minimizing impacts between proposed land uses and the surrounding area;
 - b. Encourage the design of new construction to be compatible with the neighborhood's visual and aesthetic character through the use of design guidelines;
 - c. Determine if proposed development plans meet the intent of the district as stated in Article IV.2.I;

B. *Powers and Duties.* The Development Review Board shall have the following powers:

1. The Development Review Board may adopt its own rules, regulations, and procedures consistent with the provisions of this Ordinance and the laws of the State of Illinois.
2. To hold public hearings and to review applications for development within the MOR, Mixed-Office Residential Zoning District as specified in XI-12.A.2. The Development Review Board may require applicants to submit plans, drawings, specifications and other information as may be necessary to make decisions in addition to the application requirements specified in XI-12.G.
3. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

C. *Membership*

1. The Development Review Board shall consist of seven members. A quorum of the Development Review Board shall be constituted by four members. The members of the Board shall be appointed by the Mayor and approved by City Council. The membership to the Board shall consist of multiple interests in order to offer a diverse perspective and expertise in reviewing proposals. These interests shall include:
 - a. A member of the Urbana Plan Commission;

- b. A member of the Urbana Historic Preservation Commission;
 - c. A licensed architect;
 - d. A resident of property in the MOR, Mixed-Office Residential Zoning District;
 - e. A citizen residing inside or within 250 feet of the MOR, Mixed-Office Residential Zoning; District;
 - f. A local developer;
 - g. An owner of a local small business with fewer than 40 employees.
2. Development Review Board members shall serve without compensation and shall serve terms of three years. Members may be reappointed at the conclusion of their term.
 3. The Mayor shall declare vacant the seat of any Development Review Board member who fails to attend three (3) consecutive meetings without notification to the Secretary, or who fails to attend one-half of all meetings held during any one-year period. In such cases as well as for resignations, incapacity, death, or any other vacancy, the Mayor shall appoint a successor with approval of the City Council.

D. *Officers.*

1. There shall be a Chair and a Vice-Chair elected by the Development Review Board, who shall each serve a term of one (1) year and shall be eligible for re-election. Elections shall be held annually.
2. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and Vice Chair are absent, those members present shall elect a temporary Chair.
3. Secretary. The Secretary of the Development Review Board shall be a representative of the Community Development Services Department of the City of Urbana. The Secretary shall:
 - a. Take minutes of each Development Review Board meeting, an original of which shall be kept in the office of the Community Development Services Department;
 - b. Provide administrative and technical assistance to the Development Review Board to assist it in making the decisions and findings as provided herein;

- c. Publish and distribute to the Development Review Board copies of the minutes, reports and decisions of the Development Review Board;
- d. Give notice as provided herein or by law for all public hearings conducted by the Development Review Board;
- e. Advise the Mayor of vacancies on the Development Review Board and expiring terms of Development Review Board members;
- f. Prepare and submit to the Urbana Zoning Board of Appeals and City Council a complete record of the proceedings before the Development Review Board on all appeals from decisions of the Development Review Board and on any other matters requiring Zoning Board of Appeals or City Council consideration; and
- g. Have no vote.

E. Meetings.

- 1. Meetings shall be held at regularly scheduled times in the evening to be established by resolution of the Development Review Board at the beginning of each calendar year. Meetings may also be held at any time upon the call of the Chair.
- 2. All meetings shall conform to the requirements of the Open Meetings Act. All meetings of the Development Review Board shall be held in a public place designated by the Chair, and shall be open to the public, except as allowed by law. At any meeting of the Development Review Board, any interested person may appear and be heard either in person or by an authorized agent or attorney.

F. Decisions.

- 1. Every Board member present must vote "aye" or "nay" unless that Board member abstains due to an announced conflict of interest.
- 2. Abstaining shall not change the count of Board members present to determine the existence of a quorum.
- 3. Approval of a site plan shall require a two-thirds majority vote and shall be calculated on the basis of those voting members present and not abstaining, however, in no instance shall fewer than four "aye" votes constitute a two-thirds majority.

G. Application and Site Plan Submittal Requirements

- 1. A request for site plan approval by the Development Review Board shall be made by the applicant in writing

on forms provided by the City, shall be accompanied by the required plans, and shall be filed with the Secretary of the Board. Each request shall be submitted with the required fee as provided in Section XI-8.

