

ORDINANCE NO. 2005-02-017

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

(With Respect to Regulation of Accessory Parking Lots Located in Close Proximity to Single-Family Neighborhoods - Plan Case No. 1915-T-04)

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, The Zoning Administrator is requesting an amendment to the Zoning Ordinance to allow accessory use parking lots which are proposed to be located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and in close proximity to single-family residential neighborhoods by special use only; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case No. 1915-T-04; 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 to consider the proposed amendment on January 20, 2005; and

WHEREAS, the Urbana Plan Commission voted 5 ayes and 0 nays to forward the proposed amendment set forth in Plan Case No. 1915-T-04 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, as follows:

Section 1. Section II-3, Definitions, Parking Lot, Accessory Use, is hereby amended to read as follows:

Parking Lot, Accessory Use: A parking lot meeting the requirements of Article VIII that is primarily an accessory use to a particular principal use. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. An accessory use parking lot may be located on a separate zoning lot from the principal use that it serves if it meets the requirements of Section V-3-E. If an off-site accessory use parking lot which is accessory to a residential use is located within 600 feet of any property zoned R-1, R-2 or R-3, at least 90% of the total number of parking spaces in the accessory use parking lot must be dedicated to serve the principal use.

Section 2. Section V-3, Table of Permitted Uses, by District, is hereby amended to read as follows:

- A. In Table V-1, the use listed in a horizontal row with the letter "P" is permitted by right as a principal use in the district listed at the head of the vertical column in which the letter "P" appears, except as provided in paragraph B. below; similarly, the letter "C" indicates that the use is permitted as a conditional use in that district, and the letter "S" indicates that the use is permitted as a special use in that district, subject to the regulations and procedures specified in Article VII of this Ordinance.
- B. The use of right-of-way and easements for highways, streets, alleys, walks, railroads, electric power lines, telephone lines, water mains, sanitary sewers, and storm drains, whether belonging to a governmental body or a public utility, shall be considered to be permitted, conforming uses in each district.

C. In any zoning district, more than one (1) principal building per lot or parcel of land may be allowed under conditional use procedures meeting the following criteria:

1. The uses are permitted by right (P) or as a conditional use (C) in the district in which the lot or parcel of land is located.

2. The lot or parcel of land does not qualify as a residential, commercial, or industrial PUD.

D. In the R-6B, B-1, B-2, B-3, B-3U, B-4, B-4E, IN, MOR, and OP Zoning Districts, more than one principal use may be allowed in a single building without Zoning Board of Appeals Approval if the uses are permitted by right (P) within the district in which the lot or parcel of land is located.

Note: Properties within the Boneyard Creek District and Business Development and Redevelopment District are subject to special rules and procedures as set forth in Section VII-8 and Section VII-9 respectively.

E. In any zoning district, accessory off-street parking associated with a permitted principal use, other than a non-conforming use, may be located on any separate zoning lot within 600 feet (exclusive of rights-of-way) of the principal use, subject to the following:

1. If the principal use and the off-site parking are located in the same district, and the off-site parking is not located in a

principal use parking lot as defined in Article II, the off-site parking is permitted under the same terms as the principal use. Conditional use or special use permits for the off-site parking, if applicable, may be requested simultaneously with the conditional use or special use permit for the principal use.

2. If the principal use and the off-site parking are located in separate zoning districts, and the off-site parking is not located in a principal use parking lot as defined in Article II, the off-site parking shall be permitted according to the following rules:
 - a) The off-site parking shall be permitted by right if either the principal use or a "principal use parking lot," or both, are principal uses permitted by right at the location of the off-site parking, according to Table V-1, Table of Uses.
 - b) The off-site parking shall require a special use permit if a) above is not applicable.
3. If the off-site parking is located within 600 feet of property zoned R-1, R-2, or R-3, it shall require a special use permit subject to the provisions of Section VII-10.
4. If the off-site parking is located in a principal use parking lot, then its location is permitted by right or as a special use according to Table V-1, Table of Uses.
5. In all cases in which off-site parking is permitted, the Certificate of Occupancy for the principal use shall specify the required number

