

ORDINANCE NO. 2010-08-071

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

**(Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2122-T-10)**

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace 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 Urbana Zoning Ordinance has periodically been recodified and republished by the City of Urbana to incorporate the numerous amendments that have been made since Ordinance #9293-124 was adopted on June 21, 1993; and

WHEREAS, the Urbana Zoning Administrator proposes to enact an omnibus Zoning Ordinance amendment as part of the process of editing the Ordinance to recodify and republish it; and

WHEREAS, the Urbana Zoning Administrator has submitted a petition to amend the Urbana Zoning Ordinance, which includes numerous miscellaneous editorial changes as part of the recodification and republishing of the Zoning Ordinance; and

WHEREAS, said petition was presented to the Urbana Plan Commission as Plan Case #2122-T-10; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 65, Section 11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Plan Commission held a public hearing on the petition on July 22, 2010; and

WHEREAS, the Urbana Plan Commission voted 6 ayes to 0 nays on July 22, 2010 to forward Plan Case #2122-T-10 to the Urbana City Council with a recommendation for approval of the proposed amendment; and

WHEREAS, after due and proper consideration, the Urbana City Council has determined that the amendments described herein conform to the goals, objectives and policies of the 2005 Urbana Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest 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 Urbana Zoning Ordinance shall be amended as follows:

Section 1. Section II-3, Definitions, is hereby amended to delete the following terms and their definitions:

**Area, Building**

Section 2. Section II-3, Definitions, is hereby amended to include the following terms and their definitions:

*Loading Dock:* a platform, pier, or fixed hydraulic lift from which loading and unloading of trucks or tractor trailers takes place.

*Loading Space:* an area within a building or on the same lot, providing for trucks and tractor trailers to be temporarily parked while loading and unloading from or to a building.

Section 3. Paragraph V-2.D.7 is hereby amended as follows:

7. If such accessory structures or buildings are to be located on a lot containing a single- or two-family dwelling, the maximum permitted area of the accessory building, regardless of the zoning district, shall be determined as follows:
  - a) If the footprint of the single- or two-family dwelling on the lot does not exceed 1500 square feet, the aggregate area of all accessory structures shall not exceed 750 square feet.

b) If the footprint of the single- or two-family dwelling on the lot is greater than 1500 square feet, the area of the accessory building(s) shall not exceed 50% of the footprint of that single- or two-family dwelling, or 1000 square feet, whichever is less.

c) The gross floor area of a shed, as defined herein, shall not exceed 100 square feet.

Section 4. Table V-1, Table of Uses, is hereby amended to allow the following uses as follows:

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	IN	MOR	OP
<b>Residential</b>																				
Mobile Home in approved Mobile Home Park									P											
<b>Miscellaneous Business</b>																				
Self-Storage Facility												C							P	

Section 5. Section VI-6, Screening is hereby amended as follows:

**Section VI-6. Screening**

Screening required by the Zoning Ordinance shall be well maintained and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair. Walls and fences shall be maintained in an upright condition. Deteriorated or damaged masonry and wood fences shall be replaced within a period of thirty days, or as soon as weather permits. Plant material shall be maintained in accordance with Section VI-6.A.2.b.8. If the screen is destroyed by any force majeure, the replacement period may be extended by the Zoning Administrator upon written application.

Screening and landscaping, whether or not required by this Ordinance, shall not obstruct or interfere with the visibility triangle specified in Chapter 20 of the Urbana City Code. Within a ten foot radius of the point where driveways or alleys intersect sidewalks or property lines, no vegetation, landscape feature, or appurtenance shall obstruct views so as to create a hazardous condition for egress and ingress.

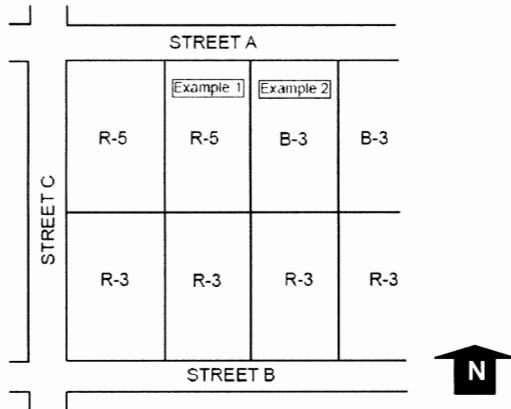
**A. Buffer and Landscape Yards**

1. *Applicability.* This section shall be applicable when a building permit is required for new construction of a principal building or where the square footage of an addition to an existing building exceeds the existing square footage of the building on the zoning lot.
2. In order to minimize the impacts between uses of varying intensity, to create a more attractive community, and to provide a greener edge to our urban environment, the following requirements shall apply:

- a) Buffer Yards

- 1) If Table VI-3 requires greater minimum yards than this subsection, the greater yard shall apply and a landscaping buffer will be required per Table VI-2.
- 2) Yards per Table VI-1 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent. (See Following Example)

**EXAMPLE**



Example 1: Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property zoned R-3. All other yards required to meet setback requirements in Table VI-3.

Example 2: West side yard required to have a minimum depth of ten feet because adjacent to property zoned R-5 to the west. Rear yard required to have a minimum depth of ten feet because the rear yard is adjacent to property

**TABLE VI-1. BUFFER YARDS**

		SUBJECT PROPERTY											
		R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E	IN
ADJACENT PROPERTY	R-1	SIDE YARD: shall have a minimum depth of <b>ten feet</b> .*					SIDE YARD: as required by Table VI-3.					REAR YARD: shall have a minimum depth of <b>ten feet</b> .	
	R-2	REAR YARD: shall have a minimum depth of <b>ten feet</b> .					REAR YARD: shall have a minimum depth of <b>ten feet</b> .						
	R-3												
	R-4	See Table VI-3 for required setback.					SIDE YARD: shall have a minimum depth of <b>ten feet</b> .*						
	R-5												
	R-6												
	R-6B												
	R-7												
	MOR	REAR YARD: shall have a minimum depth of <b>ten feet</b> .					REAR YARD: shall have a minimum depth of <b>ten feet</b> .						

\* In these instances, no access drive may encroach into the required side yard unless the Zoning Administrator determines that there is no feasible alternative to access parking on the site.

b) Landscaping Buffer

- 1) A landscaping buffer per Table VI-2 shall apply to the applicable side and/or rear yard of the subject property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent.

**TABLE VI-2. LANDSCAPING BUFFER**

		SUBJECT PROPERTY													
		R-4	R-5	R-6	R-6B	R-7	B-1	B-2	B-3	B-3U	B-4	B-4E*	IN	OP	
<b>ADJACENT PROPERTY</b>	<b>R-1</b>	SIDE YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .  REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .					SIDE YARD: shall provide a solid <b>six-foot high</b> wood or masonry <b>fence</b> .	SIDE YARD: shall provide a solid <b>six-foot high</b> wood or masonry <b>fence</b> .  REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .			REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .				
	<b>R-2</b>														
	<b>R-3</b>														
	<b>R-4</b>	No screening required.					REAR YARD: shall provide a solid <b>six-foot high</b> wood or masonry <b>fence</b> .	SIDE YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .  REAR YARD: shall provide a <b>landscape buffer</b> with a minimum depth of <b>five feet</b> .							
	<b>R-5</b>														
	<b>R-6</b>														
	<b>R-6B</b>														
	<b>R-7</b>														
<b>MOR</b>															

\* See Section VI-6.A.2.b.2 for additional requirements for the B-4E zoning district.

- 2) The following additional landscaping requirements apply to the B4-E zoning district:

- a) In the B-4E District, the required front yard, except for allowed access for access drives and sidewalks, shall be landscaped with a combination of grass or other suitable ground cover, flowers, shrubs, and trees or decorative pavement, walls, or fences in conformance with this Section and other provisions of this ordinance.
  - b) In the B-4E District, a decorative wall no more than two feet in height may be located within the required front yard setback. It shall consist of landscaping timbers, stone, brick or finished masonry materials. Said wall may be provided as a supplement to the landscaping required herein but shall not be considered as a substitution for the type or amount of landscaping required herein.
- 3) Shrubs and trees shall be provided in the amount of one tree and three shrubs for every 40 linear feet or fraction thereof along the applicable required landscaped buffer yard of the zoning lot.
  - 4) The shade trees and shrubs required shall be among the species listed in Table VI-4 and Table VI-5, except where alternative species may be approved by the Zoning Administrator upon the recommendation of the City Arborist and in conformance with the Urbana Arboricultural Specifications Manual.
  - 5) All shrub species, except boxwood, shall be spaced at least three feet apart, as measured from center to center at planting grade, and have a minimum initial planting height of 18 inches. The boxwood species shall be spaced at least 30 inches apart and have a minimum initial planting height of 15 inches.
  - 6) A ground cover with living grass or other ground cover type plant material shall be required on a minimum of 75% of the square footage in the applicable required landscaped yard excluding the access drives that may be allowed. The remaining 25% of the applicable required yard area may be non-living landscaping materials including bark or wood chips, rock, stone, decorative pavement, landscaping timbers, or other similar material.
  - 7) A retaining wall to support a raised planting area for landscaping shall be no more than four feet in height and the width of such a raised planting area shall be greater than its height.
  - 8) All plant materials required by this Section shall be maintained as living vegetation and shall be promptly replaced within a reasonable period of time, based on seasonal conditions, following notice that such vegetation needs to be replaced. Such notice shall be provided in writing to the owner of the property by the Zoning Administrator upon the recommendation of the City Arborist.

#### B. Screening of Off-Street Parking and Storage Areas

- 1) Off-street parking adjoining a residential zoning district or residential use shall be screened. No screening is required, however, between adjacent parking lots serving separate multi-family structures or when a parking lot is adjacent to a public alley except that screening is required when parking spaces are oriented towards a public alley (See Figure VI-1). On-site or off-site screening existing at the time when approval for construction of new parking is sought may satisfy this requirement subject to approval of the Zoning Administrator.

### *Design of Parking Screening, Materials, and Maintenance*

- a) Landscaped screening shall be no less than three feet in height; except that in order to enhance visibility along the right-of-way, shrub planting adjacent to an access driveway shall not exceed three feet in height along the lot line adjacent to the right-of-way. The requirements of the visibility triangle set forth in Article VI of Chapter 20 of the Urbana City Code shall supersede the provisions of this Article. Species and planting size for such hedge plantings shall conform with Table VI-5. The Zoning Administrator may approve landscape berms or types of plant material other than those specified in Table VI-5 upon recommendation of the City Arborist.
  - b) Where off-street parking areas are to be screened by means of a shrub planting hedge, a minimum three-foot wide planting area is required at the end of the paving surface.
  - c) All parking screening shall be maintained to effectively function as a direct headlight screen. All plant materials shall be maintained as living plant material and promptly replaced within 90 days when any such foliage dies.
- 2) In the B-2, B-3, B-3U and IN Zoning Districts, parking or storage of vehicles for sale is permitted to encroach ten feet into the required front yard setback if the encroachment conforms to the regulations set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8.
  - 3) When off-street parking is provided in the B-4E District, the parking lot(s) shall be screened with an adequate screen fence or screen planting in conformance with the provisions of Section VIII-3.F.
  - 4) When parking is provided at ground level below any part of a principal structure in the R-1, R-2, R-3, R-4, R-5, R-6, R-6B, R-7 Districts or the MOR District, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping, or other suitable screening around the perimeter of the structure in accordance with the provisions of this section.
  - 5) Non-refuse storage areas which adjoin a residential district or use, or which are separated by a public right-of-way from a residential district or use, shall be screened to meet the requirements for the screening of off-street parking areas, as specified in Section VI-6.B.1.

#### C. Screening of Trash Containers

Trash containers and trash collection areas for all non-residential and multi-family uses shall be screened so that no portion of such container or area is visible from public rights-of-way or adjacent properties. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.

#### D. Screening of Mechanical Equipment

Ground-mounted mechanical equipment for all non-residential uses shall be screened from view at ground level from public rights of way and adjacent residential districts. Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.

## E. Outdoor Storage Screening

1. The requirements of this section apply to outdoor storage areas (as defined in Article II) existing on any parcel in use as a construction yard, warehouse, automobile salvage yard, automobile-truck repair, towing service, electrical substation, or any other industrial use as listed in Table V-3. Outdoor storage in these areas shall be screened from view of all public rights-of-way and adjacent properties that are in residential use or are zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, or MOR.
2. Areas subject to this section shall be effectively screened through any combination of fences, walls, berming, or landscaping, as illustrated on a screening plan which shall be submitted for the review and approval of the Zoning Administrator and in conformance with the following standards:
  - a) The screen shall be at least six feet but not more than eight feet in height and shall provide a permanent, opaque, year-round visual barrier to ensure that outdoor storage areas are not visible from public rights-of-way or adjacent residential property as identified above. Additional height and/or security measures shall be approved if security provisions are warranted and subject to the review and approval of the Zoning Administrator.
  - b) Materials and colors of fences and walls shall be compatible with surrounding development and shall be durable and intended for outdoor usage.
  - c) Acceptable fencing materials include wood, masonry, pre-cast decorative concrete panel, aluminum and vinyl. Corrugated sheet metal and "Jersey" style concrete barriers shall be prohibited as fencing or screening materials. Alternative materials may be allowed upon review and approval by the Zoning Administrator.
  - d) Any wall or fence extending more than forty feet in length shall be landscaped on its exterior in accordance with the planting species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.
  - e) Masonry or concrete walls shall have a column or other design variation every twenty feet.
  - f) When the height of items to be stored is greater than eight feet, trees of a minimum three-inch caliper shall be planted in addition to the eight-foot high maximum screening required by this section. Plantings shall be in accordance with the species, spacing, and care requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.
  - g) If landscaping is to be used as the primary screen, it shall be no less than four feet in height at time of planting and upon maturity shall be maintained at a minimum of six feet. Planting species, spacing, and care shall be in accordance with the requirements set forth in Section VI-6.A.2.b.3, 4, 5 and 8.
  - h) Fence construction is also subject to the requirements set forth in Chapter 7 of the City of Urbana Code of Ordinances.



i) Parking lot screening requirements are as set forth in Section VI-6.A-G and Section VIII-3.F.

3. All existing outdoor storage areas made non-conforming by the adoption of Section VI-6-E shall be brought into conformance with this section within twenty-four months from the effective date of the amending ordinance unless an extension is approved in writing by the Urbana Zoning Administrator, or unless a special use, conditional use, or other specific site plan approval has been previously granted by the City which incorporates an alternate screening treatment under which the property remains in compliance.

#### F. Screening of Loading Areas

Off-street loading docks and loading spaces which adjoin a residential district or use shall be screened by a solid fence at least six feet tall composed of wood, masonry, or other materials as approved by the Zoning Administrator. Loading docks and loading spaces shall meet the requirements of Section VIII-6.

Section 6. Table VI-3 is hereby amended to allow a maximum Floor Area Ratio (FAR) of 0.40 in the CRE, Conservation, Recreation, Education District.

Section 7. Figure VI-1, Required Screening Between Uses is here by added as attached in Attachment A.

Section 8. Paragraph VIII-3.E.2 is hereby amended as follows:

2. No zoning lot shall have more than two driveways per frontage, unless the City Engineer approves additional driveways. The Urbana City Engineer approves all driveway locations within the public right-of-way as provided for in Chapter 20 of the Urbana City Code. Circular drives shall conform to minimum standards as shown in Figure VIII-8, or as approved by the Zoning Administrator.

Section 9. Section VIII-3.F is hereby amended as follows:

#### F. Special Conditions Requiring Shade Tree Planting

All off-street parking lots greater than 20 parking spaces for residential and commercial land uses or for employee or customer parking of industrial land uses (except for parking lots provided in a parking structure or under a principal structure) shall include shade trees placed in the parking lot according to the following requirements (see Figure VIII-5):

- a) One tree shall be provided for every nine parking spaces. Trees may be planted at intervals of less than nine spaces to achieve a more even spacing along the row. Where this ratio results in a fraction, the fraction shall always be rounded upward to the next highest number (e.g. 11.1 trees = 12 trees to be planted.)
- b) Tree plantings shall begin within 20 feet from the ends of adjoining parking rows.

- c) Trees shall have a minimum planting size of two inches caliper. Acceptable tree species are shown in Table VIII-5. The minimum planting area for trees shall be eight feet by six feet and the maximum distance between trees shall be 90 feet. Trees shall be located behind bumper stops or integral curbing, no closer than three feet and no farther than eight feet from the face of the bumper stop or the curb. Existing trees may satisfy the tree planting requirement if approved by the City Arborist.
- d) The Zoning Administrator, upon the City Arborist's recommendation, may approve alternate tree species or alternate tree planting plans which differ from these requirements but which substantially conform with the intent of this Section VIII-3.F.
- e) All trees and shrubs shall be maintained as living vegetation and promptly replaced within 90 days when any such vegetation dies.
- f) As required in Section VI-6.B.4, when parking is provided at ground level below any part of a principal structure in the Residential Districts, said parking shall be effectively screened by extending the façade of said structure to ground level or by installing fencing, landscaping or other suitable screening around the perimeter of the structure in accordance with the provisions of this Section VI-6.B.

Section 10. Paragraph VIII-4.F.6 is hereby amended as follows:

- 6. Parking in the B-2, B-3, B-3U, and IN Zoning District shall be permitted to encroach ten feet into the required front yard if the buffer yard requirements set forth in Section VI-6.A.2.b.3, 4, 5, 6, 7 and 8 are met.

Section 11. Paragraph VIII-5.A is hereby amended as follows:

- A. Except as otherwise provided herein whenever a use is established or a building or structure is erected or converted to any use listed in this Section or the use of a building is changed to a use listed in this section, off-street parking for the use shall be provided in the amount required by Table VIII-7, "Parking Requirements by Use." When a building or structure is enlarged, expanded, or structurally altered, and the existing parking is legally nonconforming, the total parking requirement shall be calculated by adding the number of existing off-street parking spaces to the number of newly required parking spaces for the additional floor area as determined by Table VIII-7.

Section 12. Section VIII-6 is hereby amended as follows:

### **Section VIII-6. Off-Street Loading Regulations**

- A. All off-street loading spaces shall have a vertical clearance of at least 14 feet.
- B. All off-street loading spaces shall be designed with adequate means of vehicular access to a street or improved alley in a manner that will least interfere with traffic movement.

- C. All off-street loading spaces shall be screened in accordance with Section VI-6.F.
- D. All off-street loading spaces shall be paved with a hard surface in accordance with Section VIII-3.A of this Article.
- E. In no case shall an off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.
- F. Off-street loading spaces without loading docks may be located in a required rear yard.
- G. Off-street loading spaces with loading docks shall be set back at least 75 feet from residential districts. Loading spaces with loading docks located within 150 feet of residential districts shall also conform to one or more of the following:
  - 1) The loading space and dock shall be screened from adjacent residences by use of a wing wall of sufficient height and length to effectively screen any vehicles and trailers parked in said space; or
  - 2) The loading space and dock shall be fully enclosed within a building; or
  - 3) The loading space and dock shall not be occupied between the hours of 10:00 PM and 7:00 AM; or
  - 4) The loading space and dock shall implement alternative measures sufficient to mitigate noise, such as an engineered noise wall, shield, or baffle, with such measures to be approved by the Zoning Administrator and City Engineer.

Section 13. Table VIII-7, Parking Requirements by Use, is hereby amended to include the following uses and requirements as follows:

Use	Number of Spaces Required
<b>Food Sales and Service</b>	
Grocery Store or Supermarket	<u>1 for every 300 sq. ft of floor area</u>
Catering Service	<u>1 for every 400 sq. ft of floor area</u>
<b>Professional and Financial Services</b>	
Copy and Printer Service or Similar Uses	<u>1 for every 350 sq. ft of floor area</u>
<b>Retail Trade</b>	
Antique or Used Furniture or Appliance Sales and Service (Home or Office)	1 for every 400 sq. ft. of floor area

Section 14. Figure VIII-8, Standards for Circular Drives is hereby added as attached in Attachment B.

Section 15. 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).

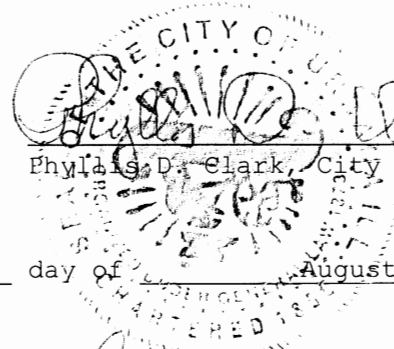
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 16th day of August, 2010.

PASSED by the City Council this 16th day of August,  
2010 .

AYES: Bowersox, Gehrig, Lewis, Marlin, Roberts, Smyth, Stevenson

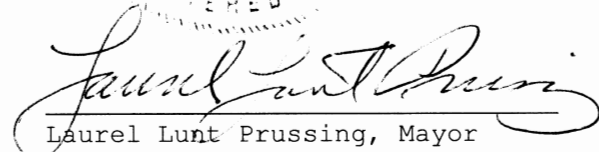
NAYS:

ABSTAINS:



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 20th day of August,  
2010 .



Laurel Lunt Prussing, Mayor



# CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 16th day of August, 2010, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2010-08-071, entitled:

**“AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (OMNIBUS ZONING ORDINANCE TEXT AMENDMENT – PLAN CASE NO. 2122-T-10)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2010-08-071 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 26<sup>th</sup> day of August, 2010, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 26<sup>th</sup> day of August, 2010.

(SEAL)



Phyllis D. Clark  
City Clerk