2. Site Plans must contain the following information:
 - a. Size and dimensions of the parcel to be developed drawn to scale;
 - b. Location and widths of adjacent rights-of-ways, sidewalks and street pavement;
 - c. Identification of neighboring property owners listed on the site plan;
 - d. Location of all existing structures on the parcel;
 - e. Location of adjacent parcels and structures;
 - f. Location and size of proposed structures or additions to be built on the parcel including proposed setbacks from the property lines;
 - g. Location and layout of any proposed access drives, parking area and walkways;
 - h. Elevation renderings of the proposed structure or addition indicating the proposed materials to be used in construction;
 - i. Elevations or perspectives of adjacent existing structures;
 - j. Floor plans indicating the interior layout of the proposed structure or addition;
 - k. Location of existing trees and shrubs and proposed landscaping;
 - l. Detail view drawings as necessary to show key design elements;
 - m. Relevant site details including lighting, dumpster locations, signage, and other features;
 - n. Site data, including lot area, building square footage, floor area ratio, open space ratio, height, number of parking spaces and number of apartment units (if multi-family).
3. Site Plans shall be submitted at a graphic scale of no less than one inch per ten feet.
4. The Development Review Board may require additional information necessary to consider applications.

H. Development Review Board Review Procedures

1. Within 45 working days but no earlier than 15 working days after a completed application, site plan, fee, and supporting documentation have been received, the Development Review Board shall convene a meeting to consider and act on the requested site plan. The last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet of the subject property, excluding public right-of-way, shall be notified of said meeting not less than ten days prior to said meeting.

2. After reviewing the proposed site plan according to the criteria in Section XI-12-I, the Development Review Board shall vote on whether to approve the proposed site plan. If the proposed site plan conforms to the requirements of this Ordinance, the Development Review Board shall make the appropriate findings and approve the proposed site plan. If the proposed site plan does not conform to the requirements of this Ordinance, the Development Review Board shall disapprove the proposed site plan and make findings stating the inadequacies of the proposal. The applicant shall be notified in writing of the Board's decision within five working days, which notification shall address the relevant and applicable reasons for the decision as well as any conditions imposed by the Board. Any site plan that is not approved by the Board shall cause the Secretary of the Board to appeal the request to the Board of Zoning Appeals in accord with Section XI-3.
3. Site plan approval is required prior to the issuance of a related building permit or Certificate of Occupancy in the MOR District.
4. When a proposed use is permitted in the MOR District as a Conditional or Special Use according to Table V-1, site plan approval by the Development Review Board is required in addition to the review procedures for conditional or special use permit requests as specified in Section VII-1. The Development Review Board shall make a recommendation to the appropriate reviewing body. The physical development and continued use of the property shall be in strict conformance with the approved site plan.
5. Any order, requirement, decision or condition of approval made by the Development Review Board is appealable by any person aggrieved thereby to the Board of Zoning Appeals in accordance with the procedures of Section XI-3-C. Upon the filing of an appeal, the complete record of the Development Review Board's minutes, findings and decision shall be submitted to the Board of Zoning Appeals for action on the requested appeal. The Board of Zoning Appeals shall have the final authority to approve or disapprove a proposed site plan.
6. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member and shall also keep records of its findings and official decisions.
7. The procedure for amending a site plan already approved by the Development Review Board or for a request to change conditions attached to the approval of a site plan shall be the same procedure as a new site plan request.

8. Approval of a site plan pursuant to Section XI-12 shall become null and void unless an application is made for a building permit or Certificate of Occupancy within one year after the date on which the Board approves the site plan. A one-year extension may be granted by the Zoning Administrator when a written request is submitted prior to the expiration of the one-year term.
9. Any building permit or Certificate of Occupancy issued pursuant to an approved site plan may be revoked by the City for failure to comply with the conditions of approval.

I. *Site Plan Review Criteria.*

Site plans for new construction not incorporating the adaptive re-use of existing structures must demonstrate conformance with the land use and development standards of the Urbana Zoning Ordinance. In addition, site plans (including, elevations, and floor plans) shall be reviewed and considered by the Development Review Board according to the criteria listed below.

1. Compatibility with Surrounding Neighborhood

Proposals shall demonstrate consistency with the intent of the MOR, Mixed-Office Residential Zoning District as stated in Section IV-2-I. In reviewing proposals the Development Review Board shall consider the effects of the proposed structure(s) and uses on adjacent properties and the surrounding neighborhood. The Board shall consider building location, orientation, setbacks, scale, bulk, massing, and architectural design.