of parking spaces to be maintained in the accessory off-site parking. The Certificate of Occupancy shall state that the parking space sufficient to meet ordinance requirements is maintained on and/or off-site. If the parking is maintained off-site, the petitioner must demonstrate to the Zoning Administrator that the number of off-street parking spaces, plus any parking spaces maintained on-site, satisfies parking requirements for the principal use, and that said parking spaces are dedicated to serve the principal use.

F. Accessory use parking located on a parcel separate from the principal use (whether off-site or on an adjacent parcel as part of a subsequent expansion) and which is within 600 feet of property zoned R-1, R-2, R-3 shall be permitted by special use only, subject to the provisions of Section VII-10. Special use approval would not be necessary for on-site accessory parking which is required for a new use or an expansion of an existing use that is otherwise allowed by right or by conditional use according to Table V-1. Special use approval would also not be necessary for one and two-family residential accessory parking expansions allowed under Section VIII-3.I.

Section 3. Article VII. Standards and Procedures for Conditional and Special Uses, Section VII-10. Reserved, is hereby amended to read as follows:

Section VII-10. Special Use Requirements for Off-Site Accessory Parking Lots Within 600 Feet of R-1, R-2, or R-3 Zoning

Off-site parking lots and adjacent parking lot expansion located within

600 feet of R-1, R-2, and R-3 zoning shall require a Special Use Permit as specified in Sections V-3.E and V-3.F. In addition to the procedures and requirements of Section VII-6, the special use review shall consider the following factors: protection of adjacent residences from lighting (Section VIII-2.1); provision of adequate drainage facilities (as required by the Urbana Land Development and Subdivision Ordinance); required landscape buffering and/or fencing (Section VIII-2.F); and traffic access and safety. The proposal shall demonstrate conformance to the parking lot design requirements set forth in Article VIII. The City may also consider or require other restrictions necessary to preserve the essential character of the district in which the parking lot is proposed, including, but not limited to, security provisions, areal extent, number of spaces proposed, orientation of drives and spaces, and setbacks.

Section 4. Article VIII, Section 4, Amount of Parking Required, is hereby amended to add the following item I:

I. At least sixty percent (60%) of the total number of parking spaces in an accessory use parking lot must be dedicated to serve that principal use. If the accessory use parking lot is located in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, or R-7 use must be reserved for occupants of residential uses. If an off-site accessory use parking lot which is accessory to a residential use is located within 600 feet of any property zoned R-1, R-2 or R-3, at least 90% of the total number of parking spaces in the accessory use parking lot must be dedicated to serve the principal use.

Section 5. 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

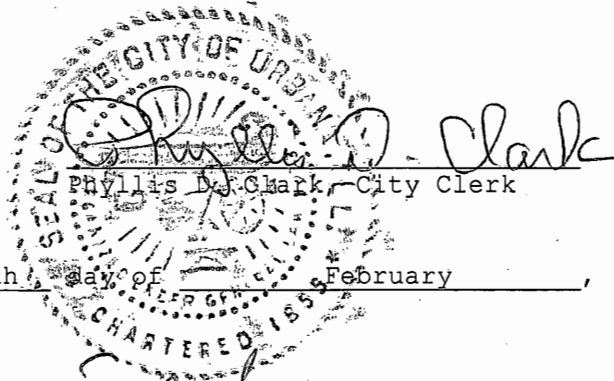
in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois
Compiled Statutes (65 ILCS 5/1-2-4).

PASSED by the City Council this 7th day of February,
2005.

AYES: Alix, Chynoweth, Hayes, Patt, Roberts, Whelan, Wyman

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 18th day of February,
2005.

Tod Satterthwaite
Tod Satterthwaite, Mayor