

ORDINANCE NO. 2011-02-007

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

(Omnibus Zoning Ordinance Text Amendment - Plan Case No. 2136-T-11)

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 #2136-T-11; 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 February 10, 2011; and

WHEREAS, the Urbana Plan Commission voted four ayes to zero nays with one abstention on February 10, 2011 to forward Plan Case #2136-T-11 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. Paragraph II-3.E is hereby amended as follows:

The word "shall" is mandatory and not discretionary or permissive.

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

Footprint: The total horizontal area measured to the outermost face of the outside walls of the main or principal building(s) exclusive of uncovered porches, terraces, and steps; awnings, marquees, nonpermanent canopies and planters.

Parking Lot, Accessory Use: A parking lot meeting the requirements of Sections VIII-2, VIII-4.L, VIII-5.J that is primarily an accessory use to a particular principal use.

Public Maintenance and Storage Garage: A facility for the repair and storage of maintenance equipment and vehicles owned and operated by a unit of government or taxing body.

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

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 for a single family dwelling or 800 square feet for a two-family dwelling.

Section 4. Paragraph V-13.A.2 is hereby amended as follows:

There are no signs on the premises identifying the home occupation other than a nameplate, not more than one square foot in area, only permitted as a wall-mounted sign and not internally illuminated; and

Section 5. Table V-1, Table of Uses, is hereby amended to change the uses listed in the following table 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
Agriculture																				
Farm Equipment Sales & Service									P			P							C	
Public and Quasi-Public																				
Public Maintenance and Storage Garage												P					P	P		
Business																				
<i>Personal Services</i>																				
Massage Therapist										P	P	P	P	P	P					P
<i>Transportation</i>																				
Airport									C										C	
Taxi Service												C	P	C	C	P			P	
<i>Vehicular Sales and Service</i>																				
Automobile, Truck, Trailer or Boat Sales or Rental													P						P	

Section 6. Table V-1, Table of Uses, is hereby amended to add the footnote "See Table VII-1 for Conditional Use Standards." for the following uses:

- Outdoor Commercial Recreational Enterprise
- Camp or Picnic Area
- Riding Stable
- Cemetery
- Kennel, Veterinary Hospital
- Airport
- Heliport
- Mineral Extraction, quarrying, topsoil removal, and allied activities
- Outdoor Theater
- Truck Terminal
- Resort or Organized Camp
- Water Treatment Plant
- Fairgrounds
- Public or Commercial Sanitary Landfill
- Sewage Treatment Plant or Lagoon

Section 7. Paragraph VI-5.B.14 is hereby added as follows:

Signs, as permitted in Article IX of this Zoning Ordinance.

Section 8. Paragraph VI-6.B.1.a is hereby amended as follows:

Screening requirements may be met through either landscaping or a solid fence or wall four to six feet in height. 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.

Section 9. Footnote 8 of Table VI-3 is hereby amended as follows:

See section VI-3.D for additional regulations regarding FAR and OSR in the MOR District.

Section 10. Paragraph VI-6.B.1.a is hereby amended as follows:

Driveways and access drives existing as of March 1, 1990 which are not improved with a surface specified above shall not be required to be paved unless a new structure intended to be occupied by a principal use is constructed or the

driveway is reconstructed or widened. Access drives resurfaced with additional gravel shall be contained with a curb or approved landscape edging treatment.

Section 11. Table VIII-7, Parking Requirements by Use, is hereby amended to include the following uses and requirements as follows:

Use	Number of Spaces Required
Miscellaneous Business	
Warehouse or Similar Use	1 for every 2,000 sq. ft of floor area

Section 12. Paragraph IX-3.D is hereby amended as follows:

Measurement of Business Frontage: Business frontage is the lineal footage of a lot, fronting the public right-of-way, owned or rented by a person, business, or enterprise, and intended for business usage.

Section 13. Paragraph IX-4.B is hereby amended as follows:

Institutional Signs. In all residential zoning districts, institutions may display either one monument sign or one wall sign per street frontage with a maximum sign size of 25 square feet per sign, except that properties on arterial road as designated in the Comprehensive Plan with a street frontage longer than 300 feet may have one 50 square foot sign per arterial frontage. Such monument signs shall have a maximum height of eight feet. Wall signs shall not project above the roofline or front building façade. Institutional signs in other zoning districts shall conform to the design standards for signs in that zoning district.