2. Parking and Access

Proposals shall demonstrate that required parking areas are provided in accordance with Article VIII of the Urbana Subdivision Ordinance and that parking areas and access drives are designed to move traffic conveniently and safely in a manner that minimizes traffic conflicts, noise and visual impacts, while minimizing the area of asphalt or concrete. Proposals shall demonstrate the safe and convenient movement of handicapped persons and that the location and design of handicapped parking is in conformance with the requirements of the State of Illinois. Parking areas shall be screened from adjacent residential uses.

3. Screening and Landscaping

Proposals shall demonstrate the preservation of existing natural features where practical. The Development Review Board shall consider the effects that the proposal may have on the vegetative characteristics of the area and may require landscaping measures to mitigate any potential loss of character. Proposals shall also demonstrate compliance with all landscape and

screening requirements identified in the Urbana Zoning Ordinance. The Development Review Board shall consider landscape and screening plans and their ability to effectively screen adjacent properties from possible negative influences that may be created by the proposed use. Retention of street trees along the Green and Elm Street corridors shall be encouraged.

4. Site Details

Proposals shall address the provisions for site details including exterior trash dumpsters, storage areas, loading areas, exterior lighting and signs. The Development Review Board shall determine if the site details are in conformance with the requirements of the Urbana Zoning Ordinance and if they are proposed in a manner that will not negatively impact adjacent properties and the character of the neighborhood.

5. Design Guidelines

The Development Review Board shall consider the architectural appearance, massing, color, building materials, or architectural details of the structure in reviewing a proposed development plan. Proposals shall demonstrate general conformance with adopted Design Guidelines for the MOR, Mixed-Office Residential Zoning District as specified in XI-12.J.

J. Design Guidelines Review

The Development Review Board shall evaluate the design of any proposed new development to determine compatibility with the residential character of the neighborhood. Any new structure shall:

1. Have a main entrance on the street side of the building. If the lot has more than one street frontage, then (the main entrance shall be) on the more major frontage.
2. Have windows facing each street frontage.
3. Have a pitched roof.
4. Have architecturally screened parking if parking is beneath the building, so that cars are not visible from the front, side or back yards, except in front of the entrance.
5. In addition, compatibility shall be determined by considering how many of the following design criteria are incorporated:
 - a) Asymmetrical design, a juxtaposition of masses and volumes or design elements so that they are not equal in importance.
 - b) Narrower façade faces the street
 - c) Building taller than wide when viewed from the street
 - d) 1-1/2 or 2-1/2 stories for buildings with a maximum height of 3 stories
 - e) Height consistent with the immediately adjacent buildings

- f) Few flat plane elevations
- g) Provide a foundation line (rusticated bases)
- h) First floor porches
- i) No porches or balconies on second floor or higher on sides abutting single-family residences
- j) A minimum of 25% and a maximum of 60% of wall face to be windows
- k) Bay windows are favored
- l) Windows taller than wide
- m) Street facing doors onto balconies, patios or porches to be French-style, paned and hinged (i.e., no sliding doors)
- n) Exterior doors of same style as front doors of single family homes
- o) Gable or multi-gables
- p) In designs without gables, use dormers or other features along the front façade to break-up the front plane or roof line of the structure
- q) Front-yard setback no less than the average of setbacks of adjacent properties
- r) Retention of trees
- s) "Green space" in front yard
- t) Use of wood, brick, or stucco versus vinyl siding

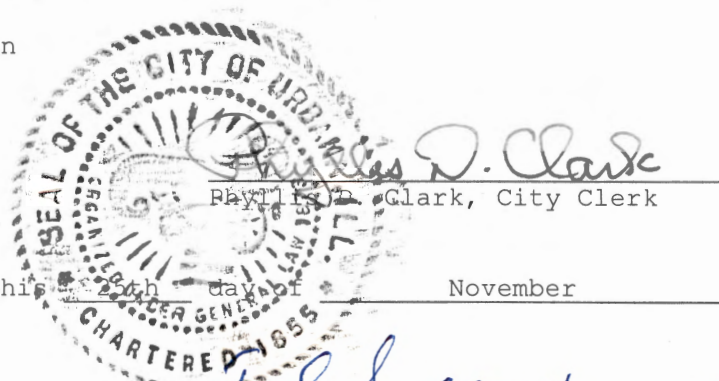
Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 17th day of November, 2003.

AYES: Chynoweth, Hayes, Huth, Patt, Wyman

NAYS: Otto, Whelan

ABSTAINS:



Phyllis D. Clark

 Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 25th day of November, 2003.

Tod Satterthwaite

 Tod Satterthwaite, Mayor