Section 14. Table IX-3, Standards for Projecting Signs is hereby amended so that the first cell of the final column, "Location of Sign" reads as follows:

Shall not extend over any public right-of-way. Projecting signs are not allowed above the first story.

Section 15. Table IX-7, Standards for Property Sale and Rental Signs is hereby amended so that the fourth cell of the fourth column, "Maximum Height of Freestanding Sign" reads "16 feet".

Section 16. The title of Table IX-10 is hereby amended to read "Standards for Multi-Family Residential Identification Signs".

Section 17. Paragraph X-1.C is hereby added as follows:

Uses, buildings, or structures on a nonconforming lot shall not be considered nonconforming due solely to the nonconforming lot if they meet the requirements set forth in Section VI-3.A.

Section 18. Paragraph XI-3.A.3 is hereby amended as follows:

The Chair of the Board shall be designated by the Mayor, with the consent of the City Council. The Chair, or in his/her absence, the Acting Chair, may administer oaths and compel the attendance of witnesses.

Section 19. Paragraph XI-3.C.2.b(9) is hereby amended as follows:

To allow a sign to exceed the maximum height or area, as provided in Article IX by no more than 15% of the specified requirement, in keeping with the legislative intent specified in Section IX-1.

Section 20. Paragraph XI-10.B is hereby amended as follows:

Any applicant for any public hearing under this Zoning Ordinance shall furnish the Secretary of the body conducting the hearing with a complete list of names and last known addresses of owners of properties subject to the petition. Documentation of ownership in the form of an owner's policy or title insurance, warranty deed evidencing ownership of title, trust agreement certified by trustee with evidence of all current ownership of beneficial interest, purchase contract, or records from the County Recorder of Deeds, shall also be submitted. Not less than ten days, but not more than 30 days before a public hearing, the Secretary shall send written notice by first class mail to the owners of the subject property as identified herein, concerning the place and time for the first hearing of the petition. Said notification letter shall state the name and address of the petitioner, the name and address of the owner of the property, the location of the property, and a brief statement of the nature of the requested action. Said letter shall be sent to the last known taxpayers of record, as reflected in the Champaign County records, of all property adjacent to or within 250 feet in each direction of the property for which the application for action is requested. The measurement of all public roads, streets, alleys, and other public ways shall be excluded in determining the two hundred fifty foot requirement. If any part of a condominium property is located within 250 feet of the subject property, the name of each taxpayer of record of the condominium shall also be submitted to the Secretary. If after a bona fide effort to serve such written notice, there are returned notices, the notice requirements of this section shall be deemed satisfied.

Section 21. Paragraph XIII-1.D.2 is hereby amended as follows:

A ground or building mounted citizens band radio or personal wireless internet ("wifi") antenna including any mast, if the permanent height (post and antenna) does not exceed 35 feet;

Section 22. Paragraph XIII-3.H.3 is hereby amended as follows:

Approval of the Preliminary Development Plan by the City Council shall constitute approval of the basic provisions and outlines of the plan, and approval of the representation and provisions of the applicant regarding the plan. City Council approval shall be valid for one year from the date of approval, or longer if specified in the approving ordinance.

Section 23. Paragraph XIII-3.J.4 is hereby amended as follows:

The City Council shall consider the recommendation of the Plan Commission regarding the Final Planned Unit Development plan. The City Council may impose any conditions or requirements, including but not limited to those recommended by the Plan Commission, which it deems appropriate or necessary in order to accomplish the purposes of this Ordinance.

Section 24. 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 21st day of February, 2011.

PASSED by the City Council this 21st day of February,
2011 .

AYES: Bowersox, Jakobsson, Lewis, Martin, Roberts, Smyth

NAYS:

ABSTAINS:



Richard D. Clark
Richard D. Clark, City Clerk

Deputy Clerk

APPROVED by the Mayor this 22nd day of February,

2011 .

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor